

CHARTER REVIEW COMMITTEE MEETING

CITY OF NORTH MIAMI BEACH

City Hall, Conference Room, 4th Floor

17011 NE 19th Avenue, North Miami Beach, FL. 33162



Thursday, February 11, 2016 6:00 PM

Charter Review Committee Members:

Charles Asarnow, Chair
Norman Edwards, Vice-chair
Chuck Cook
William Dean Esq.
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, Outside Counsel
Pamela L. Latimore, City Clerk
Lynnetta Jackson, Deputy 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 Chariman Norman Edwards, Chuck Cook, William Dean, McKenzie Fleurimond (arrived shortly after roll call), Bruce Lamberto (arrived 25 minutes late), and Larry Thompson. Also present were City Attorney Jose Smith, Assistant City Attorney Sarah Johnston, City Clerk Pamela L. Latimore, Deputy City Clerk Lynnetta Jackson, and Outside Counsel Jean Olin, Esq.

Pledge of Allegiance was led by the Charter Review Committee.

Approval of Meeting Minutes

The Committee stated that the Minutes should reflect the Proposed Provision "D", which was approved under "Absenteeism", should include that the language be applied prospectively, as recommended by Outside Counsel Olin.

Motion to **approve** the Minutes of January 27, 2016 (as corrected) made by Mr. Cook seconded by Mr. Thompson.

MOTION PASSED 6-0 with Mr. Lamberto absent.

Outside Counsel Olin clarified there is an existing Charter provision which states the City Council has the power to remove any official that it appoints, including the position of City Clerk.

The current Charter stated this provision under the positions of City Manager and City Attorney respectively, but not under the position of City Clerk.

Absenteeism

City Attorney Smith sought reconsideration to clarify the direction given at the January 27, 2016 Charter Review Committee meeting.

City Clerk Latimore made a **Point of Order** to have a motion to reconsider this subject.

Motion to reconsider the previous vote on this subject made by Chair Asarnow, seconded by Mr. Thompson.

The Committee discussed the possible need for establishing a stricter absenteeism policy due to a previous discussion and vote of reducing the number of annual City council meetings to a minimum of 11. The Committee inquired about any City council member ever missing 6 months or 120 days of meetings and City staff members present were unable to confirm or recall that ever happening.

Motion to approve a provision stating prospectively that if any City council member fails to attend council meetings for 120 consecutive days, the council seat shall become vacant through due process made by Mr. Thompson, seconded by Mr. Dean.

MOTION PASSED 5-1 with Mr. Fleurimond opposed and Mr. Lamberto absent.

Qualifying Language

Outside Counsel Olin stated that the Committee had previously voted to change the City election date from the month of May in odd-numbered years (every 2 years) to the month of November in even-numbered years (every 2 years). She explained that the City has a 6 day qualifying time period and individuals interested in running for elected office have no earlier than 43 days and no later than 38 days to fill out the necessary paperwork and submit the required fees in order to be considered a candidate. She said that if the City Council chooses to accept the recommendation of the Committee to change the election date, it would affect the qualifying time period because Miami-Dade County has certain deadline dates because of the time needed to print, translate, and mail absentee ballots. She expressed that the County requires that municipalities qualify no later than 67 days before the election. Therefore, Outside Counsel Olin suggested that the City should adopt a qualifying period of no earlier than 78 days and no later than 73 days, while retaining the 6 day qualifying time. City Attorney Smith and City Clerk Latimore mentioned the documents needed to establish and determine residency of potential candidates and said any challenges to the issue of residency are up to the courts to define and decide.

Motion to approve Proposed Option "A" made by Mr. Thompson, seconded by Mr. Cook.

MOTION PASSED 7-0.

Outside Counsel Olin asked for clarification involving run-off elections in the City. The Committee confirmed that the elimination and removal of run-off elections that was previously voted on would only apply if the election date was moved from May to November.

Groups/Districts

Proposed Option "A" - *retain existing citywide groups 1-7 (group 1 is the Mayor)*

Proposed Option "B" - *recommend single member districts*

The Committee focused on several cities surrounding North Miami Beach and talked about the positive and negative aspects of having members on a Council/Commission exist in citywide groups or represent separate districts. The main issues discussed when considering the formation of districts were the benefits of a more diverse demographic of council members and the possibility of council members only caring about their particular neighborhood. City Attorney Smith mentioned that creating districts can be a long and difficult process.

Motion to approve Proposed Option "A" made by Mr. Lamberto, seconded by Mr. Dean.
MOTION PASSED 6-1 with Mr. Fleurimond opposed.

Mr. Lamberto was informed about the discussion and voting that took place earlier in the meeting on the subject of absenteeism. The Committee briefly discussed the matter of recording City meetings.

Upcoming Meeting Topics and Dates

The topics for the next Charter Review Committee meeting will include the civil service board, conduct of elections, and vacancies.

The next Charter Review Committee meeting will be on March 9, 2016.

The citizens meeting will be on April 6, 2016.

The final meeting of the Charter Review Committee will be announced at a later date.

The meeting was opened for **PUBLIC COMMENT**.

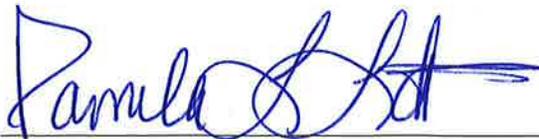
North Miami Beach resident Mubarak Kazan spoke on the subject of voting districts.

The meeting was closed for **PUBLIC COMMENT**.

The meeting was adjourned at 7:37pm.

ATTEST:

(SEAL)



Pamela L. Latimore, CMC, City Clerk