

February 20, 2007

MINUTES

CHARTER REVISION COMMISSION
VILLAGE OF KEY BISCAYNE, 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 (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.~~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 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

February 20, 2007

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.

Respectfully submitted:

February 20, 2007

*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.