



CITY OF NORTH MIAMI BEACH
Charter Review Committee Meeting
City Hall, Conference Room, 4th Floor
17011 NE 19th Avenue
North Miami Beach, FL 33162
Thursday, December 10, 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, Bruce Lamberto, and Larry Thompson. Also present were City Attorney Jose Smith, Assistant City Attorney Sarah Johnston, City Clerk Pamela L. Latimore, Assistant City Clerk Lynnetta Jackson, and Jean Olin, Esq., Outside Counsel.

Pledge of Allegiance was led by the Charter Review Committee.

Item #1 - Run-Off's

Existing Provision: Candidates must be elected to office by receiving the majority of the votes cast in the election.

Proposed Provision Option "A": *Candidates must receive the highest number of votes of the ballots cast to be elected to office.*

Proposed Provision Option "B": *Retain existing language.*

The Committee discussed the high cost of having a run-off election and the historically low voter turn-out for such elections. The Committee inquired about the recent history of run-off elections in North Miami Beach. City Clerk Latimore stated that most, if not all, general elections featured a run-off election and the cost of a general election is about \$60,000 and a run-off is approximately the same amount. City Clerk Latimore also said run-off elections receive about half the voter turnout of a general election. Outside Counsel Jean Olin stated there is a pending State bill that will impact municipal elections and the City would not have the authority and ability to control the dates. The Committee mentioned that a run-off election could provide a clear and concise decision and avoid the situation of a winning candidate receiving as low as 25% of the total vote if there are 4 or more candidates. City Attorney Smith explained the difference between receiving the majority of the votes as opposed to receiving the highest number of votes.

Motion to approve to retain the existing language made by Mr. Fleurimond, seconded by Mr. Edwards. **Motion Failed 3-4** with Mr. Asarnow, Mr. Dean, Mr. Lamberto, and Mr. Thompson opposed.

Motion to approve to adopt Option "A" made by Mr. Thompson, seconded by Mr. Lamberto. **Motion Passed 4-3** with Mr. Cook, Mr. Edwards, and Mr. Fleurimond opposed.

Item #2 - Flexible Meetings

Existing Provision: Meetings shall commence at 7:30pm and be held on the first and third Tuesday of each month.

Proposed Provision Option "A": *There shall be a minimum of 11 regular monthly meetings per year, which shall be prescribed by the Resolution.*

Proposed Provision Option "B": *Retain the existing language.*

City Attorney Smith announced that City Manager Garcia would be speaking on this subject.

City Manager Garcia thanked the Committee for taking the time to volunteer and serve for such a worthy and significant endeavor. She explained that City staff is constantly in agenda and meeting mode, which doesn't always result in greater efficiency, productivity, and financial responsibility. She stated that when she was previously employed at another municipality so much more was accomplished when having monthly meetings. She expressed her favor in having fewer scheduled meetings and said it would not mean any less communication with residents. The Committee inquired if one meeting a month would be sufficient to deal with the amount of legislation and items that require Council approval. City Manager Garcia replied affirmatively and also mentioned that special meetings can always be called, along with Council conference workshops. City Clerk Latimore stated having fewer meetings would result in less of a rush for the Council. City Attorney Smith stated there is often not enough time to review bids, contracts, and ordinances from one meeting to the next, and also acknowledged that the city would save money having fewer meetings. The Committee was informed that meetings would be scheduled through a Resolution.

Mayor Vallejo appeared at the meeting and thanked the Committee for their service.

Motion to approve to adopt Option "A" made by Mr. Cook, seconded by Mr. Fleurimond. **Motion Passed 6-1** with Mr. Edwards opposed.

Item #3 - City Departments

Existing Provision: Provides for Finance, Personnel, Recreation, Police, and Fire Departments.

Proposed Provision Option "A": *The City Manager shall direct and supervise the administration (including creation and elimination) of City Departments, excluding the City Attorney and City Clerk's departments.*

Proposed Provision Option "B": *Retain in whole or in part, the existing language, except for references to the Fire Department.*

City Attorney Smith explained the existing provision and the options available for proposed provisions. City Manager Garcia discussed her experiences in other cities, relating to organizational structure and the naming of specific departments. Outside Counsel Jean Olin stated that this provision could be deleted and removed from the City Charter and moved to the City Code. Assistant City Attorney Johnston explained that the removal of a City department in the City Code would require City Council approval. City Clerk Latimore explained the differences in making changes to items that are in the City Charter and the City Code. City Attorney Smith made a suggestion to the Committee to leave the Police Department in the City Charter. The Committee discussed whether having the Police Department remain in the Charter could affect union negotiations.

Motion to approve to keep the Police Department in the City Charter made by Mr. Fleurimond, seconded by Mr. Dean.

Motion Failed 3-4 with Thompson, Cook, Edwards, Lamberto opposed (?)

Motion to approve to adopt Option "A" made by Mr. Edwards, seconded by Mr. Cook.

Motion Passed 6-1 with Mr. Dean opposed.

Item #4 - Recusals

Existing Provision: There is no existing language in the Charter addressing recusals.

Proposed Provision Option "A": *Include a provision in the Citizens' Bill of Rights providing that council members shall make best efforts to vote unless they cannot vote due to a recusal pursuant to law.*

Proposed Provision Option "B": *Include a provision stating that a code of ethics shall be adopted and allow recusals to be addressed in the Code.*

Proposed Provision Option "C": *Retain existing language.*

The Committee stated the reason for this subject is because certain issues have transpired in the past due to members of the Council choosing not to vote for a variety of reasons. City Attorney Smith expressed that inappropriate recusals are an ongoing concern and an issue of ethics. City Attorney Smith stated that when an elected public official or appointed board member leaves a meeting to avoid voting, they have to file a conflict of interest form. Outside Counsel Jean Olin mentioned that the County Ethics Commission has jurisdiction over the Municipal Ethics Code and the Municipal Citizens' Bill of Rights.

Existing Provision: The existing Charter provides that if any council member fails to attend council meetings for 120 days, the seat shall become vacant.

Proposed Provision Option "A": *Include a provision in the Citizens' Bill of Rights that council members shall make best efforts to attend all meetings.*

Proposed Provision Option "B": *Include a provision that after missing more than 3 council meetings per year, the salary and benefits (for the fiscal year) shall be forfeited to the City.*

Proposed Provision Option "C": *Retain existing language.*

City Attorney Smith read and explained the existing provision. The Committee discussed issues related to absenteeism, including illness and reasons for missing meetings with good cause.

Motion to table this item until a future meeting was made by Mr. Lamberto, seconded by Mr. Cook.

Motion Passed 6-1 with Mr. Dean opposed.

North Miami Beach resident Mubarak Kazan was recognized and discussed the possibility of receiving the agenda for the Charter Review Committee meeting beforehand and suggested that citizens have access to a public email address to voice their questions and concerns.

Next Charter Review Committee Meeting is Thursday, January 14, 2016.

ADJOURNMENT

The meeting was adjourned at 7:58pm.

ATTEST:

(SEAL)



Pamela L. Latimore, CMC, City Clerk