

MINUTES

CHARTER REVISION COMMISSION
VILLAGE OF KEY BISCAWAYNE, 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 (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 .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

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.

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.

(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.