



Members Present:

Henry Clifford, Chairman (HC)
Craig Grossenbacher (CG)
Ranier W. Schael (Rainer)
Anthony Sabbag (AS)

Board Member Don Pybas not present

Other Attendees:

Corrice E. Patterson, Dir. Of Public Works
Luz Dominguez, Admin. Assistant
Edward Silva, Village Manager

Meeting called to order by Chairman H. Clifford at 5:15 pm

Item 1- Approval of April 9, 2015 Minutes

Luz Dominguez distributed copies of the meeting minutes to Board Members present with previously recommended changes, for January 22, 2015, March 5, 2015 and April 9, 2015, for final review and approval. Board Members proceeded to review each with Anthony Sabbag and Henry Clifford providing additional minor changes. Craig Grossenbacher moved to approve minutes. All Board Members present agreed and approved all three meeting minutes, provided minor suggested changes be made.

CG- mentioned he doesn't recall ever approving a final version of the October minutes and requested that the October minutes be provided to the Board for review and approval.

Luz- confirmed she will be sure to make additional minor changes to January, March and April minutes before finalizing and will provide October minutes to Board by next week.

CP- reminded Board members that once a meeting is held, minutes must be approved prior to the next council meeting to attach to that meeting agenda.

Item 2- Public Comments

HC- Stated no public comments made.

AS- Asked if public is allowed to attend Tree Board Meetings and Corrice confirmed- Yes.

Item 3- Update on US-1 Beautification project

CP- gave an update on project stating that Village received one bid from SFM Services for \$279,000, therefore item is being re-bid and extension of project completion date has been requested and granted from the FDOT until September 30, 2015. Document will be re-advertised on Monday and procurement has reached out to 15 different vendors. Mandatory bid meeting requirement has been waived to avoid further delay, and item is on council agenda for review on July 22, 2015.

AS- asked whether SFM has a say in the re-bid process and Corrice stated no because the Village has the right to reject the one bid received.

CP- Kimley-Horn has provided a conceptual plan for review. (Luz provided board members with copy of plan for review). Plans are scheduled to be complete for the remaining medians on Friday, July 10th for submittal to the FDOT on Monday, July 13th.

Rainer- asked if the plan was to keep the black olive trees to which Corrice responded that the plan is to keep those that are big and in good condition, but not all.

HC- Vice-Mayor Dubois and Councilwoman Siegel-Lara mentioned changing the black olives, but the two-end medians are considered test or starter sites for now.

AS- After reviewing the plan, commented on this concept actually being very cheap, but asked whether the plan is to irrigate everything, in which case, it will get very expensive. He doesn't remember seeing a connection or where water would be coming from on first set of plans reviewed.

HC- Irrigation would be coming from city water, which is next to both island-end areas.

CP- Confirmed that would be part of the plumbing plans

CG- If irrigation is going to drive up costs maybe we should rethink the plans to see if we don't have to use irrigation on all areas.

AS- to water the entire US-1 median would be 3 times the cost of the plants being used for landscaping of the project. Why doesn't the designer estimate the cost of irrigation?

CP- He actually gave us an estimate on that already, and we've also looked at the fact that there is a Hess property nearby that supplies water lines, so there are some options.

HC- Yes, there's also an auto dealership on the other side that provides water lines. It won't take a lot of irrigation. How much would a sprinkler system be?

AS- A lot- to install and shoot pipes through the entire stretch of median, find water sources, etc... That would be very expensive.

HC- If you put lines at 1000 ft. (about 2 miles) it's a lot of distance.

CP- The pump at the traffic circle has several zones. As long as it is drought tolerant, it's ok, but maintenance is another issue and that's also going to be expensive.

HC- the annuals and the sod are the killers.

CG- so does phase II need to be rethought to bring down costs?

CP- The layout is not going to change, just the type of plants being used.

AS- the color on the medians will look unbelievable

HC- we agree that irrigation and water is going to be a high cost, but council may be willing to spend the money. We would have to present it to them.

Rainer- if it's too much money, maybe money can be put to better use.

HC- what about transit grants?

CP- Right now between transit studies, bike paths, etc. there is no money available in that account. That's why we started with the small, triangular end-medians to not invest too much money. Will have engineer take a look at the larger medians to have a better idea of potential costs.

Item 4- Discussion of Tree Management Plan

CG- He took a look at the draft management plan provided and overall it is a good plan. He provided some changes and suggestions, but plan needs to be further revised and adapted to cover the needs of the Village. For example, within the Village, we have significant natural forest areas, some owned by the county and some by the Village. This plan does not address those areas. Do we want a chapter to address this?

AS- Are these natural areas part of our tree inventory?

CG- No, not all, for example our tree inventory does not include the Pine Rock at Coral Reef Park. If the Board agrees, he can draft a paragraph addressing these areas to add to the tree management plan.

HC- Will there be an Ordinance?

CP- it will be a policy and procedure. asked Village Manager in attendance, Edward Silva, to confirm if he would have to create an ordinance.

ES- Absolutely if it requires policies and procedures. It will be part of our landscaping ordinance.

AS- we could go out and inventory these natural forests ourselves if needed, to add to the tree inventory data we already have.

CG- on 168th Street, there is a 10-20 acre parcel that is on a list of County lands that will be sold as surplus if the Village doesn't want it. If it's public land, do you want to preserve or have it sold for

development? This Tree Management plan needs a provision to consider whether public owned land should be maintained, or not.

HC- Is Tree Management part of Parks?

ES- In terms of parks, we have all requirements to fulfill park requirements, but he doesn't want to see land fenced in and not made accessible. There has to be a balance.

CG- the role of this committee is to maintain and improve the Village canopy. It should not be ignored in this plan. This particular 10+ acres of forest can be restored if we wanted to do so. The question is, do we want to have a strategy to preserve a privately owned area?

AS- we definitely don't want to ignore it, but we can also update the tree GIS and add in those areas.

CG- offered to draft a couple of paragraphs examining the areas of private ownership that need attention. In the long term, do we want them to be part of our canopy?

Rainer- I think particularly of Palmetto Bay Village Center.

CG- I'm not suggesting any constraints, just acknowledgement to maintain and improve in the future and not ignore these places. 98% of the pinerock has been destroyed or developed and we probably need 1 or 2% more doubling the pinerock that currently exists. It is an emerging need and issue.

Board members agree to have CG draft section to include in Tree Management Plan.

HC- There should be a chapter on addressing future acquisitions too.

CP- We would like to finalize the Tree Management Plan before the next Tree Board meeting in July.

HC- suggested that the "Vision" section of the plan (pages 9-20) be placed after the 5 year action plan. We need two parts clearly delineated.

AS- agreed to HC recommended change and mentioned that pages 1-8 plus the 5 year action plan are really the Tree Management plan.

CG- Requested change be made and new draft be sent to Board for further review.

ES- wants to have tree management plan ready to present to council in September.

CP- we can meet again in July to review next draft. Luz will send out prospective dates for future meetings approximately every two months.

Item 5- Discussion of Tree Removal Request

Luz provided picture of Tree in question to Board.

CP- resident has requested that a tree on the right of way in front of his home be removed because it is diseased and bringing carpenter ants onto his property. Tree Board members Craig and Anthony have visited the site and taken a look at the tree.

CG- one of the residents complain is that the tree has carpenter ants, but most big ficus trees can have carpenter ants. I wanted to see how the GIS info compared to my site visit. GIS says it's an 18" ficus tree on the public right of way. If the tree is 18" or less, it has no specimen tree protection on County Code. Therefore, this tree has to be reasonably preserved. I'm not sure if county would be able to permit it even if county allows, but as a matter of property rights, the property owner can file an application to have the tree removed. County will not grant a permit for removal unless the owner, which in this case is the Village, approves the removal first.

Rainer- But if its specimen and damaged, that can be used to explain the removal. Resident needs to protect his property too.

CP- resident also says that roots are damaging his home and blocking the view from his driveway.

CG- what is the condition of the tree? Do we agree with GIS assessment that it is good/fair? Is this tree in a condition that warrants its removal?

Rainer- we also have to consider that with the removal of this one tree, we would have to plant 4 new trees to replace it. So this can get costly.

CP- The Village will accept the board's recommendations, and if you don't think it warrants removal, then we'll keep it.

CG- the resident can send a letter to county to request a review.

AS- Does resident know he can apply with the county?

CP- Yes, but he wants us to remove it.

Rainer- that would set a precedent for future problems for the village.

CG- if it is a hazard, the Village must remove but if it is an asset why should we pay?

AS- It doesn't look like resident is maintaining the tree and I predict it may go down in the next storm.

HC- can an arborist go out and look at it?

CP- Yes. I told the resident I would take it to the Tree Board. Is there any provision to cut a couple of limbs off?

CG- If they can get permission, not only will they have to plant a number of trees, but also donate to tree trust fund, and money can be earmarked for the area.

Rainer- Removing a specimen tree is costly for a home owner.

HC- What's in it for the Village? What's the upside?

Rainer- None. It sets a precedent for future potential costs if we start doing this. It's going to be costly. Just the tree removal costs between \$1,500 and \$2,000.

HC- I will look at the tree.

CP- I don't want to have the tree removed.

CG- if resident is complaining, he can cut the limbs if he is having a view issue, but he should be advised and not discouraged from applying or submitting an application for removal, if that's what he wants.

CP- I need to know that I have the Board's support.

Rainer- you can have him call me and I can tell him what the costs would be for him. I've never charged a fee to Palmetto Bay for a permit.

Meeting adjourned at 6:38pm

Minutes of the Charter Revision Commission Meeting
June 2, 2015
9705 E. Hibiscus Street, Palmetto Bay, FL

- 1. Call to Order:** The meeting was called to order at 7:05 p.m.

The following members of the Charter Review Commission were present:

Fidel Barreto
Patrick Fiore
George Hoffman
John Quick
David Zisman
John DuBois (non-voting member)

The following staff members were present:

Ed Silva, Village Manager
Dexter Lehtinen, Village Attorney
Meighan Alexander, Village Clerk

Members of the public:

Steve Kreisher
Tim Schaffer
Larissa Siegel Lara
Karyn Cunningham (arrived later)

- 2. Review of Sunshine Laws:**

Attorney Lehtinen informed the Commission of the important aspects of the Sunshine Laws, including open public meetings and access to public records. He advised that the Clerk will provide notice of all future meetings.

Attorney Lehtinen provided explanation concerning Roberts Rules, the selection of the Chair, setting meetings, and public input. He advised that Clerk Alexander will be taking Minutes.

Clerk Alexander stated that any member of the Commission may act as Secretary, if they wish to do so. No one wished to serve as Secretary; therefore, the consensus was that the Clerk will continue to take minutes. Attorney Lehtinen stated that he would act as Counsel to the Board. He provided information concerning Miami-Dade County's Home Rule Status.

Clerk Alexander advised that she would be including a public comment section in the Agendas for the future.

3. Introductions:

Staff and members of the Commission (and the public) provided introductions. Attorney Lehtinen advised the members of the Commission that staff is not covered by Sunshine; however, the Vice Mayor is covered. He further explained that each member of the Commission may contact him or Clerk Alexander, as needed, without violating the Sunshine Laws.

4. Purpose of Charter Revision Commission:

Vice Mayor DuBois asked if there were a proper mechanism or channel that someone should use if they wish to ask the Commission to consider a Charter Revision. Attorney Lehtinen replied that the person or entity can contact the Council, a member of the Commission, or come to the meetings.

With regard to the Sunshine laws, Mr. Hoffman asked if an email to him would be considered public record. Attorney Lehtinen stated that if the matter concerns the items before the Commission or that may foreseeably come before the Commission, then it would be public record. Clerk Alexander suggested that the Commission forward emails to her, and she would keep the public record for the members.

Attorney Lehtinen provided an explanation of the purpose of the Commission, noting that due to the Home Rule Charter of Miami-Dade County, municipalities of Miami-Dade County have a different relationship to the County than other cities throughout the State. He stated that the County Charter dictates how amendments to the Charter are done; therefore, the Village follows that standard, which is the reason the Charter Revision Commission was created within the Village's initial Charter. He noted that all suggestions for revisions will be prepared and sent to the Village Council for consideration and possible placement on the ballot. He also explained that when the Charter reads "shall", it actually means "may" under State law.

5. Election of Chairperson:

Attorney Lehtinen explained the duties of the Chair, pursuant to Robert Rules.

Vice Mayor DuBois asked who would be the parliamentarian. Attorney Lehtinen stated that the Palmetto Bay Code has indicated that he, as Village Attorney, acts as the parliamentarian, when the Chair seeks assistance.

Vice Mayor DuBois asked who sets the meetings. Attorney Lehtinen stated that the schedule of meetings is established by the Commission as a whole.

Vice Mayor DuBois asked if the Chair presides over the Agenda. Attorney Lehtinen stated that the Chair would.

Mr. Hoffman asked what would constitute a quorum. Attorney Lehtinen advised that three out of five members would be required in order to vote on any matters.

Following discussion, Mr. Barreto nominated David Zisman to be Chair. Mr. Hoffman nominated Mr. Quick. The vote for Mr. Zisman was held first. Mr. Zisman was appointed 4 to 1, Mr. Hoffman being in sole opposition. Mr. Fiore suggested that Mr. Quick be the Vice Chair. Mr. Quick accepted. All voted in favor.

6. Timetable for the Commission:

Mr. Zisman suggested that the Commission decide which day of the week is appropriate. He believed that, minimally, eight meetings would be necessary. He asked the members of the Commission to read the Charter and write down those items you wish to bring forward.

Clerk Alexander advised that the Council has to pass Charter questions no later than August 9th, which means that the matter would have to be addressed by the Council in July of 2016, at the latest.

Following discussion, the Commission decided to hold their next meetings at 7 pm on June 29th and July 27th.

Mr. Hoffman asked if Attorney Lehtinen would be providing his opinion as to areas of the Charter that are questionable.

The Commission discussed several areas of concern, such as Section 10.1, concerning private school expansion.

Vice Mayor DuBois stated that issue is problematic and he is also not in favor of the Charter provision that allows the Council to interview/approve an individual for a Director position prior to hiring that director.

Mr. Fiore noted that the school issue should be reviewed; however, it was repeatedly presented to the electorate and failed each time. He stated that he is not in favor of run-off elections, as they are costly; and, historically, the person that received the most votes in the general election also won the run-off. He also opined that the Neighborhood Protection language should be modified.

Mr. Quick concurred with Vice Mayor DuBois concerning the department director language, stating that he feels it establishes a "strong council", which is contrary to the Village's current form of government. He suggested that term limits be reviewed as well.

Attorney Lehtinen opined that the Neighborhood Protection language is "aspirational".

Councilman Schaffer noted that the Council, at the time, passed Neighborhood Protection ordinances prior to the election.

Mr. Hoffman asked if Council has to act on the Neighborhood Protection language. Attorney Lehtinen opined that it is up to the Council to act or not; however, someone may suggest that the Council is failing in their duty should they not act.

Mr. Barreto stated that he concurs with the previous speakers.

7. Discussion of next steps and establishment of schedule for future meetings

Resident Steve Kreisher asked the Commission to consider the Village as a whole in decisions. Mr. Zisman concurred.

Mr. Kreisher suggested that the private school provision be expanded into other areas, such as commercial expansion.

Councilman Schaffer thanked the Commission and expressed that the group should remember the Commission represents the entire Village. Mr. Zisman agreed.

8. Adjourn: The meeting adjourned at 8:35 pm.

Respectfully submitted:

Approved by the Charter Revision
Commission this ____ day of June,
2015.

Meighan Alexander, Village Clerk

David Zisman, Chairperson

Minutes of the Charter Revision Commission Meeting
June 29, 2015 – 7:00 p.m.
9705 E. Hibiscus Street, Palmetto Bay, FL

1. **Call to Order:** The meeting was called to order at 7:09 pm.

The following members of the Charter Review Commission were present:

Fidel Barreto

Patrick Fiore

George Hoffman

John Quick

David Zisman

John DuBois (non-voting member) – arrived at 7:11 p.m.

The following staff members were present:

Ed Silva, Village Manager

Dexter Lehtinen, Village Attorney

Missy Arocha, Assistant

Members of the public:

Tim Schaffer

Larissa Siegel Lara

2. **Consideration of approval of Minutes of June 2, 2015:**
Member Quick moved this item forward. Seconded by Member Fiore. The approval of the Minutes of June 2, 2015 were approved unanimous (5-0).

3. **Public Comments:**
Chairman Zisman opened public comments. No one wished to be heard. Chairman Zisman closed public comments.

4. **Review of Charter:**
Chairman Zisman requested an explanation of the Citizens' Bill of Rights of the Village Charter. Attorney Lehtinen confirmed that the Citizens' Bill of Rights is a legal binding document that promotes lawful accountability. Further explanation was provided.

The Commission discussed Section (A)(10) - Manager's and Attorney's Reports of the Citizens' Bill of Rights. After discussion, Chairman Zisman recommended one change. He suggested modifying Section (A)(10) as follows:

The Village Manager and Village Attorney shall ~~periodically~~ **monthly** make a public status report on all major matters pending or concluded within their respective areas of concern.

Vice Mayor DuBois expressed that he doesn't suggest modifying Section (A)(10) because the current Village Manager and Village Attorney consistently provide monthly reports and the Village has not had an issue with this matter.

Member Hoffman stated that he agrees with Chairman Zisman because the word, "periodically" can create an issue in the future. Chairman Zisman explained that if Section (A)(10) were to remain as is, the word, "periodically" can be misinterpreted by future members of the Council. He expressed that although this change may seem insignificant, it can become significant in the future. He recommends changing it.

The Commission agreed to revisit Section (A)(10) of the Citizens' Bill of Rights in the future.

Chairman Zisman expressed that the previous Administration did not make information easily available when it came to Public Records Requests. He proposed to have all Public Records Requests made available on-line for public viewing. He would like a charter amendment reflecting his request.

Vice Mayor DuBois explained that some Public Records Requests are exempt according to Public Records Law and posting this type of information on the internet can create concerns in the future.

Attorney Lehtinen provided an explanation on Public Records Law. He also referenced that all text messages, email messages, hand written notes, and typed documents are all public record. Public Records law does not distinguish between what is a real public record or not, therefore; any information that is requested must be provided. Attorney Lehtinen explained that the law does not require an agency to create or generate a record, or convert it into a different format. Florida Law does not require agencies to explain records or answer questions based on the content of the record. Attorney Lehtinen further explained that although requestors are encouraged to put their requests in writing, they are not required to do so.

Vice Mayor DuBois recommended that Section (A)(3) – Public Records of the Citizens' Bill of Rights be modified to include wording that describes the public records law. He also stated that in accordance with the courts, 30 days is a reasonable amount of time to respond to a public records request.

Attorney Lehtinen explained that he doesn't recommend making a charter amendment to Section (A)(3) – Public Records of the Citizens' Bill of Rights because this item is in compliance with Florida Statutes law. He suggested leaving this item alone.

Member Quick stated he agrees with Vice Mayor DuBois.

Chairman Zisman referenced that due to his bad experiences in the past with the previous Administration, all Village expenses should be posted on the Village's website. He expressed that all residents of the Village should have access to these type of records easily. He suggested that the Citizens' Bill of Rights be updated to include wording that all Village expenses shall be posted on the Village's website.

Attorney Lehtinen explained the Village's Public Records Request Policy and the procedures of requesting a public record. He also referenced that all Public Records Request are monitored by the Clerk's office and that residents can request information that they would like to see.

The Commission discussed the Village's Public Records Request Policy. After discussion, Member Fiore suggested that the Village consider posting all Village Contracts on the website instead of all public records requests. He also provided an example of the costs associated with fulfilling extensive requests.

Chairman Zisman stated that he would like to see all Contractual Agreements on the Village's website together with all Village expenditures.

Vice Mayor DuBois announced that the Village's General Fund Account is posted on the Village's website. He agreed that all financial information should be posted on the website, not solely the General Fund Account information.

Chairman Zisman announced that it would be appropriate to have all Contracts scanned and placed on the website. He stated that residents should see how much money is being spent on Village projects. Village Manager Silva stated that it would be appropriate for the Council to consider adopting a Resolution or an Ordinance moving the item forward. He explained that this item can be easily adopted by Council direction instead of revising the Citizens' Bill of Rights.

Attorney Lehtinen stated that the Council may adopt a Policy explaining the specifications that should be posted on the website on items related to operating expenses and contracts. He agreed that a Policy be set forth instead of modifying the Charter with the request.

Chairman Zisman argued that it would be ideal to modify the Charter versus creating a policy due to transparency issues of the past. He would like to avoid the same issues he has dealt with in the past.

Member Quick announced that he is not supportive of this item being a charter amendment. Vice Mayor DuBois also announced that this item shouldn't be a charter amendment. Member Hoffman agreed with Member Quick and Vice Mayor DuBois.

Members Fidel and Fiore had no objections. It was agreed by the Commission, that the Village Council bring this matter up for discussion and consider creating a policy as to what documents should be posted on the Village's website for public viewing.

Member Quick stated that Section 3.3 – Powers and Duties of the Village Manager is not consistent with Section 1.2 – Form of Government.

After discussion, Manager Silva gave an explanation of the Village's hiring protocol. He stated that due to the way the Charter currently reads, many future candidates may not apply for a director type position. The way the Charter reads, it reduces the pool of qualified candidates because the Village Manager may not appoint any department director without first obtaining majority approval of the Council.

Vice Mayor DuBois suggested that the Commission consider revising Section 3.3 – Powers and Duties of the Village Manager by eliminating obtaining majority approval of the Council. He expressed that the Village Manager should have authority to make hiring decisions and the Council should not micromanage the Manager. He also expressed that the way the bylaws read, the Current Manager would not be held accountable for hiring decisions.

Member Fiore expressed that this charter amendment should be brought back to the voters of the Village.

After discussion, Member Quick made a motion to bring the item forward to the voters and strike the second sentence from Section 3.3 – Powers and Duties of the Village Manager from the Village Charter: ~~However, the Village Manager may not appoint any department director without first obtaining majority approval of the Council.~~ The motion was seconded by Member Hoffman. The motion was approved unanimously (5-0).

The Commission discussed Section 1.3 – Corporate Boundary. Member Quick announced that he would like the Commission to discuss this item in the future. Member Fiore announced that he is in support of single-member districts and have the Mayor and Vice Mayor at large. Member Fiore also announced that he would like to revisit this item at a later time in the future.

Attorney Lehtinen provided an explanation on single-member districts from a legal point of view. He referenced that single-member districts have to be reviewed every ten years per constitutional law. Attorney Lehtinen continued the explanation of constitutional law.

Member Barreto requested to know the date of when the last drawing was completed when the corporate boundaries were completed for the Village.

Member Hoffman stated that changing the corporate boundaries to single-member districts would signify the interruption of term limits for councilmembers. He expressed that changing this could turn into future consequences and that it would be problematic to outline corporate boundaries every ten years.

Member Fiore expressed he favors single-member districts because of past legal issues the Village has dealt with concerning the Palmer Trinity case.

After discussion, the Commission agreed to discuss Section 1.3 – Corporate Boundaries at a later meeting date.

Member Quick requested that the Village Clerk look into verifying if the Village Map displayed on the Village Charter is the most recent updated map.

Chairman Zisman expressed that he would also like the Village Clerk to look into verifying if Section 2.5 (C)(7) – Vacancies; Forfeiture of Office; Filling of Vacancies is correct because he feels as if that amendment has a an error.

After discussion, the Commission requested that the Village Clerk confirm if the Village Charter posted on Municode is the most updated version. Commission members expressed that the Charter placed in their Committee Books is not consistent with the Charter displayed on Municode.

The Commission discussed Section 2.3 (E) Limitations on Lengths and Services. Member Hoffman suggested amending this section to read: No person shall serve as Mayor, Vice Mayor, or Council Person for more than three consecutive terms. He would like this amended to three instead of two.

Member Fiore suggested leaving Section 2.3 (E) as is and revisit this item for further discussion in the future.

Member Hoffman stated it would be ideal to strike the whole entire second sentence of Section 2.3 (E). Chairman Zisman and Member Quick were inclined to leave this item as is. The Commission agreed to revisit this item at the next commission meeting.

5. **Discussion of next steps and establishment of schedule for future meetings:**
After discussion, Member Fiore made a motion to set the meeting date of the next Charter Revision Commission Meeting to Thursday, July 30, 2015 at 7:00 p.m. The motion was seconded by Member Fidel. The motion was approved unanimous (5-0).
6. **Adjourn:** The meeting adjourned at 9:45 p.m.

Respectfully submitted:

Approved by the Charter Revision
Commission this ____ day of July, 2015.

Missy Arocha, Executive Assistant
to the Village Manager

David Zisman, Chairperson

**Minutes of the Charter Revision Commission Meeting
July 30, 2015
9705 E. Hibiscus Street, Palmetto Bay, FL**

1. **Call to Order:** The meeting was called to order at 7:10 p.m.

The following members of the Charter Review Commission were present:

Fidel Barreto
Patrick Fiore
George Hoffman
David Zisman
John DuBois (non-voting member)

The following staff members were present:

Dexter Lehtinen, Village Attorney
Meighan Alexander, Village Clerk
Village Manager Edward Silva (entered as discussion began)

Members of the public:

Mayor Eugene Flinn (entered as discussion began)
Mr. Peter England (entered mid-meeting)

2. **Consideration of approval of Minutes of June 29, 2015**
Mr. Hoffman moved to approve the Minutes, as drafted. Seconded by Mr. Barreto. All voted in favor. The Minutes were approved.
3. **Public Comments:** No members of the public were present at this time.
4. **Continued review of Charter:** The Village Clerk gave information to the Commission concerning insuring that Municode.com would have the correct version of the Charter and advised that she asked for a new map to be drawn to be certain that the boundaries reflected in the Charter are accurate.
5. **Discussion of next steps and establishment of schedule for future meetings**

The Commission continued the review of the Charter.

Section 2.6 Compensation; Reimbursement for Expenses: there were no comments, modifications, or suggestions.

Section 2.7 Recall: there were no comments, modifications, or suggestions.

(Village Manager Edward Silva and Mayor Flinn entered.) Chairman Zisman recognized Mayor Flinn and thanked him for attending.

Article III. ADMINISTRATIVE

Section 3.1 Village Manager: there were no comments, modifications, or suggestions.

Section 3.2 Village Manager; Appointment, Removal: Mayor Flinn asked the Village Attorney if the Charter should include language concerning how State law would prevail in certain circumstances. Vice Mayor DuBois asked for clarification, as Florida laws may affect any provision. Mayor Flinn remarked that there may be a need to include language stating that the Charter is enforced to the extent that it complies with State law.

Vice Mayor DuBois stated that as it is possible to have a Council meeting intentionally scheduled to include only a quorum, with regard to the task of hiring/firing a charter officer, the Charter should include language that the entire council must be present during a vote for appointment/removal of charter officers.

Following brief comments, Attorney Lehtinen suggested that it may be best to revise the section concerning quorum and include language that certain actions may require that a quorum be re-defined as four members.

The Commission unanimously voted to approve the concept, instructing staff prepare ballot language at a later date.

Section 3.3 Powers and Duties of the Village Manager: Vice Mayor DuBois suggested that the Commission re-visit striking the language in subsection (1) that requires approval of directors by Council, as that sentence violates the chain of command concept. Mr. Zisman stated that he has re-considered his earlier opinion and believes the sentence may be more of a "checks and balances" issue. Mr. Fiore added that this process has not been tested; therefore, it should not be modified. Mr. Hoffman disagreed. Mr. Barreto stated that he would leave the language. Following discussion, the Commission decided to consider the matter for another time.

Chairman Zisman asked for comments concerning Subsections (2), (3), (4), (5), (6), (7), (8), (9), (10), and (11): there were no comments, modifications, or suggestions.

Chairman Zisman asked for explanation concerning the language in Subsection (11), "maximize financial reserves". While the majority of the Commission agreed that the language seemed superfluous, the Commission chose to defer discussion of this matter.

Section 3.4 Acting Village Manager: Vice Mayor DuBois noted that he believes the language is interpreted to mean he is absent for no more than one full day.

Section 3.5 Bond of Village Manager: Discussion ensued regarding the amount of the bond. The Village Manager stated that he would find that information and provide it to the Commission.

Chairman Zisman acknowledged that Mr. Peter England entered the meeting.

There were no comments, modifications, or suggestions for Section 3.6: Village Clerk or Section 3.7.

Section 3.8 Expenditure of Village Funds: Mr. Hoffman asked if there is written policy in the Code. Clerk Alexander confirmed that the purchasing policy is codified.

There were no comments, modifications, or suggestions for Section 3.9 Village Boards and Agencies.

With regard to Section 3.10 Competitive Procurement Requirements/Purchasing, Mr. Hoffman asked if those rules were also codified. The Clerk confirmed they were. Vice Mayor DuBois asked if the Manager is the Chief Procurement Officer. Clerk Alexander stated that he was, by code.

Section 4.1 Council Meeting Procedures: Subsection (A) Meetings: Vice Mayor DuBois stated that he believes there should be some clarification regarding the procedure whereby three Council members may call a meeting. Clerk Alexander advised that she and Attorney Lehtinen would be working on modification of the meetings procedure ordinance in the near future. Mr. Zisman asked for clarification concerning the number of meetings. Vice Mayor DuBois confirmed that the Council usually does not meet in August.

Subsection (B) Rules and Minutes: Clerk Alexander confirmed that Roberts Rules of Order is the suggested uniform policy by ordinance. Attorney Lehtinen concurred.

Subsection (C) Quorum and Voting: Attorney Lehtinen stated that he would suggest separating the language of this section to include that a quorum of four is required for appointment/removal of any charter officers and for appointment of auditors.

Subsection (D) Meeting Time Limits: Chairman Zisman suggested eliminating the language. Mayor Flinn remarked that there needs to be a natural end to a meeting. He added that the Council seems to be more productive when they believe the meeting may end. Mr. England remarked that someone may seek adjournment at any time. Attorney Lehtinen agreed; however, he stated that it must be majority rule. Mr. Zisman suggested discussing this matter again in the future.

Section 4.2 Prohibitions.

There were no comments, suggestions, or modifications concerning Subsection (1) Appointment and Removals.

Subsection (B)(1) Interference with Administration. Mr. Hoffman stated that this language "de-politicizes" the staff. Mr. Zisman remarked that the language was unnecessary. Vice Mayor DuBois stated that the Council may discuss their preference, but can't dictate to the Manager, individually. Discussion ensued concerning the fact that the entire Council must vote in order to direct the Manager.

Mr. England asked how this language is related to the Charter language concerning Council's right to consent on the approval of department directors. Mr. Zisman explained the Commission had discussed the matter earlier in the meeting and chose to revisit that provision in the future. Attorney Lehtinen noted that the mention of the Village Clerk is absent in this section; however, the language was written prior to the Clerk being a Council-directed position and there is no need to change the language.

With regard to Subsection (2), Chairman Zisman asked how the Charter is enforced. Attorney Lehtinen explained that Miami-Dade County has a Commission on Ethics and Public Trust, which is empowered by Home Rule to investigate any violations. Vice Mayor DuBois asked if that Commission has the power to sanction. Attorney Lehtinen acknowledged that they did due to the Home Rule provision of Miami-Dade County. Mr. Hoffman asked if this Subsection would be the only section so governed. Attorney Lehtinen noted that enforcement of any provision of the Charter would be governed by the Miami-Dade County Commission on Ethics and Public Trust. Mr. Fiore noted that anyone has the ability to file an ethics complaint and the Ethics Commission can also start an investigation based upon when they wish to do so. Attorney Lehtinen concurred.

There were no comments, suggestions, or modifications suggested for Section 4.2(C).

Section 4.3 Ordinances: Following brief comment, the Clerk and the Attorney explained the difference between ordinance and resolutions. Clerk Alexander also explained the difference between the Neighborhood Protection Provision of the Charter and the Ordinances that created the Neighborhood Protection Ordinances or "NPO's", as they were commonly called. Mr. Fiore offered historical information, as well.

The Commission decided to begin with Section 4.4 at the next meeting. The following meetings were set:

August 27 – 7 pm

September 17 – 7 pm

6. Adjourn: The meeting adjourned at 8:50 pm.

Respectfully submitted:

Approved by the Charter Revision
Commission this ____ day of August,
2015.

Meighan Alexander, Village Clerk

David Zisman, Chairperson