



# CHARTER REVIEW COMMITTEE MEETING

CITY OF NORTH MIAMI BEACH

City Hall, Conference Room, 4<sup>th</sup> Floor

17011 NE 19<sup>th</sup> Avenue, North Miami Beach, FL. 33162

Wednesday, March 9, 2016 6:00 PM

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**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  
Vice Mayor Beth E. Spiegel  
Councilwoman 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

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### Roll Call of the Committee Members

The meeting was called to order at 6:04pm. Present at the meeting were Chairman Charles Asarnow, Vice Chariman Norman Edwards, Chuck Cook, William Dean, McKenzie Fleurimond, Bruce Lamberto, and Larry Thompson (arrived at 6:19pm). 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. were also present.

**Pledge of Allegiance** was led by the Charter Review Committee.

City Attorney Smith introduced and acknowledged the attendance of Outside Labor Counsel David Miller of Bryant Miller Olive, Deputy City Attorney Dotie Joseph, Director of Human Resources Nadine Lewis, and Deputy Director of Human Resources Audrea Hinds.

### Approval of Meeting Minutes

The Committee clarified that the due process provision stated in the motion that was voted on and approved at the previous meeting for Absenteeism also included a good cause provision. The Committee commented that the City of Aventura will be having an upcoming special election that could result in imposing a stricter policy on their Absenteeism.

**Motion to approve** the Minutes of February 11, 2016 made by Mr. Cook, seconded by Mr. Lamberto.

**MOTION PASSED 6-0** with Mr. Thompson absent.

### **Civil Service Board**

Outside Labor Counsel Miller provided some history of the Civil Service system and explained that it was difficult many years ago for cities to react to changing circumstances because they only had local control through their charters due to the non-existence of ordinances, but the creation of Home Rule made the process much easier. He provided examples of the archaic language within the current provisions of the Civil Service Board in the current City Charter, such as the Director of Personnel (Human Resources) can also be the City Manager, and referenced the outdated charter of another municipality in South Florida that states the City Manager is also the Chief of Police. Mr. Miller suggested that the City consider moving relevant and modernized provisions of the Civil Service Board from the City Charter to the City Code to improve efficiency and avoid the future need of going to the electorate.

City Attorney Smith, Outside Counsel Olin, Human Resources Director Lewis, and Deputy Human Resources Director Hinds stated and agreed that the majority of the language in the existing provisions for the Civil Service Board was archaic and outdated. The Committee was informed that the majority of the cases heard by the current Civil Service Board involve approving newly created job positions/classifications and outside employment issues. Deputy City Attorney Joseph stated that the Civil Service Board has authority and jurisdiction over certain grievance cases, but the Human Resources department has been able to resolve most issues during her time as advisor and she mentioned that the Civil Service Board recently amended the process of outside employment approval requests on behalf of the employees.

City Attorney Smith stated that he is not recommending the abolition of the Civil Service Board because it serves a purpose in certain circumstances and he encouraged the Committee to retain the Civil Service Board and place updated and modernized provisions in the City Code. The Committee inquired as to whether or not moving Civil Service Board provisions to the City Code would make it easier or harder to terminate an employee and the reply was that it would not make a difference.

The Committee opened the meeting for public comment and North Miami Beach employee Janice Coakley talked about the importance and necessity of the Civil Service Board.

The Committee discussed the need to retain some semblance of a Civil Service Board and asked City Attorney Smith and Outside Counsel Olin to draft language that will address certain concerns and be presented to the Committee. City Attorney Smith stated that the essential powers of the Civil Service Board will be retained in the City Charter and the specific details of how the Civil Service Board will exercise those powers, such as procedural and administrative issues, will be dealt with by Code. City Clerk Latimore stated that the majority of employees in cities without a Civil Service Board are working under an agreement, union, contract, or are at-will as opposed to cities with a Civil Service Board.

No official motion was made concerning the Civil Service Board at this time. The Committee instructed City Attorney Smith and Outside Counsel Olin to present recommendations based on the consensus direction for a vote at a later date.

### **Recording of Meetings/Bill of Rights**

City Attorney Smith announced that the Bill of Rights of the City of North Miami Beach mirrors the Miami-Dade County Bill of Rights. City Clerk Latimore stated that audio and video recordings of meetings can be destroyed, but written summarized notes are permanently retained. The Committee discussed the validity and financial costs associated with recording all City meetings. Outside Counsel Olin explained the Sunshine Law and Public Records Law dealing with governmental transparency. City Clerk Latimore stated that all current processes for the record keeping of meetings in the City of North Miami Beach are done according to Florida Law.

No official motion and vote was made concerning the Recording of Meetings.

**Upcoming Meeting Topics and Dates**

The date of the next Charter Review Committee Meeting has yet to be determined.

The Charter Review Citizens Meeting will be on April 6, 2016.

Chairman Asarnow confirmed that all members of the Committee received an email from a North Miami Beach resident and asked for the email to become part of the official record of the Committee. City Attorney Smith announced that he answered and responded to every point in the email.

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

North Miami Beach employee Marva Simmonds asked for an explanation of the Municipal Home Rule Powers Act and inquired about the recording of meetings and minutes.

North Miami Beach employee Janice Coakley mentioned recent recommendations and changes made by the current Civil Service Board and asked about the required waiting period to receive certain public records requests.

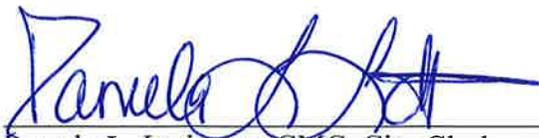
The meeting was closed for **PUBLIC COMMENT**.

Chairman Asarnow thanked Vice Mayor Spiegel and Councilwoman Smith for attending the meeting.

The meeting was adjourned at 7:48pm.

ATTEST:

(SEAL)

A handwritten signature in blue ink, appearing to read "Pamela L. Latimore", written over a horizontal line.

Pamela L. Latimore, CMC, City Clerk