



V I L L A G E O F K E Y B I S C A Y N E

Village Council

Robert L. Vernon, *Mayor*
Jorge E. Mendia, *Vice Mayor*
Michael Davey
Enrique Garcia
Steve Liedman
Thomas Thornton
Patricia Weinman

March 30, 2007

The Honorable Mayor and
Members of the Village Council
Village of Key Biscayne
88 W. McIntyre Street
Key Biscayne, FL 33149

Re: Charter Review Commission Final Report

Dear Mayor and Councilmembers,

I am writing to you as Chairman and on the behalf of the 2007 Village of Key Biscayne Charter Review Commission (the "Commission"). This letter will serve as the Commission's report as required by Section 7.06 of the Village Charter (the "Charter"). The Commission's task was to review and analyze the Charter and to determine if there were potential revisions that should be submitted to a vote of the Village electors. The Commission met on five (5) separate occasions, each a publicly advertised meeting.

During our meetings, we sequentially reviewed, analyzed, and discussed each and every section of the Charter. After each section was reviewed and public input was considered, the Commission discussed and suggested potential revisions, additions, or deletions to that particular section. To provide the Council with some of the background of our deliberations and considerations, we have enclosed copies of each of our five (5) agendas as well as minutes from our meetings.

At the Commission's final meeting on March 21, 2007, the Commission convened for the purpose of determining which revisions, if any, should be submitted to a vote of the Village electors. During this meeting, the Commission determined that only two (2) proposed revisions to the Charter should be submitted to a vote of the Village Electors. The proposed revisions are attached as exhibits to this report and are summarized as follows:

1. Change to the Referendum Process.

The first amendment proposes to provide a time frame for electors to commence a referendum proceeding challenging an ordinance adopted by the Village Council which approved a Capital Project. Currently, the

Charter provides no time frame for commencing a referendum for the reconsideration of such an ordinance. The Commission is concerned that a situation may arise where the Village has spent a substantial amount of money planning and constructing a Capital Project and during the project a referendum proceeding is commenced and the ordinance adopting the project is rejected by the Village electorate. To address this problem, the Commission is recommending that a referendum proceeding, for the reconsideration of an ordinance approving a Capital Project which is of a cost in excess of \$500,000, commence within thirty (30) days after adoption of the ordinance, which is the same time frame for the reconsideration of an ordinance authorizing the issuance of debt.

2. Change to Timing of Election of Charter Review Commission Proposals.

The second amendment proposes to amend the option of when charter amendments proposed by the Charter Review Commission would be required to be submitted to the Village electors. Currently, the Charter provides:

The report of the Charter Revision Commission may grant to the Council the option of placing the proposed amendments on the ballot for the next scheduled election. Otherwise, the Council shall, not less than thirty (30) days or more than sixty (60) days after submission of the proposed amendments to the Council...

The Commission felt that this requirement could potentially cause an election to occur on the proposed Charter Review Commission amendments during the summer months, which could likely lead to a poor turnout of the Village electors. Therefore, in order to try to alleviate the potential for a summer election, the Commission recommends amending the Charter to permit future Charter Review Commissions the opportunity to grant to the Village Council the option of placing proposed amendments on the ballot for the next scheduled Village Mayoral or Council, countywide, statewide, or federal election.

On behalf of the full Commission, I would like to thank the Council for the opportunity to serve on the Commission and look forward to appearing before you should you have any questions or concerns about the report. Finally, as provided for in Section 7.06 of the Charter, the Commission voted to grant the Village Council the option of placing the proposed amendments on the ballot for the next scheduled election.

Respectfully,



Steve Liedman

Village Councilmember and
Chair of the Charter Review Commission

for

Section 5.02. Initiative and referendum.

(a) *Power to initiate and reconsider ordinances.*

(ii) *Referendum.*

(A) The electors of the Village shall have power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a Village election, provided that such power shall not extend to the annual budget or any ordinance appropriating money, levying taxes or setting salaries of Village officers or employees. The referendum power described in paragraph (ii)(A) of this subsection (a) shall not be available to require reconsideration of an ordinance authorizing the issuance of debt or a Capital Project in excess of \$500,000, unless proceedings with respect to the referendum are commenced within thirty (30) days after the date of adoption of the ordinance.

Section 7.06. Charter revision.

At its first regular meeting in December of every fifth (5th) year after the adoption of this Charter, commencing with December 1996, the Council shall appoint a Charter revision commission (the "Charter Revision Commission") consisting of five (5) persons, one (1) of whom shall be a member of the Council serving a second consecutive term as Council Member and four (4) of whom shall be electors of the Village. If there are no Council Members serving a second consecutive term, the Council shall appoint to the revision commission one (1) Council Member. The Mayor shall not be eligible for appointment to the Charter Revision Commission. The Charter Revision Commission shall commence its proceedings within forty-five (45) days after appointment by the Council. If the Charter Revision Commission determines that a revision is needed, it shall draft such amendments to this Charter as it deems appropriate and submit the same to the Council not later than April 1 of the year following appointment. The report of the Charter Revision Commission may grant to the Council the option of placing the proposed amendments on the ballot for the next scheduled Village Mayoral or Council, countywide, statewide, or federal ~~scheduled~~ election. Otherwise, the Council shall, not less than thirty (30) days or more than sixty (60) days after submission of the proposed amendments to the Council, submit them to the electors of the Village in accordance with the provisions of Section 6.02, except that the provisions of subsections (a) and (b) of such Section shall not apply.



V I L L A G E O F K E Y B I S C A Y N E

Village Council

Robert L. Vernon, *Mayor*
Jorge E. Mendia, *Vice Mayor*
Michael Davey
Enrique Garcia
Steve Liedman
Thomas Thornton
Patricia Weinman

CHARTER REVISION COMMISSION
WEDNESDAY, JANUARY 24, 2007

6:00 P.M.

1. **CALL TO ORDER/ROLL CALL OF MEMBERS**
2. **ELECTION OF VICE CHAIRMAN**
3. **OVERVIEW BY VILLAGE ATTORNEY**
4. **SCHEDULE OF MEETINGS**
5. **OTHER BUSINESS/GENERAL DISCUSSION**
6. **ADJOURNMENT**

I. ANY PERSON WISHING TO ADDRESS THE CHARTER REVISION COMMISSION ON AN ITEM ON THIS AGENDA IS ASKED TO REGISTER WITH THE VILLAGE CLERK PRIOR TO THAT ITEM BEING HEARD. PRIOR TO MAKING A STATEMENT, PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.

II. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS PROCEEDING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE VILLAGE CLERK, 85 WEST MCINTYRE STREET, KEY BISCAYNE, FLORIDA 33149, TELEPHONE NUMBER (305) 365-5506, NOT LATER THAN TWO BUSINESS DAYS PRIOR TO SUCH PROCEEDINGS.

III. IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CHARTER REVISION COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED (F.S.286.0105).

IV. IN ACCORDANCE WITH VILLAGE CODE SECTION 2-161, ADOPTING SECTION 2-11.1(s) OF THE MIAMI-DADE COUNTY CODE, ANY PERSON ENGAGING IN LOBBYING ACTIVITIES, AS DEFINED THEREIN, MUST REGISTER AT THE VILLAGE CLERK'S OFFICE BEFORE ADDRESSING THE COUNCIL ON THE ABOVE MATTERS OR ENGAGING IN LOBBYING ACTIVITIES.

88 West McIntyre Street • Key Biscayne, Florida 33149 • (305) 365-5506 • Fax (305) 365-8914

MISSION STATEMENT: "TO PROVIDE A SAFE, QUALITY COMMUNITY ENVIRONMENT FOR ALL ISLANDERS THROUGH RESPONSIBLE GOVERNMENT."

www.keybiscayne.fl.gov

MINUTES

CHARTER REVISION COMMISSION
VILLAGE OF KEY BISCAYNE, FLORIDA

WEDNESDAY, JANUARY 24, 2007

COUNCIL CHAMBER
560 CRANDON BOULEVARD

The meeting was called to order at 6:00 p.m. Present were Commission Members Stuart D. Ames, Betty Sime Conroy, Robert Fernandez, Mark Fried and Chairman Steve Liedman. Also present were Village Clerk Conchita H. Alvarez and Village Attorneys Stephen P. Helfman and Chad Friedman.

The Clerk led the Pledge of Allegiance.

The Clerk addressed the Commission stating that this meeting had been duly advertised in the Islander News, posted on the bulletin board at Village Hall and on the announcement board as you enter the Village. The Clerk further stated that the meeting is being transmitted live on Channel 16.

Chairman Liedman addressed the Commission opening the floor for nominations for Vice Chairman. Member Ames made a motion to nominate Member Sime Conroy as Vice Chairman. The motion was seconded by Member Fried and approved by a unanimous vote.

The Attorney notified the Commission that they are covered by the Florida Sunshine Law, which means, no private conversations with each other can be held about a Charter matter.

The Attorney brought to the attention of the Commission that according to the Village Charter we are required to review the Charter every five (5) years by a Commission selected by the Council.

January 24, 2007

The Attorney also brought to the attention of the Commission, that their final report is due by April 1, 2007. The process will be the following: the Charter Revision Commission will make recommendations to the Village Council, the Council will then place the proposed amendments on a ballot by ordinance and submit them to a vote of the electors at the next general election held within the Village or at a special election called for such purpose. At that time, the Council can propose any Charter changes.

The Commission decided to schedule the first two (2) meetings this evening. The schedule of meetings is as follows:

Monday, February 5, 2007	7:00 p.m.	Articles I, II and III
Tuesday, February 20, 2007	6:00 p.m.	Articles IV and V

In the event the Commission finishes with the articles that they are working on, they will move on to the next article.

The Chairman suggested that a quorum should be established. The Commission concurred that three (3) members present would be a quorum.

Member Ames made a motion to require that a 4/5 vote of the Commission will be necessary in order to approve the final recommended amendments to the Charter, if any. The vote was seconded by Vice Chairman Conroy and approved by unanimous consent.

Vice Chairman Conroy made a motion to adopt the rules of the Village Council on limiting speakers to 3 minutes and to end the meetings at 10:00 p.m. or 11:00 p.m. depending on the time the meeting starts. The motion was seconded by Member Fernandez and approved by a unanimous vote.

The Village Clerk was directed to advertise these meetings in the Islander News, La Isla, Channel 16, the bulletin board at Village Hall and the announcement board as you enter the Village.

The meeting was adjourned at 6:45 p.m.

Respectfully submitted:



Conchita H. Alvarez, CMC
Village Clerk

January 24, 2007

*Approved by the Commission
this 5th day of February, 2007:*

A handwritten signature in black ink, appearing to read 'S. Liedman', written over a horizontal line.

*Steve Liedman
Chairman*

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CHARTER REVIEW COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.



VILLAGE OF KEY BISCAYNE

Village Council
Robert L. Vernon, *Mayor*
Jorge E. Mendia, *Vice Mayor*
Michael Davey
Enrique Garcia
Steve Liedman
Thomas Thornton
Patricia Weinman

CHARTER REVISION COMMISSION
MONDAY, FEBRUARY 5, 2007

7:00 P.M.

1. **CALL TO ORDER/ROLL CALL OF MEMBERS**
2. **PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF MINUTES:**
 - A. JANUARY 24, 2007 MINUTES
4. **CURRENT KEY BISCAYNE CHARTER**
5. **PROPOSED 2002 CHARTER AMENDMENTS
AND ELECTION RESULTS**
6. **Article I - Corporate Existence, Form of Government,
Boundary and Powers**
 - Sec. 1.01. Corporate existence.
 - Sec. 1.02. Form of Government.
 - Sec. 1.03. Corporate boundary/MAP.
 - Sec. 1.04. Powers.
 - Sec. 1.05. Construction.
 - Sec. 1.06. Capitalization.

1 of 3

February 5, 2007

7. **Article II. Village Council; Mayor**

- Sec. 2.01. Village Council.
- Sec. 2.02. Mayor and Vice Mayor.
- Sec. 2.03. Election and Term of Office.
- Sec. 2.04. Qualifications.
- Sec. 2.05. Vacancies; forfeiture of office; filling of vacancies.
- Sec. 2.06. Recall.
- Sec. 2.07. No compensation; reimbursement for expenses.

8. **Article III. Administrative**

- Sec. 3.01. Village Manager.
- Sec. 3.02. Appointment; removal; compensation.
- Sec. 3.03. Powers and duties of the Village Manager.
- Sec. 3.04. Village Clerk.
- Sec. 3.05. Village Attorney.
- Sec. 3.06. Village code of administrative regulations.
- Sec. 3.07. Expenditure of Village funds.
- Sec. 3.08. Competitive bid requirement.
- Sec. 3.09. Removal of Council Appointees.

9. **SCHEDULE OF FUTURE MEETINGS:**

- A. TUESDAY, FEBRUARY 20, 2007, 6:00 P.M., COUNCIL CHAMBER

10. **ADJOURNMENT**

February 5, 2007

I. ANY PERSON WISHING TO ADDRESS THE CHARTER REVISION COMMISSION ON AN ITEM ON THIS AGENDA IS ASKED TO REGISTER WITH THE VILLAGE CLERK PRIOR TO THAT ITEM BEING HEARD. PRIOR TO MAKING A STATEMENT, PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.

II. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS PROCEEDING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE VILLAGE CLERK, 88 WEST MCINTYRE STREET, KEY BISCAYNE, FLORIDA 33149, TELEPHONE NUMBER (305) 365-5506, NOT LATER THAN TWO BUSINESS DAYS PRIOR TO SUCH PROCEEDINGS.

III. IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE VILLAGE COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED (F.S.286.0105).

IV. IN ACCORDANCE WITH VILLAGE CODE SECTION 2-161, ADOPTING SECTION 2-11.1(s) OF THE MIAMI-DADE COUNTY CODE, ANY PERSON ENGAGING IN LOBBYING ACTIVITIES, AS DEFINED THEREIN, MUST REGISTER AT THE VILLAGE CLERK'S OFFICE BEFORE ADDRESSING THE COUNCIL ON THE ABOVE MATTERS OR ENGAGING IN LOBBYING ACTIVITIES.

V. IN THE EVENT THE COMMISSION FINISHES WITH THE ARTICLE THAT THEY ARE WORKING ON, THEY WILL MOVE ON TO THE NEXT ONE. THE ABOVE MEETINGS ARE SUBJECT TO CHANGE. PLEASE CONTACT THE OFFICE OF THE VILLAGE CLERK AT 305-365-5506 FOR CONFIRMATION.

MINUTES

CHARTER REVISION COMMISSION
VILLAGE OF KEY BISCAYNE, FLORIDA

MONDAY, FEBRUARY 5, 2007

COUNCIL CHAMBER
560 CRANDON BOULEVARD

The meeting was called to order by the Chairman at 7:00 p.m. Present were Commissioners Stuart D. Ames, Mark Fried, Vice Chairman Betty Sime Conroy and Chairman Steve Liedman. Commissioner Robert Fernandez was absent. Also present were Village Clerk Conchita H. Alvarez and Village Attorney Stephen P. Helfman.

The Chairman led the Pledge of Allegiance.

The Clerk announced that the meeting was properly noticed.

The minutes of the January 24, 2007 Charter Revision Commission meeting were approved by unanimous consent.

It was the consensus of the Commission that there is no need to make motions on Sections of the Charter where no changes are proposed.

Section 1.01. *Corporate existence.* No discussion.

Section 1.02. *Form of government.* No discussion.

Section 1.03. *Corporate boundary/MAP.* No discussion.

February 5, 2007

Section 1.04. Powers. No discussion.

Section 1.05. Construction. No discussion.

Section 1.06. Capitalization. No discussion.

Section 2.01. Village Council. Vice Chairman Conroy addressed the Commission regarding the composition of the Council, specifically seven members versus five members. The Commissioners expressed their satisfaction with the concept of a seven member Council.

Section 2.02. (a) Mayor. Commissioners discussed the manner in which the Mayor is elected and the powers of the Mayor, however, no changes were proposed for this section.

Former Councilmember Mortimer Fried, 291 Harbor Court addressed the Commission regarding the powers of the Mayor.

Section 2.02. (b). Vice Mayor. No discussion.

Section 2.03. Election and term of office. Commissioner Fried proposed to amend this section as follows: (a) Each Council Member ~~and the Mayor~~ shall be elected at-large for a ~~two (2) year~~ four (4) year term by the electors of the Village in the manner provided in Article V of this Charter..... The Mayor shall ~~continue to~~ be elected for a two (2) year term. There was no objection to the proposal.

Commissioner Ames addressed the election of Councilmembers to specific seats versus at-large.

It was the consensus of the Commission to bring this section back for a more in depth discussion.

The Attorney was directed to draft this section of the Charter to eliminate the transition provisions for the change from two (2) year terms to four (4) year terms for Councilmembers.

Section 2.04. Qualifications. No discussion.

Section 2.05. Vacancies, forfeiture of office, filling of vacancies. No discussion.

Section 2.05. Forfeiture of office. (b)(ii) Forfeiture by absence. The Commissioners discussed clarifying this provision, but no changes were proposed for this section.

Section 2.06. Recall. The Commissioners discussed the possibility of clarifying this section. The Attorney addressed the Commission stating that the Florida Statutes address this process.

February 5, 2007

It was the consensus of the Commission to bring this section back for a more in depth discussion.

Section 2.07. *No compensation; reimbursement for expenses.* There was discussion from the public and the Commissioners, but no changes were proposed for this section.

Former Councilmember Fried addressed the Commission regarding Section 2.07.

The Clerk and the Attorney were directed to survey other municipalities as it relates to compensation for elected officials.

It was the consensus of the Commission to bring this section back for a more in depth discussion.

Section 3.01. *Village Manager.* No discussion.

Section 3.02. *Appointment; removal; compensation.* No discussion.

Section 3.03. *Powers and duties of the Village Manager.* No discussion.

Section 3.04. *Village Clerk.* No discussion.

Section 3.05. *Village Attorney.* No discussion.

Section 3.06. *Village code of administrative regulations.* No discussion.

Section 3.07. *Expenditure of Village funds.* The Attorney and the Commissioners addressed this issue proposing to include a time frame to challenge an ordinance for capital projects.

It was the consensus of the Commission to bring this section back for a more in depth discussion.

Section 3.08. *Competitive bid requirement.* No discussion.

Section 3.09. *Removal of Council Appointees.* No discussion.

Section 4.01. *Council meeting procedure.* The Commissioners and the Attorney discussed clarifying the eleven (11) regular monthly meetings provision, but no changes were proposed for this section.

The Clerk reported to the Commission that the Council held twelve (12) Regular Council Meetings, five (5) Zoning Meetings, four (4) Workshops, two (2) Special Meetings and two (2) LPA Meetings in 2006.

Section 4.02. *Prohibitions.* No discussion.

Section 4.03. *Action requiring an ordinance.* No discussion.

Section 4.04. *Emergency ordinances.* No discussion.

Section 4.05. *Annual budget adoption.* No discussion.

Section 4.06. *Fiscal year.* No discussion.

Section 4.07. *Appropriation amendments during the fiscal year.* The Commissioners and the Attorney discussed this section, but no changes were proposed.

Section 4.08. *Authentication, recording and disposition of ordinances, resolutions and charter amendments.* No discussion.

Section 4.09. *Tax levy.* No discussion.

Section 4.10. *Borrowing.* No discussion.

Section 4.11. *Revenue sharing.* No discussion.

Section 4.12. *Village boards and agencies.* No discussion.

Section 4.13. *Village Code, Ordinances and Resolutions.* No discussion.

Section 4.14. *Special Assessments.* The Commissioners and the Attorney discussed this section, but no changes were proposed.

Section 5.01. *Elections.* No discussion.

Section 5.02. *Initiative and referendum.* The Commissioners and the Attorney discussed this section, specifically the percentage of voters required to commence the initiative and referendum process.

Commissioner Ames discussed the possibility of adding some language, to this section, to include the following parameters: equal-expenditure provision whereby, prior to a referendum election, if the Council decides to spend public funds on a statement of position or persuasion for a particular issue, that the minority opinion of the Council, if there is one, has the opportunity to draft and mail out the same size position statement.

February 5, 2007

It was the consensus of the Commission to bring this section back for a more in depth discussion.

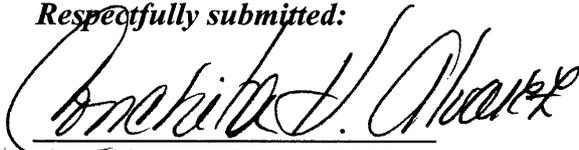
The Clerk will look into the initiative and referendum process and report back to the Commission with recommendations, if any, to clarify this section.

Section 5.03. *Form of ballots.* No discussion.

The next meeting of the Charter Revision Commission will be on Tuesday, February 20, 2007 at 6:00 p.m. in the Council Chamber.

The meeting was adjourned at 8:55 p.m.

Respectfully submitted:



Conchita H. Alvarez, CMC
Village Clerk

Approved by the Commission
this 20th day of February, 2007:



Steve Liedman
Chairman

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CHARTER REVIEW COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.



VILLAGE OF KEY BISCAYNE

Village Council

Robert L. Vernon, *Mayor*
Jorge E. Mendia, *Vice Mayor*
Michael Davey
Enrique Garcia
Steve Liedman
Thomas Thornton
Patricia Weinman

CHARTER REVISION COMMISSION TUESDAY, FEBRUARY 20, 2007

6:00 P.M.

1. **CALL TO ORDER/ROLL CALL OF MEMBERS**
2. **PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF MINUTES:**
 - A. FEBRUARY 5, 2007 MINUTES
4. **CURRENT KEY BISCAYNE CHARTER**
5. **PAST PROPOSED CHARTER AMENDMENTS BY COUNCIL AND/OR ELECTORS AND ELECTION RESULTS**
6. **LANGUAGE FOR PROPOSED CHARTER AMENDMENTS AS PROPOSED AT THE FEBRUARY 5, 2007 MEETING**
7. **REVIEW OF THE FOLLOWING SECTIONS OF THE CHARTER:**
 - Section 2.03. Election and Term of office.**
 - Section 2.06. Recall.**

1 of 3

February 20, 2007

Section 2.07. No compensation; reimbursement for expenses.

Section 3.07. Expenditure of Village funds.

Section 5.02. Initiative and Referendum.

7. Article VI. Charter Amendments

- Sec. 6.01. Charter Amendments.
- Sec. 6.02. Procedure to amend.
- Sec. 6.03. Form of ballot.

8. Article VII. General Provisions

- Sec. 7.01. No casino gambling.
- Sec. 7.02. Severability.
- Sec. 7.03. Conflict of interest; ethical standards.
- Sec. 7.04. Village personnel system; merit principle.
- Sec. 7.05. Grants and charitable contributions.
- Sec. 7.06. Charter revision.
- Sec. 7.07. Variation of pronouns.

9. Article VIII. Transition provisions

- Sec. 8.01. Temporary nature of Article.
- Sec. 8.04. Taxes and fees.
- Sec. 8.08. Transition provisions to facilitate change to two-year terms.

10. SCHEDULE OF FUTURE MEETINGS:

- A. TO BE ANNOUNCED

11. ADJOURNMENT

February 20, 2007

I. ANY PERSON WISHING TO ADDRESS THE CHARTER REVISION COMMISSION ON AN ITEM ON THIS AGENDA IS ASKED TO REGISTER WITH THE VILLAGE CLERK PRIOR TO THAT ITEM BEING HEARD. PRIOR TO MAKING A STATEMENT, PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.

II. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS PROCEEDING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE VILLAGE CLERK, 88 WEST MCINTYRE STREET, KEY BISCAYNE, FLORIDA 33149, TELEPHONE NUMBER (305) 365-5506, NOT LATER THAN TWO BUSINESS DAYS PRIOR TO SUCH PROCEEDINGS.

III. IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE VILLAGE COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED (F.S.286.0105).

IV. IN ACCORDANCE WITH VILLAGE CODE SECTION 2-161, ADOPTING SECTION 2-11.1(s) OF THE MIAMI-DADE COUNTY CODE, ANY PERSON ENGAGING IN LOBBYING ACTIVITIES, AS DEFINED THEREIN, MUST REGISTER AT THE VILLAGE CLERK'S OFFICE BEFORE ADDRESSING THE COUNCIL ON THE ABOVE MATTERS OR ENGAGING IN LOBBYING ACTIVITIES.

V. IN THE EVENT THE COMMISSION FINISHES WITH THE ARTICLE THAT THEY ARE WORKING ON, THEY WILL MOVE ON TO THE NEXT ONE. THE ABOVE MEETINGS ARE SUBJECT TO CHANGE. PLEASE CONTACT THE OFFICE OF THE VILLAGE CLERK AT 305-365-5506 FOR CONFIRMATION.

VI. ONE OR MORE COUNCILMEMEBERS MAY ATTEND THE MEETING.

MINUTES

CHARTER REVISION COMMISSION
VILLAGE OF KEY BISCAIYNE, FLORIDA

TUESDAY, FEBRUARY 20, 2007

COUNCIL CHAMBER
560 CRANDON BOULEVARD

The meeting was called to order by the Chairman at 7:00 p.m. Present were Commissioners Stuart D. Ames, Robert Fernandez, Mark Fried, Vice Chairman Betty Sime Conroy and Chairman Steve Liedman. Also present were Village Clerk Conchita H. Alvarez and Village Attorney Stephen P. Helfman.

The Chairman led the Pledge of Allegiance.

Vice Chairman Conroy made a motion to approve the minutes of the February 5, 2007 Charter Revision Commission. The motion was seconded by Commissioner Ames and approved by a unanimous vote.

The Clerk submitted, for the information of the Commission, past proposed Charter Amendments by Council and/or electors and Initiative and/or Referendum petition results.

The Attorney submitted language for proposed Charter amendments as proposed at the February 5, 2007 Charter Revision Commission Meeting.

Article VI. Charter Amendments

Section 6.01. *Charter Amendments.* No discussion.

Section 6.02. *Procedure to amend.* The Commissioners and the Attorney discussed this section at length. It was consensus of the Commission to bring this section back for more in depth discussion. It was the consensus of the Commission to direct staff to survey other municipalities with 6,000 electors or less, as it relates to the number of electors required to amend the Charter. Commissioner Fernandez proposed to increase the threshold for Charter amendments to require approval by 60% of the voters.

Section 6.03. *Form of ballot.* No discussion.

Article VII. General Provisions

Section 7.01. *No casino gambling.* No discussion.

Section 7.02. *Severability.* No discussion.

Section 7.03. *Conflict of interest; ethical standards.* There was discussion from the Commissioners and the Attorney regarding this section, but no changes were proposed.

Section 7.04. *Village personnel system; merit principle.* No discussion.

Section 7.05. *Grants and charitable contributions.* It was the consensus of the Commission to bring this section back for more in depth discussion.

Section 7.06. *Charter revision.* No discussion.

Section 7.07. *Variation of pronouns.* No discussion.

Article VIII. Transition provisions

Section 8.01. *Temporary nature of Article.* No discussion.

Section 8.04. *Taxes and fees.* No discussion.

Section 8.08. *Transition provisions to facilitate change to two-year terms.* No discussion.

The Commission reviewed the following sections of the Charter:

Section 2.03. Election and Term of office.

(a) Each Council Member ~~and the Mayor~~ shall be elected at-large for a ~~four~~ two (2) year term by the electors of the Village in the manner provided in Article V of this Charter. ~~However, beginning with the 2006 elections, a transition shall commence in the length of the term of office by providing for Council Members to be elected at-large for a four (4) year term by the electors of the Village in the manner provided in Article V of this Charter. In order to create and maintain staggered terms which provides continuity in the legislative branch of government, there shall be a transition made from two (2) year terms to four (4) year terms. This transition from a two (2) year term to a four (4) year term of office shall be accomplished by providing that the three (3) Council Members receiving the most votes at the 2006 election shall receive four (4) year terms of office and the remaining three (3) Council Members who are elected at the 2006 election shall receive two (2) year terms of office. The Mayor shall continue to be elected at-large for a two (2) year term by the electors of the Village in the manner provided in Article V of this Charter.~~²

Commissioner Ames addressed the election of Councilmembers to specific seats versus at-large. There was extensive discussion from the Commission and the Attorney regarding this Section and the consensus was to bring the section back for more in depth discussion.

Section 2.06. Recall.

The electors of the Village shall have the power to recall and to remove from office any elected official of the Village to the extent permitted by the Constitution and laws of the State. The minimum number of electors of the Village which shall be required to initiate a recall petition shall be ten percent (10%) of the total number of electors of the Village as of the preceding Village election or as otherwise provided by State law.

The matter was discussed at length, but the Commission decided against making changes to Section 2.06.

Section 2.07. No compensation; reimbursement for expenses. The matter was discussed at length, but the Commission decided against making changes to Section 2.07.

Article III. Administrative

²On April 11, 2006, the following language was approved by the electors of the Village:

However, beginning with the 2006 elections, a transition shall commence in the length of the term of office by providing for Council Members to be elected at-large for a four (4) year term by the electors of the Village in the manner provided in Article V of this Charter. In

February 20, 2007

order to create and maintain staggered terms which provides continuity in the legislative branch of government, there shall be a transition made from two (2) year terms to four (4) year terms. This transition from a two (2) year term to a four (4) year term of office shall be accomplished by providing that the three (3) Council Members receiving the most votes at the 2006 election shall receive four (4) year terms of office and the remaining three (3) Council Members who are elected at the 2006 election shall receive two (2) year terms of office.

Since the implementation of the transition has been accomplished, it is no longer necessary to include these provisions within the Charter.

Section 3.07. Expenditure of Village funds. Please see change in Section 5.02.

Section 5.02. Initiative and Referendum.

(ii) *Referendum.*

(A) The electors of the Village shall have power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a Village election, provided that such power shall not extend to the annual budget or any ordinance appropriating money, levying taxes or setting salaries of Village officers or employees. The referendum power described in paragraph (ii)(A) of this subsection (a) shall not be available to require reconsideration of an ordinance authorizing the issuance of debt or a Capital Project in excess of \$500,000, unless proceedings with respect to the referendum are commenced within thirty (30) days after the date of adoption of the ordinance.

The matter was discussed at length. It was the consensus of the Commission to approve the proposed amendment to Section 5.02.

The Clerk was directed to survey other municipalities, with 6,000 registered voters or less, as it relates to the percentage of the required number of signatures for initiative and referendum.

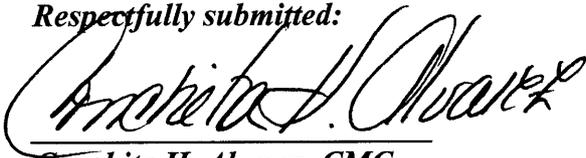
The Commission scheduled the next meetings as follows:

Monday, March 12, 2007	6:00 p.m.
Wednesday, March 21, 2007	6:00 p.m.

The meeting was adjourned at 8:00 p.m.

February 20, 2007

Respectfully submitted:



Conchita H. Alvarez, CMC
Village Clerk

Approved by the Commission
this 12th day of March, 2007:



Steve Liedman
Chairman



IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CHARTER REVIEW COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.



V I L L A G E O F K E Y B I S C A Y N E

Village Council

Robert L. Vernon, *Mayor*
Jorge E. Mendia, *Vice Mayor*
Michael Davey
Enrique Garcia
Steve Liedman
Thomas Thornton
Patricia Weinman

CHARTER REVISION COMMISSION
MONDAY, MARCH 12, 2007

6:00 P.M.

1. **CALL TO ORDER/ROLL CALL OF MEMBERS**
2. **PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF MINUTES:**
 - A. FEBRUARY 20, 2007 MINUTES
4. **CURRENT KEY BISCAYNE CHARTER**
5. **INITIATIVE AND REFERENDUM SURVEY**
6. **REVIEW OF THE FOLLOWING SECTIONS OF THE CHARTER:**
 - Section 2.03. Election and Term of office.**
 - Section 5.02. Initiative and Referendum.**
 - Section 6.02. Procedure to amend the Charter.**
 - Section 7.05. Grants and charitable contributions.**

1 of 2

March 12, 2007

7. **SCHEDULE OF FUTURE MEETINGS:**

- A. **REVIEW AND APPROVAL OF PROPOSED AMENDMENTS**
WEDNESDAY, MARCH 21, 2007, 6:00 P.M. COUNCIL CHAMBER

8. **ADJOURNMENT**

I. ANY PERSON WISHING TO ADDRESS THE CHARTER REVISION COMMISSION ON AN ITEM ON THIS AGENDA IS ASKED TO REGISTER WITH THE VILLAGE CLERK PRIOR TO THAT ITEM BEING HEARD. PRIOR TO MAKING A STATEMENT, PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.

II. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS PROCEEDING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE VILLAGE CLERK, 88 WEST MCINTYRE STREET, KEY BISCAYNE, FLORIDA 33149, TELEPHONE NUMBER (305) 365-5506, NOT LATER THAN TWO BUSINESS DAYS PRIOR TO SUCH PROCEEDINGS.

III. IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE VILLAGE COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED (F.S.286.0105).

IV. IN ACCORDANCE WITH VILLAGE CODE SECTION 2-161, ADOPTING SECTION 2-11.1(s) OF THE MIAMI-DADE COUNTY CODE, ANY PERSON ENGAGING IN LOBBYING ACTIVITIES, AS DEFINED THEREIN, MUST REGISTER AT THE VILLAGE CLERK'S OFFICE BEFORE ADDRESSING THE COUNCIL ON THE ABOVE MATTERS OR ENGAGING IN LOBBYING ACTIVITIES.

V. IN THE EVENT THE COMMISSION FINISHES WITH THE ARTICLE THAT THEY ARE WORKING ON, THEY WILL MOVE ON TO THE NEXT ONE. THE ABOVE MEETINGS ARE SUBJECT TO CHANGE. PLEASE CONTACT THE OFFICE OF THE VILLAGE CLERK AT 305-365-5506 FOR CONFIRMATION.

VI. ONE OR MORE COUNCILMEMBERS MAY ATTEND THE MEETING.

MINUTES

CHARTER REVISION COMMISSION
VILLAGE OF KEY BISCAYNE, FLORIDA

MONDAY, MARCH 12, 2007

COUNCIL CHAMBER
560 CRANDON BOULEVARD

The meeting was called to order by the Chairman at 7:00 p.m. Present were Commissioners Stuart D. Ames, Robert Fernandez, Mark Fried, Vice Chairman Betty Sime Conroy and Chairman Steve Liedman. Also present were Village Clerk Conchita H. Alvarez and Village Attorneys Stephen P. Helfman and Chad Friedman.

Chairman Liedman addressed the Commission and thanked Gustavo Maurizio from La Isla and Kelly Josephsen from The Islander for their articles regarding the Charter Revision Commission.

The Chairman led the Pledge of Allegiance.

Commissioner Ames made a motion to approve the minutes of the February 20, 2007 Charter Revision Commission Meeting. The motion was seconded by Vice Chairman Sime Conroy and approved by a unanimous vote.

The Clerk submitted, for the information of the Commission, a survey of municipalities with 6,000 registered voters or less, regarding the required number of signatures for initiative and referendum.

March 12, 2007

The Commission reviewed the following sections of the Charter:

Section 2.03. Election and Term of office.

The Commissioners addressed the election of Councilmembers to specific seats versus at-large. There was extensive discussion regarding this issue and it was the consensus of the Commission to include this proposed amendment in the Final Review scheduled for March 21, 2007.

The following residents addressed the Commission: Hugh O'Reilly, 475 Allendale Road; John Festa, 695 Harbor Lane; Michael Davey, 425 Glenridge Road; Ron Drucker, 170 Buttonwood Drive; Bob Libby 200 Ocean Lane Drive and Ed Meyer, 798 Crandon Boulevard.

Section 5.02. Initiative and Referendum.

The Commissioners and the Attorney addressed the Initiative and Referendum process.

Commissioner Ames made a motion to increase to 15% the number of signatures required to initiate a Charter Amendment. The motion was seconded by Vice Chairman Sime Conroy and approved by a unanimous vote.

Section 6.02. Procedure to amend the Charter.

The Commissioners and the Attorney discussed this section at length. It was the consensus of the Commission to amend this section by changing the reporting deadline to Council and the date of submission of proposed amendments to the voters.

Section 7.05. Grants and charitable contributions.

Commissioners discussed this section and length but no changes were proposed for this section.

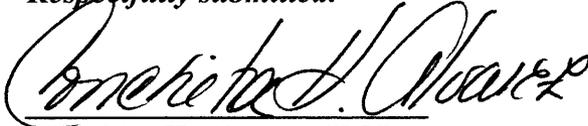
Former Mayor Festa addressed the Commission regarding the proposed amendment to the Village Charter by the Petitioners' Committee. There was some discussion regarding this issue, but no action was taken.

The next meeting of the Commission will be on Wednesday, March 21, 2007 at 6:00 p.m. to review and approve all proposed amendments.

The meeting was adjourned at 8:15 p.m.

March 12, 2007

Respectfully submitted:



Conchita H. Alvarez, CMC
Village Clerk

Approved by the Commission
this 21st day of March, 2007:



Steve Liedman
Chairman

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CHARTER REVIEW COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.



V I L L A G E O F K E Y B I S C A Y N E

Village Council
Robert L. Vernon, *Mayor*
Jorge E. Mendia, *Vice Mayor*
Michael Davey
Enrique Garcia
Steve Liedman
Thomas Thornton
Patricia Weinman

CHARTER REVISION COMMISSION
WEDNESDAY, MARCH 21, 2007

6:00 P.M.

1. **CALL TO ORDER/ROLL CALL OF MEMBERS**
2. **PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF MINUTES:**
 - A. MARCH 12, 2007 MINUTES
4. **CURRENT KEY BISCAINE CHARTER**
5. **REVIEW AND ADOPTION OF PROPOSED
CHARTER AMENDMENTS**
6. **ADJOURNMENT**

1 of 2

March 21, 2007

I. ANY PERSON WISHING TO ADDRESS THE CHARTER REVISION COMMISSION ON AN ITEM ON THIS AGENDA IS ASKED TO REGISTER WITH THE VILLAGE CLERK PRIOR TO THAT ITEM BEING HEARD. PRIOR TO MAKING A STATEMENT, PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.

II. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS PROCEEDING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE VILLAGE CLERK, 88 WEST MCINTYRE STREET, KEY BISCAYNE, FLORIDA 33149, TELEPHONE NUMBER (305) 365-5506, NOT LATER THAN TWO BUSINESS DAYS PRIOR TO SUCH PROCEEDINGS.

III. IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE VILLAGE COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED (F.S.286.0105).

IV. IN ACCORDANCE WITH VILLAGE CODE SECTION 2-161, ADOPTING SECTION 2-11.1(s) OF THE MIAMI-DADE COUNTY CODE, ANY PERSON ENGAGING IN LOBBYING ACTIVITIES, AS DEFINED THEREIN, MUST REGISTER AT THE VILLAGE CLERK'S OFFICE BEFORE ADDRESSING THE COUNCIL ON THE ABOVE MATTERS OR ENGAGING IN LOBBYING ACTIVITIES.

V. IN THE EVENT THE COMMISSION FINISHES WITH THE ARTICLE THAT THEY ARE WORKING ON, THEY WILL MOVE ON TO THE NEXT ONE. THE ABOVE MEETINGS ARE SUBJECT TO CHANGE. PLEASE CONTACT THE OFFICE OF THE VILLAGE CLERK AT 305-365-5506 FOR CONFIRMATION.

VI. ONE OR MORE COUNCILMEMBERS MAY ATTEND THE MEETING.

MINUTES

CHARTER REVISION COMMISSION
VILLAGE OF KEY BISCAIYNE, FLORIDA

WEDNESDAY, MARCH 21, 2007

COUNCIL CHAMBER
560 CRANDON BOULEVARD

The meeting was called to order by the Chairman at 6:10 p.m. Present were Commissioners Stuart D. Ames, Robert Fernandez, Mark Fried, Vice Chairman Betty Sime Conroy and Chairman Steve Liedman. Also present were Village Manager Jacqueline R. Menendez, Village Clerk Conchita H. Alvarez and Village Attorney Stephen P. Helfman.

Former Mayor Robert Oldakowski led the Pledge of Allegiance.

Commissioner Ames made a motion to approve the minutes of the March 12, 2007 Charter Revision Commission Meeting. The motion was seconded by Commissioner Fried and approved by a unanimous vote.

Mayor Robert L. Vernon and Former Mayor Robert Oldakowski addressed the Commission.

The following amendments to the Charter were considered by the Commission:

Section 2.03. Election and term of office:; Seats

(a) Each Council Member ~~and the Mayor~~ shall be elected at-large for a four ~~two (42)~~ year term by the electors of the Village in the manner provided in Article V of this Charter. ~~However,~~

~~beginning with the 2006 elections, a transition shall commence in the length of the term of office by providing for Council Members to be elected at-large for a four (4) year term by the electors of the Village in the manner provided in Article V of this Charter. In order to create and maintain staggered terms which provides continuity in the legislative branch of government, there shall be a transition made from two (2) year terms to four (4) year terms. This transition from a two (2) year term to a four (4) year term of office shall be accomplished by providing that the three (3) Council Members receiving the most votes at the 2006 election shall receive four (4) year terms of office and the remaining three (3) Council Members who are elected at the 2006 election shall receive two (2) year terms of office. The Mayor shall continue to be elected at-large for a two (2) year term by the electors of the Village in the manner provided in Article V of this Charter.¹~~

(c) Seats. Council Members shall serve in seats numbered 1-6 (collectively "Seats", individually each is a "Seat.") One Council Member shall be elected to each Seat.

Section 5.01. Elections.

(e) *Regular Election.* The ballot for the regular election shall contain the names of the two (2) candidates for Mayor who received the most votes in the primary election. The ballot for the regular election shall also contain the names of the qualified candidates for each of the individual Council Seats that are up for election. The ballot shall instruct electors to cast one (1) vote for Mayor and one (1) vote for each Seat that is up for election to cast a number of votes for the Council not greater than the number of the contested Council positions, with a maximum of one vote per candidate. The candidate for Mayor receiving the most votes shall be the duly elected Mayor. The candidates for each of the Council Seats receiving the most votes shall be duly elected to the Seats positions on the Council which are up for election.

¹ On April 11, 2006, the following language was approved by the electors of the Village:

However, beginning with the 2006 elections, a transition shall commence in the length of the term of office by providing for Council Members to be elected at-large for a four (4) year term by the electors of the Village in the manner provided in Article V of this Charter. In order to create and maintain staggered terms which provides continuity in the legislative branch of government, there shall be a transition made from two (2) year terms to four (4) year terms. This transition from a two (2) year term to a four (4) year term of office shall be accomplished by providing that the three (3) Council Members receiving the most votes at the 2006 election shall receive four (4) year terms of office and the remaining three (3) Council Members who are elected at the 2006 election shall receive two (2) year terms of office.

Since the implementation of the transition has been accomplished, it is no longer necessary to include these provisions within the Charter.

(g) *Tie Votes.* If the mayoral primary election results in two or more candidates receiving a tie vote such that the number of candidates to be placed on the mayoral ballot for the regular election would exceed the limitations in subsection (e), all candidates receiving a tie vote shall be listed on the mayoral ballot for the general election and the limitations in subsection (e) shall not apply. If a tie vote occurs in the regular election between two (2) or more candidates for either the office of Mayor or a Councilmember Seat, the tie vote shall be decided by lot under the direction of the Village Clerk.

Section 5.02. Initiative and referendum.

(ii) *Referendum.*

- (A) The electors of the Village shall have power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a Village election, provided that such power shall not extend to the annual budget or any ordinance appropriating money, levying taxes or setting salaries of Village officers or employees. The referendum power described in paragraph (ii)(A) of this subsection (a) shall not be available to require reconsideration of an ordinance authorizing the issuance of debt or a Capital Project in excess of \$500,000, unless proceedings with respect to the referendum are commenced within thirty (30) days after the date of adoption of the ordinance.

Section 7.06. Charter revision.

At its first regular meeting in December of every fifth (5th) year after the adoption of this Charter, commencing with December 1996, the Council shall appoint a Charter revision commission (the "Charter Revision Commission") consisting of five (5) persons, one (1) of whom shall be a member of the Council serving a second consecutive term as Council Member and four (4) of whom shall be electors of the Village. If there are no Council Members serving a second consecutive term, the Council shall appoint to the revision commission one (1) Council Member. The Mayor shall not be eligible for appointment to the Charter Revision Commission. The Charter Revision Commission shall commence its proceedings within forty-five (45) days after appointment by the Council. If the Charter Revision Commission determines that a revision is needed, it shall draft such amendments to this Charter as it deems appropriate and submit the same to the Council not later than April 1 of the year following appointment. The report of the Charter Revision Commission may grant to the Council the option of placing the proposed amendments on the ballot for the next countywide, statewide, or federal ~~scheduled~~ election. Otherwise, the Council shall, not less than thirty (30) days or more than sixty (60) days after submission of the proposed amendments to the Council, submit them to the electors of the Village in accordance with the provisions of Section 6.02, except that the

provisions of subsections (a) and (b) of such Section shall not apply.

There was extensive discussion regarding amending **Section 2.03. Election and term of office; Seats.**, but no changes were adopted for this section.

Commissioner Ames made a motion to amend **Section 5.02. Initiative and Referendum. (c) (I) Number of Signatures.** The motion was seconded by Chairman Liedman and failed by a 2-3 roll call. The vote was as follows: Commissioner Ames and Chairman Liedman voting Yes. Commissioners Fernandez, Fried and Vice Chairman Conroy voting No.

Vice Chairman Conroy made a motion to amend **Section 5.02. Initiative and Referendum. (ii) Referendum. (A).** by inserting the following language: "or Capital Project in excess of \$500,000". The motion was seconded by Chairman Ames and approved by a 5-0 roll call vote. The vote was as follows: Commissioners Ames, Fernandez, Fried, Vice Chairman Conroy and Chairman Liedman voting Yes.

Vice Chairman Conroy made a motion to amend **Section 7.06. Charter Revision.** by inserting the following language: " scheduled Regular Village Mayoral or Council Election, countywide, statewide, or federal". The motion was seconded by Commissioner Fernandez and approved by a 7-0 roll call vote. The vote was as follows: Commissioners Ames, Fernandez, Fried, Vice Chairman Conroy and Chairman Liedman voting Yes.

Councilmember Fried made a motion to grant the Council the option to propose these amendments at the next scheduled election. The motion was seconded by Vice Chairman Conroy and approved by a 5-0 roll call vote. The vote was as follows: Commissioners Ames, Sime Conroy, Fernandez, Fried and Chairman Liedman voting Yes.

The meeting was adjourned at 7:25 p.m.

Respectfully submitted:

*Conchita H. Alvarez, CMC
Village Clerk*

*Approved by the Commission
this _ day of ___, 2007:*

Steve Liedman
Chairman

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CHARTER REVIEW COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.