

RESOLUTION NO. R2015-51

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, SUN-SETTING THE CHARTER REVIEW COMMITTEE CREATED BY RESOLUTION R2008-10; CREATING A NEW AD HOC CHARTER REVIEW COMMITTEE; PRESCRIBING ITS DUTIES, AND PROVIDING FOR APPOINTMENTS AND THE TERMS OF OFFICE FOR THE MEMBERS OF THE NEW AD HOC CHARTER REVIEW COMMITTEE.

WHEREAS, Article XX, Section 121 of the City of North Miami Beach Charter provides that the City Council shall appoint a Charter Review Committee composed of residents, to review the Charter and make recommendations to the City Council, no less than every ten years; and

WHEREAS, Chapter 2, Article VII, Section 2-44 of the North Miami Beach Code of Ordinances establishes a Charter Review Committee; and

WHEREAS, the City Council has conducted Charter Review Workshops on April 29, 2014, November 18, 2014, and February 26, 2015; and

WHEREAS, at the April 29, 2014 Charter Review Workshop, the Mayor and all members of the City Council reached a consensus to recommend the repeal and replacement of the existing City Charter with a new modern charter, while retaining the Citizens Bill of Rights; and

WHEREAS, at the November 18, 2014 and February 26, 2015 Charter Review Workshops, the Mayor and members of the City Council reached a consensus to retain the council-manager form of government, the charter officer positions, and at large seven council member seats in a new proposed charter (See Exhibit "A" for a synopsis of issues discussed at the November 18, 2014 and February 26, 2015 Charter Review Workshops); and

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WHEREAS, a new Ad-Hoc Charter Review Committee (“Committee”) is hereby established as of July 21, 2015 to be composed of seven (7) members who shall be direct appointees of the individual City Council members; and

WHEREAS, the terms of the Committee members shall commence on July 21, 2015 and expire on June 30, 2016 (subject to earlier or later sunset in the discretion of the City Council); and

WHEREAS, the Committee’s authority shall extend to those provisions discussed or considered by the City Council and any other provisions as may be determined by the City Council or the Committee, and shall include submittal of a report to the City Council by June 30, 2016, including recommendations concerning the provisions in the proposed draft charter, as identified hereinabove.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of North Miami Beach, Florida.

Section 1. The foregoing recitals are true and correct.

Section 2. In accordance with provisions of the City of North Miami Beach Charter and the City of North Miami Beach Code of Ordinances, an Ad-Hoc Charter Review Committee is hereby established as of July 21, 2015 and expiring on June 30, 2016. The Committee shall be composed of seven (7) members who shall be direct appointees of each individual City Council member.

Section 3. The City Clerk is hereby directed to report, at the next regularly scheduled City Council Meeting, any appointed Committee member who has two or more unexcused absences for Committee meetings.

Section 4. The Committee is established to make recommendations and submit a final report concerning those provisions in the proposed draft charter considered by the City Council at its

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November 18, 2014 workshop and such other provisions, as may be determined by the City Council or the Committee.

APPROVED AND ADOPTED by the City Council of the City of North Miami Beach, Florida, in regular meeting assembled this 21th day of July, 2015.

ATTEST:



PAMELA L. LATIMORE
CITY CLERK

(CITY SEAL)



GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM:



JOSE SMITH
CITY ATTORNEY

SPONSORED BY: Mayor and City Council

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EXHIBIT "A"

Synopsis of November 18, 2014 Charter Workshop

- City Attorney explained the Municipal Home Rule, its impact upon the existing and proposed City Charters, presented the proposed Draft Charter, and offered options for discussion by the City Council.
- The City Council discussed the proposed Draft presented and specifically, raised questions about the below issues:
 - Term limits
 - Mayor authority, committee selection, filling of vacancies and or unexpired terms
 - Placement of elector qualification and definition within the draft
 - Insurance benefit language as is pertains to council members
 - Election of the vice-mayor
 - City Manager spending limit
 - City Attorney retention of outside counsel, spending limit
 - Which City boards should be included in the Charter
 - Meeting times/dates included or not in the Charter
 - Notice Requirements should include placement on the website
 - Including/Excluding City Manager in the discussion

City of North Miami Beach Charter Workshops

- April 29, 2014, City Council Charter Workshop. City Council wanted a new, modern, understandable City Charter, similar to other recently incorporated cities.
- November 18, 2014, City Council Charter Workshop. City Council was presented with a draft charter.
- February 26, 2015, City Council Charter Workshop. City Council to determine next steps.

The proposed draft retains:

- The Citizens Bill of Rights;
- The “Council-Manager” structure of City Government;
- Six Council members and a Mayor;
- Three Charter officers (City Manager, City Attorney, and City Clerk);
- City Council Compensation;
- Charter Review Committee; and
- Staggered four-year terms for the Mayor and Council.

Issues to be determined with mixed opinions expressed by City Council members:

- Mayor's and City Council authority concerning appointments;
- Term limits;
- Election Districts and/or Groups; and
- Election Dates;
- Run-offs.

Mayor's Authority concerning appointment of Committees and Charter Officers:

EXISTING NMB CHARTER PROVIDES:

- Charter officers are appointed by the City Council and committees are established by the Charter.

THE PROPOSED OPTION AS DRAFTED:

- Mayor, subject to the Council approval, appoints committees of the City Council; and
- Charter Officers are appointed by the City Council.

- **Term Limits:**

EXISTING NMB CHARTER PROVIDES:

- Mayor and Council shall be limited to no more than eight (8) consecutive years in office.

THE PROPOSED OPTION AS DRAFTED:

- No person may serve more than two terms as Mayor or Councilmember. *This allows an individual to serve as Mayor for two terms and Council member for two terms.*

Election Districts and/or Groups:

EXISTING NMB CHARTER PROVIDES:

- Groups 1 through 7 shall be elected at large.

THE PROPOSED OPTION AS DRAFTED:

- Groups 1-7 elected at large.

- **Election Date:**

EXISTING NMB CHARTER PROVIDES:

- Regular elections shall be held biennially on the first Tuesday in May.

THE PROPOSED OPTION AS DRAFTED:

- Regular elections shall be held on the first Tuesday following the first Monday in November. *This will coincide with the general elections.*

- **Run-Offs:**

EXISTING NMB CHARTER PROVISION:

- Candidates must be elected to office by receiving the majority of the votes cast in the election.

THE PROPOSED OPTION AS DRAFTED:

- Candidates must receive greater than 50% of the total ballots cast to be elected to office.

- **NEXT STEPS:**
- To Be Determined

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