



City of North Miami Beach Interoffice Memorandum

CITY ATTORNEY'S OFFICE

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TO: Howard B. Lenard, City Attorney 

FROM: Miriam Bensinger, Assistant City Attorney 

DATE: June 17, 2008

RE: Charter & Code Restrictions and Regulations on City Board
Composition. [Review Requested by Councilman John Julien]

I. Charter & Code Provisions.

The City Charter created three boards, the *Civil Service Board* (see Sections 77 et seq) the *Planning & Zoning Board* (see Sections 104 et seq), and the *Water Board** (see Section 111).

A) The restrictions on *Civil Service Board* members are:

- 1) Five members who may not be City employees while they serve;
- 2) Two employees of the classified service of the City elected as per regulations of the board;
- 3) Appointed for staggered terms of 2 years from June 1 through May 31;
- 4) Members to serve until their successors are appointed and qualified;

5) There is no prohibition against reappointments, except for the position of "chief examiner", which is limited to one year.

B) The restrictions on *Planning & Zoning Board* members are:

- 1) Seven members appointed by City Council for staggered 2-year terms;
- 2) No prohibition against reappointment.

C) *Water Board* (Public Utilities Commission)

The Charter authorizes City Council to establish by Ordinance a 5-member board.

The *Public Utilities Commission* is an advisory board which Council created by Ordinance. The regulations that apply to the PUC are set forth in §2-55 of the City's Code of Ordinances, to wit:

- (a) Seven members appointed by City Council for 2-year terms;
- (b) Four members to be appointed June 1 of even-numbered years; three members to be appointed June 1 of odd-numbered years.
- (c) All appointments continue until successors have qualified;
- (d) Members must be bona fide residents of City and cannot be elected officials;
- (e) Members may be appointed to succeed themselves.

(These regulations mirror those in the Charter which authorizes this Board.)

II. Actual Experience.

A) A review of the actual composition of these three boards indicates that appointments and terms are, for the most part, staggered with some appointments expiring in 2008 (11 out of 20) and some expiring in 2009 (9 out of 20.) [See attached exhibit]. Due to the long years of service of many board members through

reappointment and willingness to continue serving, it is apparent that staggering terms have ensured there is continuity and sufficient experience available to deal with issues before the boards.

B) The *Civil Service Board* appears to be short one (appointed) member.

C) The *Public Utilities Commission* is likewise short one (appointed) member. It does have an *ex-officio* (non voting) member in Mr. Leo Schwartzberg. Leo was originally appointed as a regular member, but then moved to a new house in the same neighborhood. His new residence is in the doughnut hole, unincorporated Miami-Dade County, thus making him ineligible to continue as a regular voting member. His willingness to stay involved and the City's reluctance to lose his expertise and constructive input, led to making him an *ex-officio* member.

D) The *Planning & Zoning Board* does have a full complement of seven members.

III. Analysis.

A) None of the Charter provisions prohibit reappointments of Board members. The language that members "shall serve until their successors have qualified" implies service beyond a single two-year term. Furthermore, the Charter specifically provides for reappointment in the instance of the authorized *Water Board*.

B) Code Section 2-55, which creates the *Public Utilities Commission*, specifically provides for reappointments.

C) It appears that all three Boards have been functioning within the intended parameters set out in the City Charter and applicable Code provisions.

Both envision two-year (staggered) terms for most board members to encourage broad community participation, as well as to maintain continuity of experienced board members. However, they also recognize the realities of the difficulty of finding willing and qualified citizens to serve on such important boards, so they allow for continued service beyond the original terms until such successors are reappointed or newly appointed and qualified.

MB/mht

CITY OF NORTH MIAMI BEACH
CIVIL SERVICE BOARD

Established:

Ordinance No. 79-20
 7 Members / 2-Year Terms
 Meetings: 4th Monday of each month at 5:00 p.m.

Liaison:

Mayor Raymond F. Marin

Staff:

Beverly Hobson, Human Resources Director
 Andrea Hinds, Human Resources Assistant Director
 Darcee Siegel, Assistant City Attorney
 Esther Martinez-Cardona, Board Secretary

4 / 09
 2 / 08

<u>NAME</u>	<u>ADDRESS</u>	<u>HOME TEL #</u>	<u>OTHER #</u>	<u>EXPIRES</u>	<u>INT APPT</u>
1. GROSS, Jarret L.	3447 NE 168 th St., NMB, FL 33160 <u>Mailing Address:</u>				
2. REICHMAN, Sidney E., <u>Chair</u>	1557 NE 164 th St., Ste. 201, NMB, FL 33162	305-919-9103	O/305-935-6600 C/305-528-3210	6/1/09	4/10/07
3. SMUKLER, Fortuna	3660 NE 166 th St., Apt. 104, NMB, FL 33160	305-948-8862	305-759-5404	6/1/09	6/15/99
4. WILLIS, Mamie Lorraine	3207 NE 168 th St., NMB, FL 33160-3063	305-944-1758	Cell: 305-525-9222 Cell: 305-308-2353	6/1/08	8/15/06
<u>EMPLOYEE REPRESENTATIVES</u>					
5. RITCHIE, Livingston (General)	1417 NE 151 st Terrace., NMB, FL 33162	305-985-5635		6/1/09	2/03/04
6. FRANCIONI, Giovanni (Police)	5901 NW 19 th St., Complex One, Lauderhill, FL 33313 Police Dept., 16901 NE 19 Ave., NMB, FL 33162	786-985-5635	Cell: 786-355-8495 Work: 305-949-5500	6/1/09	Elected 5/01/07 Elected 5/01/07

vised on 04/29/08:

- 1) To reflect the removal of member Irving Berger, who has passed away.
- 2) To reflect the removal of Lamika Adderley, Board Secretary, who has resigned.
- 3) To reflect the change of home telephone number and to add a cellular number for Livingston Ritchie.
- 4) To reflect the addition of current Board Secretary, Esther Martinez-Cardona.
- 5) To reflect the removal of home telephone number for Jarret L. Gross.

CITY OF NORTH MIAMI BEACH
PUBLIC UTILITIES COMMISSION

Established:

Ordinance No. 79-20

7 Members / 2-Year Terms

Meetings: 2nd Thursday of each month at 6:00 p.m.

Liaison:

Mayor Raymond F. Marin

Staff:

Kelvin Baker, Director of Public Services
 Joann Truntz, Commission Secretary

NAME

ADDRESS

HOME TEL #

OTHER #

EXPIRES

INIT APPT

5 68
 2 109

1. AZEVEDO, Carlos
 1740 NE 175th St., NMB, FL 33162
 305-947-4374
 888-347-2517
 6/1/08
 7/7/98
2. BANDKLAYDER, Milton
 4000 NE 170th St., NMB, FL 33160
 305-940-6008
 305-552-5355
 6/1/08
 7/7/98
3. COOK, Charles
 1980 NE 175th St., NMB, FL 33162
 305-944-2878
 954-924-3737
 6/1/08
 7/7/98
4. ELLIOTT, Billy Anthony
 2023 NE 173rd St., NMB, FL 33162
 305-940-1118
 Cell: 305-801-9512
 6/1/09
 6/16/98
5. GOODMAN, Richard D., Chair
 2014 NE 174th St., NMB, FL 33162
 305-944-9473
 Cell: 305-592-3580
 6/1/08
 10/11/05
6. VILENSKI, Gita
 17750 NE 9th Pl., NMB, FL 33162
 305-653-2262
 305-653-1440
 6/1/08
 9/18/94
 6/6/95

Ex-Officio Members

1. SCHWARTZBERG, Leo M.
 990 NE 175th St., NMB, FL 33162
 305-651-4660
 954-658-1989
 6/1/08
 2/7/95

Revised on 04/15/08:

- 1) To reflect the removal of member Jorge Joel Apiau, who has resigned.

CITY OF NORTH MIAMI BEACH
PLANNING AND ZONING BOARD

Established:

Ordinance No. 79-20
 7 Members / 2-Year Terms
 Meetings: 2nd Monday of each month at 7:00 p.m.

Liaison:

Councilman Jay R. Chernoff

Staff:

Tom Vageline, Director of Community Development
 Chris Heid, City Planner
 Adrian Thomas, Board Secretary

NAME

ADDRESS

HOME TEL #

OTHER #

EXPIRES

INIT APPT

1. DRUMHELLER, D.D. Thompson	16570 NE 26 th Avenue, #3-E, NMB, FL 33160	305-944-9784	305-439-0358	6/1/09	12/06/05
2. LAPORTE, Norman, <u>Chair</u>	3321 NE 170 th Street, NMB, FL 33160	305-949-3495	305-651-4280	6/1/08	12/06/94
3. LOI, Orlando, <u>Vice-Chair</u>	3384 NE 167 th Street, NMB, FL 33160	305-949-3914	305-379-4545	6/1/08	5/17/94
4. McFARLEY, Mary	18201 NE 10 th Avenue, NMB, FL 33162	305-651-3331	Cell: 305-206-8234	6/1/09	11/16/93
5. MOSHER, Michael Allen	19240 NE 20 th Court, NMB, FL 33179	305-931-8394		6/1/09	12/21/04
6. PIPER, Evan Scott	16425 NE 32 nd Avenue, NMB, FL 33160	305-947-9499		6/1/08	5/18/99
7. SUAYA, David E.	16570 NE 35 th Avenue, NMB, FL 33160	305-948-3763		6/1/08	6/16/98

3/09
4/08

Revised on 04/15/08:

To reflect Adrian Thomas as the current Board Secretary.