

NMB CHARTER MAY2008

QUERIES/REQUESTS - HILTON

PAGE 2 ARTICLE I SEC. 3 BOUNDARIES - DOES NOT APPEAR TO BE A LIVING DOCUMENT.

See page 10 de-annexation - Aventura? Sunny Isles Beach?

PAGE 12 ARTICLE III ELECTIONS – CHANGE TO NOVEMBER GENERAL SCHEDULED ELECTION DATE(S) – CHECK AVENTURA’S NEW VERBIAGE AS WELL AS OTHER MUNICIPALITIES.

PAGE 13 SEC. 16 (3) CHANGE VERBIAGE TO NOV.

(ARTICLE IV SEC. 21 LANGUAGE NEEDS CLEANING UP and/or change/removal) (10) To prohibit the sale of intoxicating liquors, wines, and beers within the City. Extended hours language needed. (12)... imprisonment in the city jail for a period of sixty (60) days...**Note NMB only has a holding cell no restroom facilities**, etc. (14)...(poor, indigent, infirm, and insane) to provide for the support and care...(16) To provide for **sanitary sewers** and the compulsory use thereof by property owners...(Most of the City is on Septic tanks) (29) To provide for the working of lawful prisoners of the City of NMB on the public streets, ...(36) To **destroy ...other forms of receptacles for sewage**, other than sanitary service sewers (51) pertains to Biscayne Bay within the City limits. (Where? Highland Village) (61) c and e have language authorizing the lien against real and personal property check Florida Statute on liening homesteaded property.)

PAGE 17 ARTICLE V SEC. 22 ELECTION AND TERM OF COUNCILMAN (TERMS OF TWO YEARS)

Page 18 SEC. 26 COMPENSATION - The compensation of members of the city council may be increased by the affirmative vote of five members of the council. In addition to the compensation as provided herein, the **Mayor** shall annually be **provided with an expense fund of twelve hundred dollars** to meet extraordinary expenses of his office as mayor, payable at the rate of one hundred dollars per month. No accounting shall be required of expenditures by the mayor from such fund.

PAGE 19 SEC. 27 POWER OF THE CITY COUNCIL

The council shall have the power to punish for a contempt committed in its presence at any regular or special meeting, which punishment shall be by a fine not exceeding fifty dollars or **imprisonment in the city jail** not exceeding 72 hours or both...

Sec 30 Conflict of Interest Page 19 ...**except** such contracts for the sale or purchase of property, or the performance of services, as shall be let pursuant to sealed bids and advertising therefore. (Need Ethics section)

PAGE 20 ARTICLE VI CITY MANAGER (7) To attend all meetings of the city council and of its **committees...**

SEC. 12 and 13 Reserved?

(15) Section 34 subsection 12 verbiage regarding enlarged changed or extended bids(This changes the meaning. Budget performance should be reviewed with Council Monthly.)

PAGE 21 ARTICLE VIII THE LEGAL DEPARTMENT

**O.K** SEC. 42 PAGE 21 City Attorney - ...Shall be under the supervision of **a full time city attorney** appointed by the City Council... **We have 3 full time City Attorneys.** ...and shall not during his tenure of **office engage in any private practice of law** (Mr. Lenard is the attorney for the League of Cities and also teaches law at the University.)

SEC. 44 Assistants. The city attorney shall have such clerical, stenographic, and legal assistance as shall be approved by the Council. Employees other than the city attorney may be placed under civil service at the option of the city council.

SEC.45 ...the city council may, in its discretion, associate other council in any manner in which the City of NMB has an interest and pay the compensation of such associate council. The City attorney or a duly appointed assistant shall prosecute cases in the county or circuit court.

PAGE 25 ARTICLE X SEC. 62 Maximum unbudgeted expenditure on single capital improvement – No expenditure in excess of \$75,000 for any one capital improvement ...

SEC 64 Bonds - The bonds shall bear interest at such rate or rates as shall be established by ordinance, not to exceed 6% per annum. They shall be issued in such denominations, not less than **\$500** each...(needs updating last verbiage update 1964)

ARTICLE XIII SEC. 78 COMPOSITION OF BOARD PAGE b PAGE 29 ...Terms of appointment and elected members shall commence on June 1<sup>st</sup> of the year in which appointed or elected and end May 31<sup>st</sup> of the year in which such terms are scheduled to expire. **Change date to reflect new proposed November election date.** c The term of the chief examiner shall be one year commencing on May 1 of each year. Change month to reflect new appointment date in sub. Sec. b  
SEC 80 Political Activity Page 30 **No person holding a position in the classified service shall take part in any political campaign for election to office** in the City of NMB in any manner whatsoever,... (This has been violated by the police dept. to mention just one department in every election from 2001. **Documented.** )

**O.K** ARTICLE XV SEC. 90 91 92 FIRE DEPARTMENT PAGE 31 DELETE NO LONGER APPLICABLE NO LONGER AFFORDABLE.

ARTICLE XVI TAXATION SEC 94 LEVY OF TAXES PAGE 31 ...but in no event shall the levy exceed **twenty-five mills on each dollar of valuation.** (Clarification does the 25mills include the County portion?) (I've heard the City cannot exceed 10mills.)

ARTICLE XVII PUBLIC WORKS SEC 100 & 105 RESERVED?

ARTICLE XIX PUBLIC UTILITIES SEC 109 REVENUE BONDS PAGE 34

...may bear interest at such rate or rates not exceeding five percent 5% per annum payable semi-annually,...

ARTICLE XX TRANSITION SEC 115 PAGE 38 WAS DELETED IN ENTIRETY PER INSTRUCTIONS OF THE GOVERNING BODY APRIL 19 1990 SAID SECTION PERTAINED TO TERMS OF OFFICE FOR CITY COUNCIL. REINSTATE WITH VERBIAGE FOR TERM LIMITS.

NOTE THIS CHARTER BECAME EFFECTIVE MARCH 9, 1958. PAGE 39