

MINUTES
CHARTER REVISION COMMISSION
VILLAGE OF KEY BISCAWAYNE, FLORIDA

Thursday, February 21st, 2002

COUNCIL CHAMBER
85 WEST MCINTYRE STREET, SECOND FLOOR

The meeting was called to order by the Chairman at 7:00 p.m. Present were Commission Members Stuart D. Ames, Michael Kelly, Luis Lauredo (arrived at 7:40 p.m.), Vice Chairman Michael Kahn and Chairman Martha F. Broucek. Also present were Village Clerk Concita H. Alvarez and Village Attorneys Richard Weiss and Tony Recio.

Chairman Broucek led the Pledge of Allegiance.

Vice Chairman Kahn made a motion to approve the minutes of the February 7, 2002 meeting. The motion was seconded by Commissioner Kelly and approved by a 4-0 voice vote. The vote was as follows: Commissioners Ames, Kelly, Vice Chairman Kahn and Chairman Broucek voting Yes.

Commissioner Ames made a motion to accept the alternative language for Section 2.02 as redrafted by the Attorney. The motion was seconded by Chairman Broucek.

Section 2.02. Mayor and Vice Mayor.

(a) *Mayor.* The Mayor shall preside at meetings of the Council, and be a voting member of the Council, ~~name committees of Council and appoint members of the Village boards and agencies with the 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. The Mayor shall appoint all members of the Village boards, agencies, and committees ("Village Boards"), subject to ratification by the Council.

i) Appointment Procedure. Appointments to Village Boards shall become effective upon ratification by the Council. Prior to making any appointments to Village Boards, the Mayor shall solicit at a Council meeting, recommendations from each Council Member for appointees. The Mayor's appointments shall be announced by the Mayor at a Council meeting that precedes the meeting at which ratification is considered.

ii) Waiver. The method of appointment herein described may be waived in its entirety in connection with a particular Village Board by an affirmative vote of the Council. Where the Mayor fails to announce appointments to a particular Village Board at the meeting preceding

the meeting at which ratification is considered, the Council shall appoint the members of the particular Village Board by an affirmative vote on each appointee at the meeting at which ratification was originally going to be considered.

The motion to accept Section 2.02 as redrafted was approved by a 4-0 voice vote. The vote was as follows: Commissioners Ames, Kelly, Vice Chairman Kahn and Chairman Broucek voting Yes.

Section 3.07 as redrafted:

Section 3.07. Expenditure of Village funds.

No funds of the Village shall be expended except pursuant to duly approved appropriations. Where a resolution has been adopted pursuant to Sec. 5.02 setting an election, and the Council approves an expenditure of funds to inform the public of its position ("Majority Position") with respect to a particular ballot question ("Communication Expenditure") via mailings, advertising, web pages, or the like (collectively "Communications"), that Communication shall also inform the public of any minority position of the Council ("Minority Position"). A committee shall be formed for each Minority Position, comprised solely of Council Members who hold that Minority Position ("Minority Position Committee"). The content of the Communication relating to each Minority Position shall be determined by the Minority Position Committee representing that Minority Position. The resolution authorizing the Communication Expenditure shall specify the type of Communication and the date the Minority Position statement shall be completed and submitted to the Manager for inclusion in the Communication. All Communications shall present the Majority Position and Minority Position(s) in substantially the same fashion in terms of size, color, type, length, and other physical characteristics. The Minority Position Committee(s) created by operation of this Section shall sunset upon the date the Communication is effected.

Chairman Broucek made a motion to simplify the language and not include a specific procedure in Section 3.07. The motion was seconded by Vice Chairman Kahn and failed by a 1-3 voice vote. The vote was as follows: Chairman Broucek voting Yes. Commissioners Ames, Kelly and Vice Chairman Kahn voting No.

Section 4.12 has been deleted. No discussion.

~~**Section 4.12. Village boards and agencies.**~~

~~The Council shall establish or terminate such boards and agencies as it may deem advisable from time to time. The boards and agencies shall report to the Council.~~

For consistency with the defined term "Council", Section 4.13 has been changed to read:

Section 4.13. Village Code, Ordinances and Resolutions.

Except as otherwise modified or replaced by this Charter or by the Village Council, all codes, ordinances and resolutions of the Village and of Metropolitan Dade County, as applicable to the Village, which County and Village Codes, ordinances and resolutions are in effect as of April 1, 1997, shall remain in force and effect as municipal codes, ordinances and resolutions of the Village.

Section 4.13. No discussion.

Article VI. Charter Amendments

Section 6.01. Charter Amendments. No discussion.

Section 6.02. Procedure to amend. The Attorney addressed the Commission regarding the changes that were currently being made to Section 5.02 requiring review of legal sufficiency and legality of initiative and referendum petition documentation, by the Village Attorney at the expense of the Village, prior to obtaining elector signatures. The Attorney suggested to include similar language in Section 6.02. The Commission concurred and the Attorney will bring back sample language.

Section 6.03. Form of ballot. No discussion.

Conchita Suarez, 201 Crandon Boulevard addressed the Commission.

Article VII. General Provisions

Section 7.01. No casino gambling. Commissioner Kelly asked if this provision applied to casino boats. The Attorney explained that the City of Hollywood was currently facing litigation on this very same questions, but it was his preliminary opinion that the provision would not prohibit activities that took place solely outside the Village boundaries.

Section 7.02. Severability. No discussion.

Section 7.03. Conflicts of interest; ethical standards. No discussion.

Section 7.04. Village personnel system; merit principle. Chairman Broucek asked whether Village employees were currently under a ten-step pay plan. The Clerk explained that this is the procedure currently in place.

Section 7.05. Grants and charitable contributions. Commissioner Ames made a motion to change the approval of grants or charitable contributions to five (5) Councilmembers. The motion was seconded by Commissioner Kelly and approved by a 4-0 voice vote. The vote was as follows: Commissioners Ames, Kelly, Vice Chairman Kahn and Chairman Broucek voting Yes.

Section 7.06. Charter revision. Commissioner Ames made a motion to change the Charter Revision to every ten (10) years. The motion was seconded by Chairman Broucek and failed by a 2-2 voice vote. The vote was as follows: Commissioner Ames

and Chairman Broucek voting Yes. Commissioner Kelly and Vice Chairman Kahn voting No. The motion was tabled to the next meeting.

Section 7.07. Variation of pronouns. No discussion.

Article VIII. Transition Provisions. No discussion.

Section 8.01. Temporary nature of Article. No discussion.

Section 8.04. Taxes and fees. No discussion.

Section 8.07. Initial election of Council and Mayor. No discussion.

There was extensive discussion from the Commission on the redrafted language for Section 2.03.

Commissioner Ames excused himself from the meeting at 8:00 p.m.

Chairman Broucek made an amending motion to Section 2.03 to elect for two (2) three year terms. Not more than two consecutive terms.

The next meeting of the Charter Revision Commission will be on Thursday, March 7, 2002 at 7:00 p.m. in the Council Chamber. At this meeting a review of all amendments will be made.

The meeting was adjourned at 8:20 p.m.

Respectfully submitted:

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

***Approved by the Commission
this_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.