



CITY OF NORTH MIAMI BEACH
Charter Review Committee Meeting
City Hall, Conference Room, 4th Floor
17011 NE 19th Avenue
North Miami Beach, FL 33162
Monday, November 16, 2015
6:00 PM

Charter Review Committee Members:

Charles Asarnow, Chair
Norman Edwards, Vice Chair
Chuck Cook
William Dean
McKenzie Fleurimond
Bruce Lamberto
Larry Thompson

Appointed by:

Mayor George Vallejo
Councilman Anthony F. DeFillipo
Councilwoman Beth E. Spiegel
Vice Mayor Phyllis S. Smith
Councilman Frantz Pierre
Councilwoman Barbara Kramer
Councilwoman Marlen Martell

Staff:

Jose Smith, City Attorney
Sarah Johnston, Assistant City Attorney
Jean Olin, Esq., Outside Counsel
Pamela L. Latimore, City Clerk
Lynnetta Jackson, Assistant City Clerk

Charter Review Committee Meeting Minutes

Roll Call of the Committee Members

The meeting was called to order at 6:00pm. Present at the meeting were Chairman Charles Asarnow, Vice Chairman Norman Edwards, Chuck Cook, William Dean, McKenzie Fleurimond (arrived a few minutes late), Bruce Lamberto, and Larry Thompson. Also present were City Attorney Jose Smith, Assistant City Attorney Sarah Johnston, Assistant City Clerk Lynnetta Jackson, and Jean Olin, Esq. outside Counsel.

Pledge of Allegiance was led by the Charter Review Committee.

Chairman Asarnow announced that it is very important to realize that the committee will be making recommendations not just for the current City Council members, staff, and residents, but for future generations in North Miami Beach to live by. He also stated that simplicity should be the goal.

Item #1 - Mayor's Authority/Vacancies in Office

Existing Provision: Charter Officers are appointed by the City Council and committees are established

in the Charter and any vacancies shall be filled by the City Council.

Proposed Provision Option "A": *Mayor, subject to Council approval, appoints City Council committees; Charter Officers appointed by City Council; and, Mayor's vacancy filled by Vice-Mayor until next general election or, if more than six months remain, in term of office then until a special election is held; and, a vacancy in a council member seat with less than 6 months in the term of office shall be filled by the nomination of the Mayor subject to confirmation of by City Council.*

Proposed Provision Option "B": *City Council appoints committees of City Council; Charter Officers; and, a vacancies in council member seats with less than 6 months in the term of office, or until a special election is held.*

City Attorney Smith explained the provision and gave examples of cities that have committees, such as finance, budget, and planning and zoning, which consist of members of the Council and are different than volunteer citizen boards. He also stated that Section 2 of the Code contains all of the committees currently in existence in North Miami Beach and if the City chose to establish a new board, it would be done by an ordinance. The fact that a council has never exercised the authority to make committees within the council was noted.

Motion to approve to retain the language of the existing provision regarding committees made by Mr. Cook, seconded by Mr. Asarnow.

MOTION PASSED 7-0.

Item #2 - Vice Mayor's Duties/Vacancy

Existing Provision: City Council elects a Vice Mayor to act and who shall exercise the powers of the Mayor; and vacancies shall be filled by the City Council pending the next general election, but if more than one year remains in the term of office, a special election to fill the vacancy shall be held.

Proposed Provision Option "A": *Vice-mayor will have all powers, authority, duties, and responsibilities of the Mayor and shall be designated by a resolution of the City Council; and, provides that if there is a vacancy in the Mayor's seat, the Vice-Mayor shall fill the Mayors seat unless there are more than 6 months remaining on the term of office and then a special election shall be held.*

City Attorney Smith explained the provision and noted other cities have decided that a one year vacancy was too long and voters should have the opportunity to fill the position. Mr. Fleurimond said that in cities where the Mayor has to run for office every two years, he would see it as a reasonable reason to consider the change, but because the city is under a four year term, one year is twenty-five percent (25%) of the term and that's not enough reason to make the change and put it in front of the constituents and citizens.

Motion to approve to retain the existing provision made by Mr. Lamberto, seconded by Mr. Asarnow.

MOTION PASSED 7-0.

On the subject of filling vacancies, City Attorney Smith asked the Committee whether they would prefer the Mayor bringing a nomination forward and having the Council vote for that person or allowing each council member the opportunity to nominate someone of their choice. Mr. Fleurimond explained the process that was in effect during his time on the Council. Councilwoman Beth E. Spiegel stated this issue was previously discussed and not amended by the former Charter Review Committee.

Motion to approve to leave the existing provision as is made by Mr. Lamberto, seconded by Mr. Asarnow.

MOTION PASSED 7-0.

Item #3 - Term of Office/Term Limits

Existing Provision: Mayor and Council limited to no more than eight consecutive years in office.

Proposed Provision Option "A": *No person shall be able to serve more than two terms as Mayor or Councilmember. This allows service as Mayor for two terms and Councilmember for two terms.*

Proposed Provision Option "B": *No person shall be able to serve more than two consecutive terms as Mayor or Councilmember. This would only place limits on consecutive service, an individual could serve more than two terms in any office so long as it was not consecutive.*

The Charter Review Committee discussed the allowable length of time to serve in office. The options discussed were whether to allow service as mayor for two terms and councilmember for two terms or to allow service for more than two terms as long as it was not consecutive. Mr. Dean expressed that changing this provision every couple of years is a disservice to the City. The issue of time served in office while filling a vacancy was determined not to count towards the consecutive years term limit.

Motion to approve to retain the existing provision (Section 22, Page 9) made by Mr. Lamberto, seconded by Mr. Dean.

MOTION PASSED 7-0.

Item #4 - Election Date

Existing Provision: Elections held biennially on the 1st Tuesday in May.

Proposed Provision Option "A": *Regular elections shall be held on the 1st Tuesday following the 1st Monday in November.*

Proposed Provision Option "B": *Regular elections shall be held on the day of the state primary election in August, if no state primary election is held then the election shall be held on the first Tuesday following the second Monday in September.*

Proposed Provision Option "C": *Keep the existing date-regular elections shall be held of the 1st Tuesday in May.*

The Charter Review Committee noted the low voter turnout and the cost involved in running city elections. The Committee discussed the differences between having elections at the same time as the County and conducting stand-alone elections. The committee considered having elections concurrent with the County would significantly lower the cost, but being on a crowded and shared ballot wouldn't allow for control over placement and could cause voter fatigue. Councilwoman Phyllis S. Smith inquired about the current election schedule cycle. Jean Olin explained the timeline for Federal, State, and County elections. City Attorney Smith reminded the Committee that they can always come back and revisit this topic and that it wasn't a formal binding vote.

Motion to approve to move City elections to November, in conjunction with County elections, in even numbered years made by Mr. Lamberto, seconded by Mr. Cook.

MOTION PASSED 5-2 with Mr. Dean and Mr. Fleurimond opposed.

Item #5 - Quorum

Existing Provision: A quorum shall consist of 5 members.

Proposed Provision Option "A": *a majority of the City Council shall constitute a quorum.*

Proposed Provision Option "B": *Retain the existing quorum requirement of 5 members.*

The Charter Review Committee and City Attorney Smith discussed several possible examples and scenarios when quorum can be lost, including excessive absenteeism, sickness, emergencies, and conflicts of interest. City Attorney Smith mentioned instances and occasions when maintaining quorum was an issue and informed the committee that several other cities and Robert's Rules of Order have adopted that a majority constitutes a quorum and 4 is the quorum under Florida State Law, but the City Charter can trump the Statute.

Motion to approve to change quorum to consist of a majority (4) made by Mr. Lamberto, seconded by Mr. Asarnow.

MOTION FAILED 4-3 with Cook, Dean, Edwards, and Fleurimond opposed.

UPCOMING MEETING TOPICS and MEETING DATE:

- Recusals
- Run-offs
- Attendance
- Flexible Meeting Schedule (1 or 2 a month)

Next Charter Review Committee Meeting is Thursday, December 10, 2015.

ADJOURNMENT

The meeting was adjourned at 7:38pm.

ATTEST:

(SEAL)



Pamela L. Latimore, CMC, City Clerk