

MINUTES
CHARTER REVISION COMMISSION
VILLAGE OF KEY BISCAWAYNE, FLORIDA

Wednesday, January 30th, 2002

COUNCIL CHAMBER
85 WEST MCINTYRE STREET, SECOND FLOOR

The meeting was called to order by the Chairman at 7:05 p.m. Present were Commission Members Stuart D. Ames, Michael Kelly, Luis Lauredo, Vice Chairman Michael Kahn and Chairman Martha F. Broucek. Also present were Village Manager C. Samuel Kissinger, Village Clerk Conchita H. Alvarez and Village Attorneys Richard Weiss and Tony Recio.

Chairman Broucek led the Pledge of Allegiance.

Commissioner Ames made a motion to approve the minutes of the January 17, 2002 meeting. Commissioner Lauredo requested that an error in Section 2.02 be corrected to reflect a 4-1 vote and the words "approval of the Council" in the body of the provision would not be underlined. The motion was seconded by Vice Chairman Kahn. The minutes, as amended, were approved by a 4-1 voice vote. The vote was as follows: Commissioners Ames, Kelly, Vice Chairman Kahn and Chairman Broucek voting Yes. Commissioner Lauredo voting No.

Chairman Broucek addressed the Commission regarding the importance of setting the schedule of future meetings of the Charter Revision Commission. After extensive discussion by the Commission, the schedule of future meetings was set as follows:

Thursday, February 7, 2002

Thursday, February 21, 2002

Thursday, February 28, 2002

Thursday, March 7, 2002

Conchita Suarez, 201 Crandon Boulevard; John Festa, 695 Harbor Lane; Pat Weinman, 940 Mariner Drive addressed the Commission.

The proposed language for Section 2.02 is as follows:

Section 2.02. *Mayor and Vice Mayor* (a) *Mayor*. The Mayor shall preside at meetings of the Council, be a voting member of the Council, and name Council Committees from among members of the Council. The Mayor shall appoint members of the Village boards, agencies, and committees, created pursuant to Section 4.12, with prior notification, input from, and approval of the Council. The Mayor shall be recognized as head of Village government for all ceremonial purposes and for purposes of military law, for service of process, execution of duly authorized contracts, deeds and other documents, and as the Village official designated to represent the Village in all dealings with other governmental entities. The Mayor shall

annually present a state of the Village message and, after approval of the budget by the Council, an annual budget message.

Vice Chairman Kahn suggested to insert "and" before "be a voting member", insert a period after "Council" and delete "and name Council Committees from among members of the Council".

John Festa, 695 Harbor Lane and Pat Weinman, 940 Mariner Drive addressed the Commission regarding Committees.

Members Ames suggested to delete "with" before Section 4.12, insert "subject to" instead of "with prior".

Member Kelly suggested that the attorney draft two provisions reflecting the process for appointing committee members: 1.) Mayor notified Council that he intends to appoint members; 2.) Mayor seeks input from the Council; 3.) Mayor appoints committee members (appointments are not limited to those that the Council has offered) ; 4.) Council approves or disapproves Mayor's selections. While both provisions will reflect this information, one will include provision for Council Committees and one will not.

The attorney was instructed to draft language in Section 2.02 to reflect the two versions, with regards to Council Committees, proposed by the Commission.

Commissioner Laredo addressed the Commission regarding the presentation of a budget message by the Mayor expressing his opposition to the language "after approval of the budget by the Council".

Commissioner Kahn made a motion to insert a period after the word "message" and delete the remainder of the sentence. The motion was seconded by Commissioner Laredo and failed by a 2-3 voice vote. The vote was as follows: Commissioner Laredo and Vice Chairman Kahn voting Yes. Commissioners Ames, Kelly and Chairman Broucek voting No.

Commissioner Kelly made a motion to accept the last sentence as presented in the Attorney's suggestion. The motion was seconded by Commissioners Ames and approved by a 4-1 voice vote. The vote was as follows: Commissioners Ames, Kelly, Vice Chairman Kahn and Chairman Broucek voting Yes. Commisisoner Laredo voting No.

The proposed language for Section 2.03 is as follows:

Section 2.03. *Election and term of office.* Each Councilmember and the Mayor shall be elected at-large by the electors of the Village in the manner provided in Article V of this Charter. The Mayor shall be elected for a two (2) year term. Each Councilmember shall be elected for a ~~four (4)~~ two (2) year term. No person shall serve as Mayor for more than two (2) consecutive elected terms, and no person may serve on the Council, or as any combination of Mayor and Council Member, for more than ~~eight (8)~~ six (6) consecutive years.

Commissioners expressed general consensus that elections every year were problematic.

Isabel Gambino, 676 Ridgewood Road and Pat Weinman, 240 Mariner Drive and John Festa, 695 Harbor Lane addressed the Council.

Vice Chairman Kahn made a motion to amend **Section 2.03. Election and term of office.** changing the terms to three (3) two (2) year terms for Mayor and Council, an election every other year with no staggering terms. The motion was seconded by Commissioner Lauredo and approved by a 4-1 voice vote. The vote was as follows: Commissioners Kelly, Lauredo, Vice Chairman Kahn and Chairman Broucek voting Yes. Commissioner Ames voting No.

Commissioner Ames suggested three (3) year terms with groups of two (2) Councilmembers elected each year in a staggered format. The other commissioners did not support this proposal.

Vice Chairman Kahn made a motion to reduce the number of Councilmembers to five (5), including the Mayor. The motion was seconded by Commissioner Lauredo and failed by a 2-3 voice vote. The vote was as follows: Commissioner Lauredo and Vice Chairman Kahn voting Yes. Commissioners Ames, Kelly and Chairman Broucek voting No.

Commissioner Ames discussed the possibility of voting for specific seats. The Commission did not act on this discussion and expressed a general desire to keep the at-large voting scheme.

Richard Gregorie, Key Biscayne addressed the Council.

Since Section 2.03 was changed, Section 5.01 needs to be redrafted.

Sec. 2.05. Vacancies; forfeiture of office; filling of vacancies. No discussion.

Sec. 2.06. Recall. No discussion.

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

Ed Meyer, 100 Sunrise Drive and Michelle Barnett, 355 West Wood Drive and John Festa, 695 Harbor Lane and Richard Gregorie addressed the Commission regarding Section 2.07.

Sec. 3.01. Village Manager.

John Festa, 695 Harbor Lane; Conchita Suarez, 201 Crandon Boulevard; Linda Davitian, 720 Myrtlewood Lane and Richard Gregorie, Key Biscayne addressed the Commission regarding Section 2.07.

The matter was discussed at length, but the Commission decided against making any changes to this section.

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

Sec. 3.03. *Powers and duties of the Village Manager.*

Ed Meyer, 100 Sunrise Drive and Richard Gregorie, Key Biscayne addressed the Commission regarding the Manager should not have control over the police chief and fire chief.

The matter was discussed at length, but the Commission decided against making any changes to section 3.03.

Sec. 3.04. *Village Clerk.* No discussion.

Sec. 3.05. *Village Attorney.*

There was public comment regarding having a permanent Village Attorney rather than a law firm and regarding a possible conflict of interest in having the same firm counsel the Village Council and represent the Village in litigation. Commissioner Ames explained that the legal profession's code of ethics required the Village Attorney to disclose and avoid conflicts of that nature. Chairman Broucek expressed satisfaction with the commitment, work, and fees of the Village Attorney.

Commissioner Laredo stated that the Charter provision already allowed the Village to hire an individual attorney if the Council so desired and advised that this Commission was not the proper forum for this discussion.

Richard Gregorie, Key Biscayne and Conchita Suarez, 201 Crandon Boulevard addressed the

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

Sec. 3.07. *Expenditure of Village funds.*

There was extensive discussion regarding the expenditure of Village funds for expressing views prior to a referendum election.

Commissioner Laredo made a motion to prohibit the expenditure of public funds on expressing the Council's viewpoint when a referendum issue is on the ballot. The motion died for lack of a second.

Commissioner Ames made a motion to instruct the Attorney to draft some sample language 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. The motion was seconded by Commissioner Kelly and approved by a 4-1 voice vote. The vote was as follows: Commissioners Ames, Kelly, Vice Chairman Kahn and Chairman Broucek voting Yes. Commissioner Laredo voting No.

Linda Davitian, 720 Myrtlewood Lane; Richard Gregorie, Key Biscayne and John Festa, 695 Harbor Lane addressed the Commission regarding Section 3.07.

Commissioner Laredo expressed his opposition to the expenditure of public funds on expressing the Council's viewpoint when a referendum issue is on the ballot.

The next meeting of the Charter Revision Commission will be on Thursday, February 7, 2002 at 7:00 p.m. in the Council Chamber. The discussion will begin with **Sec. 3.08. Competitive bid requirement.**

The meeting was adjourned at 11:00 p.m.

Respectfully submitted:

***Conchita H. Alvarez, CMC
Village Clerk***

***Approved by the Commission
this 7th day of February, 2002:***

***Martha F. Broucek
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.