



CITY OF NORTH MIAMI BEACH

Workshop

City Hall, Council Chambers, 2nd Floor

17011 NE 19th Avenue

North Miami Beach, FL 33162

Tuesday, May 17, 2016

5:30 PM

Mayor George Vallejo
Vice Mayor Beth E. Spiegel
Councilman Anthony F. DeFillipo
Councilwoman Barbara Kramer
Councilwoman Marlen Martell
Councilman Frantz Pierre
Councilwoman Phyllis S. Smith

City Manager Ana M. Garcia
City Attorney Jose Smith
City Clerk Pamela L. Latimore, CMC

Notice to All Lobbyists

Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a Lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Council.

Workshop Agenda

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- 1. ROLL CALL OF CITY OFFICIALS**
 - 2. PRESENTATIONS / DISCUSSIONS**
 - 1. Introduction Charter Review Committee (Charles Asarnow, Chairman)**
 - 2. Charter Review Committee Report**
 - 3. DISCUSSIONS**
 - 3.1. Charter Review Proposed Ballot Questions (City Attorney, Jose Smith)**
 - 3.2. Proposed New Charter (City Attorney, Jose Smith)**
 - 4. ADJOURNMENT**



CITY COUNCIL WORKSHOP
CHARTER REVIEW COMMITTEE REPORT
CITY OF NORTH MIAMI BEACH
City Hall, Council Chambers, 2nd Floor
17011 NE 19th Avenue, North Miami Beach, FL 33162
Tuesday, May 17th, 2016 5:30 PM

City Council

Mayor George Vallejo
Vice Mayor Beth E. Spiegel
Councilman Anthony F. DeFillipo
Councilwoman Barbara Kramer
Councilwoman Marlen Martell
Councilman Frantz Pierre
Councilwoman Phyllis S. Smith

Charter Review Committee Members:

Charles Asarnow, Chair
Chuck Cook
Norman Edwards, Vice-chair
Bruce Lamberto
Larry Thompson
McKenzie Fleurimond
William Dean Esq.

Staff:

Jose Smith, City Attorney
Sarah Johnston, Assistant City Attorney
Jean Olin, Outside Counsel
Pamela L. Latimore, City Clerk
Lynetta Jackson, Deputy City Clerk

Included in the attached is:

- **Charter Review Committee Meeting Minutes**
- **Draft Ballot Questions**
- **Working Draft of the proposed new Charter with all recommended changes incorporated.**

Charter Review Committee Topics, Recommendations, and Meeting Date:

1. **ORGANIZATIONAL MEETING** (*October 1, 2015 Meeting-Stephen N. Zack guest speaker*)
2. **MAYOR'S/VICE-MAYOR AUTHORITY/VACANCIES IN OFFICE** (*November 16, 2015 Meeting*)
 - Committee recommended, by a 7-0 vote, to retain existing language.
3. **TERM OF OFFICE/TERM LIMITS** (*November 16, 2015 Meeting*)
 - Committee recommended, by a 7-0 vote, to retain existing language.
4. **ELECTION DATE** (*November 16, 2015 Meeting*)
 - Committee recommended, by a 5-2 vote, to move City elections to November (in conjunction with County elections) in even-numbered years.
 - *The committee considered having elections concurrent with the County would significantly lower the cost and results in greater voter turn-out but being on a crowded and shared ballot wouldn't allow for control over placement and could cause voter fatigue. (See the November 16, 2015 Meeting Minutes for entire discussion.)*

5. **QUORUM** *(November 16, 2015 Meeting)*

- A motion to change the quorum to 4 failed by a 4-3 vote. The Committee recommends retaining the existing provision (5 members constitute a quorum), with the support of 4 members.
 - *The Charter Review Committee and City Attorney Smith discussed several possible examples and scenarios when quorum can be lost, including excessive absenteeism, sickness, emergencies, and conflicts of interest. (See the November 16, 2015 Meeting Minutes for entire discussion.)*

6. **RUN-OFFS** *(December 10, 2015 Meeting)*

- The Committee recommended, by a 4-3 vote, that the provision be changed so that candidates receiving the highest number of votes from the ballots cast be elected to office.
 - *The Committee discussed the high cost of having a run-off election and the historically low voter turn-out for such elections. The Committee inquired about the recent history of run-off elections in North Miami Beach.... The Committee mentioned that a run-off election could provide a clear and concise decision and avoid the situation of a winning candidate receiving as low as 25% of the total vote if there are 4 or more candidates. (See the December 10, 2015 meeting minutes for entire discussion.)*

7. **RECUSALS** *(December 10, 2015 Meeting)*

- The Committee recommended, by a 6-1 vote, to include a provision in the Citizens' Bill of Rights providing that council members shall make best efforts to vote unless they cannot vote due to a recusal pursuant to law.

8. **ABSENTEEISM** *(December 10, 2015, January 27, 2016, And February 11, 2016 Meetings)*

- The Committee discussed this item at the December 10, 2015, January 27, 2016 and February 11, 2016 meetings – the recommendation, by a 5-1 vote was to keep the existing language about a City Council member failing to attend a meeting for a period of 120 days and adding a due process provision for how the City Council will determine whether there was good cause or if the council member seat should be forfeited.

9. **FLEXIBLE MEETINGS** *(December 10, 2015 Meeting)*

- The Committee recommended, by a 6-1 vote, to change language to state that there shall be a minimum of eleven monthly meetings per year, which shall be prescribed by Resolution.

10. **CITY DEPARTMENTS** *(December 10, 2015 Meeting)*

- The Committee recommended, by a 6-1 vote, that the existing language should be changed to state that the City Manager shall direct and supervise the administration of City Departments, excluding the City Attorney and City Clerk's departments.

11. **CHARTER OFFICERS** *(January 27, 2016 Meeting)*

- The Committee recommended, by a 6-0 vote, proposed provisions for:
 - the City Manager which remove the qualifications from the charter, state that terms, conditions, and compensation shall be established by the City Council and provide for the power and duties of the City Manager; and
 - the City Clerk which states that the terms, conditions, and compensation shall be established by the City Council and provides for power and duties of the City Clerk.

- The Committee recommended, by a 5-1 vote, proposed provisions for the City Attorney which add a provision allowing a law firm or individual to serve as City Attorney, removes the requirement of Council approval for retention of outside counsel and sets forth the power and duties. (City Council retains authority to approve the legal department budget-including outside counsel budget.)

12. POWERS OF THE CITY *(January 27, 2016 Meeting)*

- The Committee recommended, by a 6-0 vote, the proposed provision below.
Section 1.4. Powers.

The City shall have all available governmental, corporate and proprietary powers and may exercise them except when prohibited by law. Through the adoption of this Charter, it is the intent of the electors of the City to grant to the municipal government established by this Charter the broadest exercise of home rule powers permitted under the Constitution and laws of the State of Florida.

13. QUALIFYING LANGUAGE *(February 11, 2016 Meeting)*

- The Committee recommended, by a 7-0 vote, changing the time to qualify to not before the 78th day and not later than the 73rd day preceding the election.
 - *This change was proposed to retain the 6-day qualifying period and to provide qualifying time periods which would not conflict with County deadlines.*

14. GROUPS/DISTRICTS *(February 11, 2016 Meeting)*

- The Committee recommended, by a 6-1 vote, to retain the existing language.

15. CIVIL SERVICE BOARD *(March 9, 2016 and April 4, 2016)*

- The Committee recommendation includes:
 - removal of Section 75 *Civil Service*, Section 76 *Classified Service*, and Section 80 *Political Activity*, from the Charter to the Code of Ordinances;
 - deletion of the language pertaining to the Board giving examinations for promotions in Section 77 *Civil Service Board-Created*;
 - deletion of language providing that the secretary of the Board may act as examiner and language providing for the appointment and term of a chief examiner in Section 78 *Composition of the Board*; and
 - modifying Section 79 *Appeals* to change the 15-day period to 30-days to hear appeals, and deletion of the power to issue subpoenas and to punish for contempt.

16. RECORDING OF MEETINGS/BILL OF RIGHTS *(March 9, 2016 meeting)*

- The Committee did not recommend adding any provision regarding recording meetings.



CHARTER REVIEW COMMITTEE MEETING

CITY OF NORTH MIAMI BEACH

City Hall, Conference Room, 4th Floor

17011 NE 19th Avenue, North Miami Beach, FL. 33162

Wednesday, April 13, 2016 6:00 PM

Charter Review Committee Members:

Charles Asarnow, Chair
Norman Edwards, Vice-chair
Chuck Cook
William Dean, Esq.
McKenzie Fleurimond
Bruce Lamberto
Larry Thompson

Appointed by:

Mayor George Vallejo
Councilman Anthony F. DeFillipo
Vice Mayor Beth E. Spiegel
Councilwoman Phyllis S. Smith
Councilman Frantz Pierre
Councilwoman Barbara Kramer
Councilwoman Marlen Martell

Staff:

Jose Smith, City Attorney
Sarah Johnston, Assistant City Attorney
Jean Olin, Outside Counsel
Pamela L. Latimore, City Clerk
Lynnetta Jackson, Deputy City Clerk

Charter Review Committee Meeting Minutes

Roll Call of the Committee Members

The meeting was called to order at 6:00pm. Present at the meeting were Chairman Charles Asarnow, Vice Chairman Norman Edwards, Chuck Cook, William Dean, McKenzie Fleurimond, Bruce Lamberto, and Larry Thompson. City Attorney Jose Smith, Assistant City Attorney Sarah Johnston, City Clerk Pamela L. Latimore, Deputy City Clerk Lynnetta Jackson, and Outside Counsel Jean Olin, Esq. were also present.

Pledge of Allegiance was led by the Charter Review Committee.

Approval of Meeting Minutes

Motion to approve the Minutes of April 4th, 2016 made by Mr. Thompson, seconded by Mr. Cook.

MOTION PASSED 7-0.

Term Limits/Qualifications

Assistant City Attorney Sarah Johnston explained that the existing provision and language, which the Committee recommended to retain by a 7-0 vote, would be discussed. The Committee also revisited the available options that were proposed at the time.

- A. No person shall be able to serve more than two terms as Mayor or Councilmember. *This allows and individual to serve as Mayor for two terms AND Councilmember for two terms.*
- B. No person shall be able to serve more than two consecutive terms as Mayor or Councilmember. *This would only place limits on consecutive service, an individual could serve more than two terms in any office so long as it was not consecutive.*
- C. No term limits.

Outside Counsel Jean Olin described the differences between the current provision in the City Charter and the provided options.

Motion to approve Option A made by Mr. Edwards.

Motion died due to a lack of a second. *The previous recommendation to retain existing language remains.*

Charter Officers

Assistant City Attorney Sarah Johnston stated that the City Attorney's Office is recommending adding provisions to the previous provision that the Committee recommended by a 5-1 vote.

The additions state that **the City Attorney or law firm shall be a member of the Florida Bar with at least five years of experience in the practice of law in Florida and shall not during his/her tenure in office engage in any private practice of law and the city council may, in its discretion, associate other counsel in any matter in which the City of North Miami Beach has an interest and pay the compensation of such associate counsel.**

Outside Counsel Jean Olin ~~suggested~~ explained that the ~~language~~ section which includes references to ~~“having five years of experience practicing law in Florida and not engaging in any private practice of law” while under the employment of the City does~~ not apply to a law firm since if the Council opts to retain a possibility of hiring a law firm to serve as the City's Attorney it is presumed that the firm will be engaging in its private practice of law while serving as the City's Attorney. ~~was added as an option to the provision.~~

Outside Counsel Jean Olin also explained that according to the City Attorney and City Clerk's prior statements to the Committee concerning the City's interpretation of the section which states **the City Attorney shall have such clerical, stenographic, and legal assistance as shall be approved by the council, this language relates to the Council's** ~~is relating to the~~ approval of the City Attorney Office ~~city~~ budget.

Motion to approve the revised recommendations made by Mr. Thompson, seconded by Mr. Cook.

MOTION PASSED 7-0.

City Departments

Assistant City Attorney Sarah Johnston reviewed a previous recommendation of the Committee, by a 6-1 vote, that **the City manager shall direct and supervise the administration (including creation and elimination) of City departments, excluding the Offices of the City Attorney and City Clerk.**

The City Attorney's Office is recommending to remove the words "including creation and elimination" [because it does not accurately reflect the City Manager's powers and duties.](#)

Motion to approve the revised recommendation made by Mr. Dean, seconded by Mr. Cook.

MOTION PASSED 7-0.

The Committee had different recollections of a vote that occurred at the December 10th, 2015 meeting involving the Police Department and whether or not it was recommended to be retained in the City Charter or placed in the City Code.

The meeting was opened for **PUBLIC COMMENT**.

The following individual(s) commented on the record:

1. North Miami Beach resident Mubarak Kazan

The meeting was closed for **PUBLIC COMMENT**.

Motion to approve the removal of all City departments (excluding the Offices of the City Manager, City Attorney, and City Clerk) from the City Charter to the City Code made by Mr. Lamberto, seconded by Mr. Cook.

MOTION PASSED 4-3 with Mr. Asarnow, Mr. Dean, and Mr. Fleurimond opposed.

The meeting was opened for **PUBLIC COMMENT**.

The following individual(s) commented on the record:

1. North Miami Beach resident Mubarak Kazan

The meeting was closed for **PUBLIC COMMENT**.

City Attorney Jose Smith stated that the Committee will be provided with a draft report of the proposed new charter and may have another meeting before the final recommendations are presented to the City Council.

The meeting was adjourned at 7:04pm.



CHARTER REVIEW COMMITTEE CITIZENS TOWN HALL MEETING

CITY OF NORTH MIAMI BEACH

City Hall, Council Chambers, 2nd Floor
17011 NE 19th Avenue, North Miami Beach, FL. 33162

Wednesday, April 6th, 2016 6:00 PM

Charter Review Committee Members:

Charles Asarnow, Chair
Norman Edwards, Vice-chair
Chuck Cook
William Dean, Esq.
McKenzie Fleurimond
Bruce Lamberto
Larry Thompson

Appointed by:

Mayor George Vallejo
Councilman Anthony F. DeFillipo
Vice Mayor Beth E. Spiegel
Councilwoman Phyllis S. Smith
Councilman Frantz Pierre
Councilwoman Barbara Kramer
Councilwoman Marlen Martell

Staff:

Jose Smith, City Attorney
Sarah Johnston, Assistant City Attorney
Jean Olin, Outside Counsel
Pamela L. Latimore, City Clerk
Lynnetta Jackson, Deputy City Clerk

Charter Review Committee Citizens Town Hall Meeting Minutes

Roll Call of the Committee Members

The meeting was called to order at 6:06pm. Present at the meeting were Chairman Charles Asarnow, Vice Chairman Norman Edwards, Chuck Cook, William Dean, McKenzie Fleurimond, Bruce Lamberto, and Larry Thompson. City Attorney Jose Smith, Assistant City Attorney Sarah Johnston, City Clerk Pamela L. Latimore, Deputy City Clerk Lynnetta Jackson, and Outside Counsel Jean Olin, Esq. were also present.

Pledge of Allegiance was led by the Charter Review Committee.

Chairman Asarnow thanked everyone at the meeting for attending and anyone watching on television or the internet.

Each member of the Committee introduced themselves and stated which North Miami Beach Councilmember appointed them to the Committee.

Chairman Asarnow stated that the Committee was authorized by the City Council with the express purpose of making recommendations to the Council to modernize the City Charter, which over the years has become outdated and not comparable to the charters of neighboring cities, especially the newer ones. Chairman Asarnow said the Committee was asked to simplify the City Charter and delete the enumerated powers of the City that have become illegal, archaic, and could expose the City to legal liability. Chairman Asarnow explained that following the finalization of the recommendations by the Committee, the City Council will accept or deny each and every recommendation, and the approved recommendations will then be cast into ballot language and the

voters of North Miami Beach will have the final say in respect to the changes in the City Charter at the November 2016 election.

Chairman Asarnow thanked City Attorney Jose Smith, Outside Counsel Jean Olin, City Clerk Pamela Latimore, Assistant City Attorney Sarah Johnston, and Deputy City Clerk Lynnetta Jackson for all their work and guidance in assisting the Committee. Chairman Asarnow also acknowledged the members of the Committee for devoting their time and energy.

City Attorney Smith thanked the Committee for their service to the City and stated that he was impressed with their work and participation including important and meaningful input. City Attorney Smith also recognized Assistant City Attorney Johnston for her invaluable help with this project.

Assistant City Attorney Sarah Johnston provided a detailed overview of the recommendations made by the Charter Review Committee on the topics that were discussed at meetings between November 16th, 2015 and April 4th, 2016.

Mayor's/Vice-Mayor Authority/Vacancies in Office (November 16, 2015 meeting)

The Committee recommended to retain the existing language by a vote of **7-0**.

Term of Office/Term Limits (November 16, 2015 meeting)

The Committee recommended to retain the existing language by a vote of **7-0**.

Election Date (November 16, 2015 meeting)

The Committee recommended moving elections to November in even-numbered years by a vote of **5-2**.

Quorum (November 16, 2015 meeting)

The Committee recommended to retain the provision stating 5 constitutes a quorum by a vote of **4-3**.

Run-Offs (December 10, 2015 meeting)

The Committee recommended changing the provision to eliminate run-off elections by a vote of **4-3**.

Recusals (December 10, 2015 meeting)

The Committee recommended a provision in the Citizens' Bill of Rights that Councilmembers make best efforts to vote unless they cannot due to recusal pursuant to law by a vote of **6-1**.

Absenteeism (December 10, 2015, January 27, 2016, and February 11, 2016 meetings)

The Committee recommended to retain existing language and add a due process provision by a vote of **5-1**.

Flexible Meetings (December 10, 2015 meeting)

The Committee recommended a minimum of eleven monthly meetings per year by a vote of **6-1**.

City Departments (December 10, 2015 meeting)

The Committee recommended that the City Manager shall direct/supervise City Departments, excluding the Offices of the City Attorney and City Clerk by a vote of **6-1**.

Charter Officers (January 27, 2016 meeting)

The Committee recommended provisions for the City Manager and City Clerk by a vote of **6-0**.

The Committee recommended a provision for the City Attorney by a vote of **5-1**.

Powers of the City (January 27, 2016 meeting)

The Committee recommended a provision stating that the City has all available governmental, corporate, and proprietary powers to exercise except when prohibited by law by a vote of **6-0**.

Qualifying Language (February 11, 2016 meeting)

The Committee recommended a provision stating the requirement of new specific timeframes and guidelines in order to seek office by a vote of **7-0**.

Groups/Districts (February 11, 2016 meeting)

The Committee recommended to retain the existing language by a vote of **6-1**.

Recording of Meetings/Bill of Rights (March 9, 2016 meeting)

The Committee did not recommend adding a provision regarding the recording of meetings.

Civil Service Board (March 9, 2016 and April 4, 2016 meetings)

The Committee recommended a provision to retain the Civil Service Board in the City Charter; remove certain powers of the Board; amend the number of days that the Board has to afford a hearing to an employee to appeal a disciplinary action from 15 days to 30 days; retain the existing provisions concerning Creation, Composition, Appeals, and Pensions in the Charter; and move the existing provisions concerning Director, Duties, Civil Service, Classified Service, and Political Activity from the Charter into the City Code with the identical language by a vote of **6-1**.

Chairman Asarnow acknowledged that Councilman DeFillipo, Councilwoman Kramer, Vice Mayor Spiegel, and Councilwoman Smith were in attendance.

Each Committee member was given the opportunity to make a statement for the record.

Larry Thompson thanked the Mayor and Council for allowing him to take part in such an important and serious endeavor and said it was an honor to work with the City staff and his fellow Committee members.

William Dean thanked the residents and Council of North Miami Beach for allowing him to serve on the Committee and said it was a pleasure and honor. He also stated that the City staff was very prepared and dedicated and he recognized the leadership of Chairman Asarnow and his colleagues on the Committee for their professionalism.

Norman Edwards thanked the City staff, Chairman Asarnow, and the Committee members for their high quality discussions and congeniality.

McKenzie Fleurimond thanked the City Council for the appointment and opportunity to serve on the Committee. He also recognized the City staff and Committee members for their work in such a serious task of updating the City Charter.

Chuck Cook thanked the Committee members and City staff for their accomplishments and stated his interest in hearing comments from the residents of North Miami Beach.

Bruce Lamberto thanked the City staff for answering every question and Councilwoman Kramer for appointing him to the Committee. He also stated that the main reason for moving the voting date was to achieve a greater voter turnout.

Charles Asarnow thanked all the members of the Committee and acknowledged that City Manager Ana Garcia and Mayor Vallejo were in attendance. He said the Committee was always professional even when the members disagreed, especially Mr. Fleurimond. He also thanked everybody that attended the previous Committee meetings.

City Attorney Smith introduced Outside Counsel Jean Olin, who commented that the Committee has been very receptive and explained the ballot and public voting process that will take place based on the recommendations of the Committee, subject to Council approval.

The meeting was opened for **PUBLIC COMMENT**.

The following individuals made comments on the record concerning topics discussed at previous Charter Review Committee meetings.

1. Janice Coakley - P.O. Box 600951, North Miami Beach, FL.
2. Muriel Kemp - 1479 N.E. 178th St., North Miami Beach, FL.
3. Mubarak Kazan - 15564 N.E. 12th Ave., North Miami Beach, FL.

The meeting was closed for **PUBLIC COMMENT**.

The meeting was adjourned at 7:14pm.



CHARTER REVIEW COMMITTEE MEETING

CITY OF NORTH MIAMI BEACH

City Hall, Conference Room, 4th Floor
17011 NE 19th Avenue, North Miami Beach, FL. 33162

Monday, April 4, 2016 6:00 PM

Charter Review Committee Members:

Charles Asarnow, Chair
Norman Edwards, Vice-chair
Chuck Cook
William Dean, Esq.
McKenzie Fleurimond
Bruce Lamberto
Larry Thompson

Appointed by:

Mayor George Vallejo
Councilman Anthony F. DeFillipo
Vice Mayor Beth E. Spiegel
Councilwoman Phyllis S. Smith
Councilman Frantz Pierre
Councilwoman Barbara Kramer
Councilwoman Marlen Martell

Staff:

Jose Smith, City Attorney
Sarah Johnston, Assistant City Attorney
Jean Olin, Outside Counsel
Pamela L. Latimore, City Clerk
Lynnetta Jackson, Deputy City Clerk

Charter Review Committee Meeting Minutes

Roll Call of the Committee Members

The meeting was called to order at 6:02pm. Present at the meeting were Chairman Charles Asarnow, Vice Chairman Norman Edwards, Chuck Cook, William Dean, McKenzie Fleurimond, Bruce Lamberto, and Larry Thompson. Deputy City Attorney Dotie Joseph, Assistant City Attorney Sarah Johnston, City Clerk Pamela L. Latimore, Deputy City Clerk Lynnetta Jackson, Outside Counsel Jean Olin, Esq., and Outside Labor Counsel David Miller were also present.

Pledge of Allegiance was led by the Charter Review Committee.

Approval of Meeting Minutes

Motion to approve the Minutes of March 9th, 2016 made by Mr. Thompson, seconded by Mr. Lamberto.

MOTION PASSED 7-0.

Civil Service Board

The Committee continued the discussion about the Civil Service Board that was introduced at the previous meeting. The City Attorney's Office, in conjunction with Outside Counsel Jean Olin and David Miller, presented recommendations based on the direction of the Committee.

The **proposed provision** is to retain the Civil Service Board in the City Charter and delete the Civil Service Board's powers to give examinations and promotions, to appoint or designate a Chief Examiner, and to issue subpoenas and enforce by contempt. The existing provisions of the Civil Service Board concerning "Creation", "Composition", and "Appeals" will remain in the Charter and the existing provisions of the Civil Service Board concerning "Director", "Duties", "Civil Service", "Classified Service", "Political Activity", and

“Pensions” will move from the Charter into the City Code with the identical language, which will allow for their amendment via ordinance instead of referendum.

Outside Labor Counsel Miller described the items that were proposed to be eliminated from the current City Charter and Outside Counsel Olin explained the voting and balloting process that will commence based on the approval of the recommendations by the Committee. The Committee discussed the possibility of having the Civil Service Board consist of 4 members appointed by the City Council and 3 members being employees, but decided to retain the current composition of 5 and 2, respectively. The Committee talked about the number of days that the Civil Service Board has to afford a hearing to an employee in order to appeal a disciplinary action.

Motion to amend the number of days that the Civil Service Board has to afford a hearing to an employee in order to appeal a disciplinary action from 15 days to 30 days made by Mr. Lamberto, seconded by Mr. Thompson.

MOTION PASSED 7-0.

The Committee discussed the language in the existing Charter concerning the Civil Service Board having the power to modify disciplinary decisions and impose punishment for violations by employees.

Motion to approve the proposed provision of the Civil Service Board with the amendment changing the time to hear an appeal from 15 days to 30 days in Sec. 79 “Appeals” made by Mr. Asarnow, seconded by Mr. Thompson.

MOTION PASSED 6-1 with Mr. Cook opposed.

****** see discussion after public comment – final recommendation is without the removal (and placement in the Code) of Sec. 81 “Pensions”.***

Upcoming Meetings

The Charter Review Committee Citizens Town Hall meeting will be on Wednesday, April 6th, 2016.

Mr. Asarnow said that the purpose of the meeting is to make sure everyone in the community has the opportunity to learn what the Committee has done over the past months. The meeting will start with a background on what caused the Committee to be instituted by the City Council and City staff will explain all the existing provisions that were discussed and the proposed changes. The meeting will also be opened for public comment. The Committee will then pass the recommendations to the Council to be voted on and the accepted provisions will be voted on by the residents of North Miami Beach in the November 2016 election.

The final meeting of the Charter Review Committee is tentatively scheduled for Wednesday, April 13th, 2016.

The meeting was opened for **PUBLIC COMMENT**.

The following individuals commented on the existing sections in the City Charter involving the Civil Service Board and inquired about the proposed provision and modifications.

1. North Miami Beach employee Janice Coakley
2. North Miami Beach employee Antonio Ortega
3. North Miami Beach employee Lori Helton
4. North Miami Beach employee Marva Simmonds
5. North Miami Beach resident Mubarak Kazan
6. Former North Miami Beach employee Melissa Winchester
7. North Miami Beach employee Lorenzo Hall
8. North Miami Beach employee Nehemi Vincent

The meeting was closed for **PUBLIC COMMENT**.

Motion to reconsider the previous vote on the proposed provision of the Civil Service Board made by Mr. Dean, seconded by Mr. Cook.

MOTION PASSED 7-0.

Motion to approve the proposed provision of the Civil Service Board (as stated above) and retain Section 81 on "Pensions" in the existing City Charter made by Mr. Dean, seconded by Mr. Fleurimond.

MOTION PASSED 6-1 with Mr. Edwards opposed.

The meeting was adjourned at 7:33pm.



CHARTER REVIEW COMMITTEE MEETING

CITY OF NORTH MIAMI BEACH
City Hall, Conference Room, 4th Floor
17011 NE 19th Avenue, North Miami Beach, FL. 33162

Wednesday, March 9, 2016 6:00 PM

Charter Review Committee Members:

Charles Asarnow, Chair
Norman Edwards, Vice-chair
Chuck Cook
William Dean, Esq.
McKenzie Fleurimond
Bruce Lamberto
Larry Thompson

Appointed by:

Mayor George Vallejo
Councilman Anthony F. DeFillipo
Vice Mayor Beth E. Spiegel
Councilwoman Phyllis S. Smith
Councilman Frantz Pierre
Councilwoman Barbara Kramer
Councilwoman Marlen Martell

Staff:

Jose Smith, City Attorney
Sarah Johnston, Assistant City Attorney
Jean Olin, Outside Counsel
Pamela L. Latimore, City Clerk
Lynnetta Jackson, Deputy City Clerk

Charter Review Committee Meeting Minutes

Roll Call of the Committee Members

The meeting was called to order at 6:04pm. Present at the meeting were Chairman Charles Asarnow, Vice Chariman Norman Edwards, Chuck Cook, William Dean, McKenzie Fleurimond, Bruce Lamberto, and Larry Thompson (arrived at 6:19pm). City Attorney Jose Smith, Assistant City Attorney Sarah Johnston, City Clerk Pamela L. Latimore, Deputy City Clerk Lynnetta Jackson, and Outside Counsel Jean Olin, Esq. were also present.

Pledge of Allegiance was led by the Charter Review Committee.

City Attorney Smith introduced and acknowledged the attendance of Outside Labor Counsel David Miller of Bryant Miller Olive, Deputy City Attorney Dotie Joseph, Director of Human Resources Nadine Lewis, and Deputy Director of Human Resources Audrea Hinds.

Approval of Meeting Minutes

The Committee clarified that the due process provision which was a part of the motion that was approved at the previous meeting for Absenteeism included a good cause provision prior to a forfeiture of office. The Committee commented that the City of Aventura will be having an upcoming special election that could result in imposing a stricter policy on Absenteeism.

Motion to approve the Minutes of February 11, 2016 made by Mr. Cook, seconded by Mr. Lamberto.

MOTION PASSED 6-0 with Mr. Thompson absent.

Civil Service Board

Outside Labor Counsel Miller provided some history of the civil service system and explained that it was difficult many years ago for cities to react to changing circumstances because they only had local control through their charters due to the non-existence of ordinances, but the creation of Home Rule made the process much easier. He provided examples of the archaic language within the current provisions of the Civil Service Board in the current City Charter, such as the Director of Personnel (Human Resources) can also be the City Manager, and referenced the outdated charter of another municipality in South Florida that states the City Manager is also the Chief of Police. Mr. Miller suggested that the City consider moving relevant and modernized provisions of the Civil Service Board from the City Charter to the City Code to improve efficiency and avoid the future need of going to the electorate.

City Attorney Smith, Outside Counsel Olin, Human Resources Director Lewis, and Deputy Human Resources Director Hinds stated and agreed that the majority of the language in the existing provisions for the Civil Service Board was archaic and outdated. The Committee was informed that the majority of the cases heard by the current Civil Service Board involve approving newly created job positions/classifications and outside employment issues. Deputy City Attorney Joseph stated that the Civil Service Board has jurisdiction over certain grievance cases, but the Human Resources Department has been able to resolve most issues during her time as legal advisor and she mentioned that the Civil Service Board recently amended the process of outside employment approval requests on behalf of the employees.

City Attorney Smith stated that he is not recommending the abolition of the Civil Service Board because it serves a purpose in certain circumstances and he encouraged the Committee to retain the Civil Service Board and place updated and modernized provisions in the City Code. The Committee inquired as to whether or not moving Civil Service Board provisions to the City Code would make it easier or harder to terminate an employee and the reply was that it would not make a difference.

The Committee opened the meeting for public comment and North Miami Beach employee Janice Coakley talked about the importance and necessity of the Civil Service Board.

The Committee discussed the need to retain some semblance of a Civil Service Board and asked City Attorney Smith and Outside Counsel Olin to draft language that will address certain concerns and be presented to the Committee. City Attorney Smith stated that the essential powers of the Civil Service Board will be retained in the City Charter and the specific details of how the Civil Service Board will exercise those powers, such as procedural and administrative issues, will be dealt with by Code. City Clerk Latimore stated that the majority of employees in cities without a Civil Service Board are working under an agreement, union, contract, or are at-will as opposed to cities with a Civil Service Board.

No official motion was made concerning the Civil Service Board at this time. The Committee directed City Attorney Smith to present recommendations based on the consensus direction for a vote at a later date.

Recording of Meetings/Bill of Rights

City Attorney Smith announced that the Bill of Rights of the City of North Miami Beach mirrors the Miami-Dade County Bill of Rights. City Clerk Latimore stated that audio and video recordings of meetings can be destroyed, but written summarized notes are permanently retained. The Committee discussed the validity and financial costs associated with recording all City meetings. Outside Counsel Olin explained the Sunshine Law and Public Records Law dealing with government transparency. City Clerk Latimore stated that all current processes for the record keeping of meetings in the City of North Miami Beach are done according to Florida Law.

No official motion was made concerning the Recording of Meetings.

Upcoming Meeting Topics and Dates

The date of the next Charter Review Committee Meeting has yet to be determined.

The Charter Review Citizens Meeting will be on April 6, 2016.

Chairman Asarnow confirmed that all members of the Committee received an email from a North Miami Beach resident and asked for the email to become part of the official record of the Committee. City Attorney Smith announced that he answered and responded to every point in the email.

The meeting was opened for **PUBLIC COMMENT**.

North Miami Beach employee Marva Simmonds asked for an explanation of the Municipal Home Rule Powers Act and inquired about the recording of meetings and minutes.

North Miami Beach employee Janice Coakley mentioned recent recommendations and changes made by the current Civil Service Board and asked about the required waiting period to receive certain public records requests.

The meeting was closed for **PUBLIC COMMENT**.

Chairman Asarnow thanked Vice Mayor Spiegel and Councilwoman Smith for attending the meeting.

The meeting was adjourned at 7:48pm.



CHARTER REVIEW COMMITTEE MEETING

CITY OF NORTH MIAMI BEACH

City Hall, Conference Room, 4th Floor
17011 NE 19th Avenue, North Miami Beach, FL. 33162

Thursday, February 11, 2016 6:00 PM

Charter Review Committee Members:

Charles Asarnow, Chair
Norman Edwards, Vice-chair
Chuck Cook
William Dean Esq.
McKenzie Fleurimond
Bruce Lamberto
Larry Thompson

Appointed by:

Mayor George Vallejo
Councilman Anthony F. DeFillipo
Councilwoman Beth E. Spiegel
Vice-Mayor Phyllis S. Smith
Councilman Frantz Pierre
Councilwoman Barbara Kramer
Councilwoman Marlen Martell

Staff:

Jose Smith, City Attorney
Sarah Johnston, Assistant City Attorney
Jean Olin, Outside Counsel
Pamela L. Latimore, City Clerk
Lynetta Jackson, Deputy City Clerk

Charter Review Committee Meeting Minutes

Roll Call of the Committee Members

The meeting was called to order at 6:00pm. Present at the meeting were Chairman Charles Asarnow, Vice Chariman Norman Edwards, Chuck Cook, William Dean, McKenzie Fleurimond (arrived at 6:04pm), Bruce Lamberto (arrived at 6:25pm), and Larry Thompson. Also present were City Attorney Jose Smith, Assistant City Attorney Sarah Johnston, City Clerk Pamela L. Latimore, Deputy City Clerk Lynnetta Jackson, and Outside Counsel Jean Olin, Esq.

Pledge of Allegiance was led by the Charter Review Committee.

Approval of Meeting Minutes

The Committee stated that the Minutes should reflect the Proposed Provision "D", which was approved under "Absenteeism", should include that the language be applied prospectively, as recommended by Outside Counsel Olin.

Motion to approve the Minutes of January 27, 2016 (as corrected) made by Mr. Cook seconded by Mr. Thompson.

MOTION PASSED 6-0 with Mr. Lamberto absent.

Outside Counsel Olin clarified there is an existing Charter provision which states the City Council has the power to remove any official that it appoints, including the position of City Clerk.

The current Charter stated this provision under the positions of City Manager and City Attorney respectively, but not under the position of City Clerk.

Absenteeism

City Attorney Smith sought reconsideration to clarify the direction given at the January 27, 2016 Charter Review Committee meeting.

City Clerk Latimore made a **Point of Order** to have a motion to reconsider this subject.

Motion to reconsider the previous vote on this subject made by Chair Asarnow, seconded by Mr. Thompson.

The Committee discussed the possible need for establishing a stricter absenteeism policy due to a previous discussion and vote of reducing the number of annual City Council Meetings to a minimum of 11. The Committee inquired about whether a council member has ever missed 6 months or 120 days of meetings, City staff was unable to confirm if that has occurred.

Motion to approve the existing language which states if any City council member fails to attend council meetings for 120 consecutive days, the council seat shall become vacant, adding a due process provision (similar to Aventura), and applying the provision prospectively, by Mr. Thompson, seconded by Mr. Dean.

MOTION PASSED 5-1 with Mr. Fleurimond opposed and Mr. Lamberto absent.

Qualifying Language

Outside Counsel Olin stated that the Committee had previously voted to change the City election date from the month of May in odd-numbered years (every 2 years) to the month of November in even-numbered years (every 2 years). She explained that the City has a 6 day qualifying time period and individuals interested in running for elected office have no earlier than 43 days and no later than 38 days to fill out the necessary paperwork and submit the required fees in order to be considered a candidate. She said that if the City Council chooses to accept the recommendation of the Committee to change the election date, it would affect the qualifying time period because Miami-Dade County has certain deadline dates because of the time needed to print, translate, and mail absentee ballots. She expressed that the County requires that municipalities qualify no later than 67 days before the election. Therefore, Outside Counsel Olin suggested that the City should adopt a qualifying period of no earlier than 78 days and no later than 73 days, while retaining the 6 day qualifying time. City Attorney Smith and City Clerk Latimore mentioned the documents needed to establish and determine residency of potential candidates and said any challenges to the issue of residency are up to the courts to define and decide.

Motion to approve Proposed Option "A" made by Mr. Thompson, seconded by Mr. Cook.

MOTION PASSED 7-0.

Outside Counsel Olin asked for clarification involving run-off elections in the City. The Committee confirmed that the elimination and removal of run-off elections that was previously voted on would only apply if the election date was moved from May to November.

Groups/Districts

Proposed Option “A” - retain existing citywide groups 1-7 (group 1 is the Mayor)

Proposed Option “B” - recommend single member districts

The Committee focused on several cities surrounding North Miami Beach and talked about the positive and negative aspects of having members on a Council/Commission exist in citywide groups or represent separate districts. The main issues discussed when considering the formation of districts was the possible benefit of a more diverse demographic of council members and the possibility that council members would only care about their particular neighborhood. City Attorney Smith mentioned that creating districts can be a long and difficult process.

Motion to approve Proposed Option “A” made by Mr. Lamberto, seconded by Mr. Dean.

MOTION PASSED 6-1 with Mr. Fleurimond opposed.

Mr. Lamberto was informed about the discussion and voting that took place earlier in the meeting on the subject of absenteeism. The Committee briefly discussed the matter of recording City meetings.

Upcoming Meeting Topics and Dates

The topics for the next Charter Review Committee meeting will include the civil service board, conduct of elections, and vacancies.

The next Charter Review Committee meeting will be on March 9, 2016.

The citizens meeting will be on April 6, 2016.

The final meeting of the Charter Review Committee will be announced at a later date.

The meeting was opened for **PUBLIC COMMENT**.

North Miami Beach resident Mubarak Kazan spoke on the subject of voting districts.

The meeting was closed for **PUBLIC COMMENT**.

The meeting was adjourned at 7:37pm.



CITY OF NORTH MIAMI BEACH

Charter Review Committee Meeting
City Hall, Conference Room, 4th Floor
17011 NE 19th Avenue
North Miami Beach, FL 33162

Wednesday, January 27, 2016, 6:00 PM

Charter Review Committee Members:

Charles Asarnow, Chair
Norman Edwards, Vice Chair
Chuck Cook
William Dean
McKenzie Fleurimond
Bruce Lamberto
Larry Thompson

Appointed by:

Mayor George Vallejo
Councilman Anthony F. DeFillipo
Councilwoman Beth E. Spiegel
Vice Mayor Phyllis S. Smith
Councilman Frantz Pierre
Councilwoman Barbara Kramer
Councilwoman Marlen Martell

Staff:

Jose Smith, City Attorney
Sarah Johnston, Assistant City Attorney
Jean Olin, Esq., Outside Counsel
Pamela L. Latimore, City Clerk
Lynnetta Jackson, Assistant City Clerk

Charter Review Committee Meeting Minutes

Roll Call of the Committee Members

The meeting was called to order at 6:00pm. Present at the meeting were Chairman Charles Asarnow, Vice Chairman Norman Edwards, Chuck Cook, McKenzie Fleurimond, Bruce Lamberto, and Larry Thompson. Also present were City Attorney Jose Smith, Assistant City Attorney Sarah Johnston, Assistant City Clerk Lynnetta Jackson, and Jean Olin, Esq. Outside Counsel. William Dean was absent.

Pledge of Allegiance was led by the Charter Review Committee.

Approval of Meeting Minutes

Motion to approve the Minutes of November 16, 2015 made by Mr. Edwards, seconded by Mr. Thompson.
MOTION PASSED 6-0 with Mr. Dean absent.

Motion to approve the Minutes of December 10, 2015 made by Mr. Edwards, seconded by Mr. Thompson.
MOTION PASSED 6-0 with Mr. Dean absent.

Outside Counsel Olin stated that if the City election date is changed, the issue of the qualifying period would need to be addressed. She explained the qualifying period is defined as the process by which a person who is interested in becoming a candidate for elected office must follow in order to become a candidate. If the City decides to move the election dates from May of odd numbered years to November

of even numbered years, there would need to be a Charter Amendment changing the qualifying date. City Attorney Smith said the legal department will draft language concerning the qualifying date and attach it to the election date recommendation.

Charter Officers

City Manager

Proposed Provision:

Section 3.1. City Manager; Appointment, Removal.

There shall be a City Manager who shall be the chief administrative officer of the City. The City Manager shall be responsible to the City Council for the administration of all City affairs and for carrying out policies adopted by the City Council. The City Council shall appoint the City Manager to serve at the pleasure of the City Council. The City Manager shall be removed by a majority vote of the City Council at any time. The term, conditions, and compensation of the City Manager shall be established by the City Council.

Section 3.1.2 Powers and Duties of the City Manager.

The City Manager shall:

- A. Be responsible for the appointing, hiring, promoting, supervising and removing of all City employees, except the City Attorney, the City Clerk, and all employees of the Office of the City Attorney.
- B. Direct and supervise the administration of all departments and offices, but not City boards or committees, unless so directed by the City Council;
- C. Attend City Council meetings and have the right to take part in discussion, but not the right to vote;
- D. Ensure that all laws, provisions of this Charter and directives of the City Council, subject to enforcement and/or administration by him/her or by employees subject to his/her direction and supervision, are faithfully executed;
- E. Prepare and submit to the City Council a proposed annual budget and capital improvement program;
- F. Submit to the City Council and make available to the public an annual report on the finances and administrative activities of the City as of the end of each fiscal year;
- G. Prepare such other reports as the City Council may require concerning the operations of City departments, offices, boards and committees;
- H. Keep the City Council advised as to the financial condition and needs of the City and make such recommendations concerning the affairs of the City as she/he deems to be in the best interests of the City;
- I. Execute contracts and other documents on behalf of the City as authorized by the City Council;
- J. Perform such other duties as are specified in this Charter or as required by the City Council.

Section 3.2. Absence or Disability of City Manager.

To perform his/her duties during his/her temporary absence or disability, the City Manager may designate by letter filed with the City Clerk, a qualified administrative officer of the City. In the event of failure of the City Manager to make such designation, the City Council may by resolution appoint an officer of the City to perform the duties of the City Manager until she/he shall return or his/her disability shall cease.

City Attorney Smith stated that he is not in favor of the qualifications and tenure provisions in the current City Charter. Director of Human Resources Nadine Lewis-Sevilla stated that the current wording in this section of the Charter makes recruiting qualified candidates extremely difficult. The Committee inquired as to when the existing language was adopted (1957 was the response) and discussed the possible minimum and maximum amounts of severance pay. City Attorney Smith expressed that the City Manager has the power to hire and fire any employee within his/her chain of command, including the Chief of Police, department directors, and all employees working under them.

Motion to approve the Proposed Provision of City Manager, Sections 3.1, 3.1.2, and 3.2, made by Mr. Fleurimond, seconded by Mr. Thompson.

MOTION PASSED 6-0 with Mr. Dean absent.

City Clerk

Proposed Provision:

Section 3.4. City Clerk.

The City Council shall appoint the City Clerk to serve at the pleasure of the City Council. The City Clerk shall be removed by a majority vote of the City Council at any time. The term, conditions, and compensation of the City Clerk shall be established by the City Council.

Section 3.4.1 Powers and Duties of the City Clerk.

The City Clerk shall give notice of all City Council meetings to its members and the public, and shall keep minutes of the City Council's proceedings. The City Clerk shall perform such other duties as the City Council may prescribe. The City Clerk shall maintain the seal of the City and attest the Mayor's or City Manager's signature on all documents, if needed.

City Attorney Smith mentioned that the existing City Charter does not discuss the powers and duties of the position of City Clerk and City Clerk Latimore stated the proposed provision is consistent with other cities that she has viewed. Outside Counsel Olin observed that the language of the existing City Charter provision states that the City Council appoints the City Clerk, but there is no mention of who can remove the City Clerk. City Attorney Smith stated it has always been understood that the three Charter officers are hired and fired by the City Council.

Motion to approve the Proposed Provision of City Clerk, Sections 3.4 and 3.4.1, made by Mr. Lamberto, seconded by Mr. Thompson.

MOTION PASSED 6-0 with Mr. Dean absent.

City Attorney

Proposed Provision:

Section 3.5. City Attorney.

There shall be a City Attorney who shall be the head of the Office of City Attorney. The City Council shall appoint the City Attorney to serve at the pleasure of the City Council. The City Attorney shall be removed by a majority vote of the City Council at any time. The term, conditions, and compensation of the City Attorney shall be established by the City Council.

Section 3.5.1 Powers and Duties of the City Attorney.

The City Attorney shall:

- A. Act as the legal advisor for the City and all of its officers in all matters relating to their official powers and duties.
- B. Prepare or review all ordinances, resolutions, contracts, bonds and other documents in which the City is concerned, and shall endorse on each his/her approval of the form, language, and execution.
- C. Prosecute or defend, for and in behalf of the City, all complaints, suits and controversies in which the City is a party, before any court, or other legally constituted tribunal.
- D. Attend all meetings of the City Council.
- E. Recommend to the City Council for adoption, such measures as he/she may deem necessary or expedient.
- F. Render opinions and/or reports on legal matters affecting the City.
- G. Perform such other professional duties as may be required by ordinance or resolution of the City Council by this Charter.
- H. Appoint and remove all unclassified personnel in the Legal Department, including outside Counsel representing the City.

City Attorney Smith and the Charter Review Committee members discussed the possibility of a municipality employing a law firm in lieu of maintaining or staffing a City Attorney's Office. City Attorney Smith stated that the language in the proposed provision captures in general what most cities have done. He expressed his opinion that the City Attorney's office should not be politicized by the City Council, except to adhere to the adopted budget. Some members discussed that a City Attorney could hire a friend, family member, or any other individual or firm without the knowledge or consent of the City Council. City Attorney Smith described forming an Attorney's Oversight Committee, consisting of the Mayor and other elected officials, that reviews expenditures to make sure there is no inappropriate conduct and suggested this may be done by resolution.

Motion to approve the Proposed Provision of City Attorney, Sections 3.5 and 3.5.1, with the addition of allowing the city the ability to employ a law firm, made by Mr. Lamberto, seconded by Mr. Cook.

MOTION PASSED 5-1 with Mr. Edwards opposed and Mr. Dean absent.

Absenteeism

Proposed Provisions:

- A. Option "A" Proposed Provision: Include a provision in the Citizens' Bill of Rights that council members shall make best efforts to attend all meetings.
- B. Option "B" Proposed Provision: Include a provision that after missing more than 3 council meetings per year the salary and benefits [for the fiscal year] shall be forfeited to the City.
- C. Option "C" Proposed Provision: Retain existing language, which provides that if any council member fails to attend council meetings for 120 days, the seat shall become vacant.
- D. Option "D" Proposed Provision: See the Aventura language in the attached Memorandum.

Outside Counsel Olin explained the concept of Municipal Home Rule, which states that the City is authorized to legislate on any matter that affects a municipal purpose unless the city has been preempted. She stated that the City must provide notice and an opportunity to be heard before removing any member of the Council from office due to excessive absenteeism. She also presented the option of having any forfeiture language adopted being retroactive to present members of the Council or only applying to future elected officials. The Committee discussed the importance of elected officials physically attending and participating in City Council meetings.

Motion to approve Proposed Provision "D" to be applied prospectively, made by Mr. Edwards, seconded by Mr. Cook.

MOTION PASSED 4-2

*Mr. Fleurimond opposed because of concerns with the City Council's ability to remove elected officials and Mr. Lamberto opposed because he wanted stricter language and retroactive application. *Mr. Lamberto clarified his vote on this issue and his reasoning at a later time in the meeting. Mr. Dean absent.*

Powers of the City

Proposed Provision:

Section 1.4. Powers.

The City shall have all available governmental, corporate and proprietary powers and may exercise them except when prohibited by law. Through the adoption of this Charter, it is the intent of the electors of the City to grant to the municipal government established by this Charter the broadest exercise of home rule powers permitted under the Constitution and laws of the State of Florida.

City Attorney Smith explained that the existing Charter contains over 60 paragraphs outlining every single power that the City can engage in, including many that are no longer relevant, and some that are illegal. He stated that the Florida Legislature enacted the Municipal Home Rule Powers Act in 1973 which gives municipalities governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services and may exercise any power except where prohibited by law. He informed the Committee that every new city and all other cities that have amended or created a new charter since that time quoted the language in the act and eliminated any previous unnecessary language.

***Motion to approve** the Proposed Provision of Powers of the City, Section 1.4, made by Mr. Lamberto, seconded by Mr. Thompson.*

***MOTION PASSED 6-0** with Mr. Dean absent.*

The meeting was opened for **PUBLIC COMMENT**.

There were no speakers.

The meeting was closed for **PUBLIC COMMENT**.

The next Charter Review Committee Meeting is scheduled for Thursday, February 11, 2016.

Outside Counsel Olin suggested that the Charter Review Committee conduct a televised town hall meeting in March and present the recommendations to the City Council soon after. She also informed the Committee that the City Council can only officially adopt the resolutions at the July 19, 2016 or August 2, 2016 City Council meetings to qualify for the November 2016 election ballot.

City Attorney Smith mentioned issues to place on the next agenda, including single member districts, the civil service board, and qualifying dates.

The meeting was adjourned at 8:06pm.



CITY OF NORTH MIAMI BEACH
Charter Review Committee Meeting
City Hall, Conference Room, 4th Floor
17011 NE 19th Avenue
North Miami Beach, FL 33162
Thursday, December 10, 2015
6:00 PM

Charter Review Committee Members:

Charles Asarnow, Chair
Norman Edwards, Vice Chair
Chuck Cook
William Dean
McKenzie Fleurimond
Bruce Lamberto
Larry Thompson

Appointed by:

Mayor George Vallejo
Councilman Anthony F. DeFillipo
Councilwoman Beth E. Spiegel
Vice Mayor Phyllis S. Smith
Councilman Frantz Pierre
Councilwoman Barbara Kramer
Councilwoman Marlen Martell

Staff:

Jose Smith, City Attorney
Sarah Johnston, Assistant City Attorney
Jean Olin, Esq., Outside Counsel
Pamela L. Latimore, City Clerk
Lynnetta Jackson, Assistant City Clerk

Charter Review Committee Meeting Minutes

Roll Call of the Committee Members

The meeting was called to order at 6:00pm. Present at the meeting were Chairman Charles Asarnow, Vice Chairman Norman Edwards, Chuck Cook, William Dean, McKenzie Fleurimond, Bruce Lamberto, and Larry Thompson. Also present were City Attorney Jose Smith, Assistant City Attorney Sarah Johnston, City Clerk Pamela L. Latimore, Assistant City Clerk Lynnetta Jackson, and Jean Olin, Esq., Outside Counsel.

Pledge of Allegiance was led by the Charter Review Committee.

Item #1 - Run-Off's

Existing Provision: Candidates must be elected to office by receiving the majority of the votes cast in the election.

Proposed Provision Option "A": Candidates must receive the highest number of votes of the ballots cast to be elected to office.

Proposed Provision Option "B": Retain existing language.

The Committee discussed the high cost of having a run-off election and the historically low voter turn-out for such elections. The Committee inquired about the recent history of run-off elections in North Miami Beach. City Clerk Latimore stated that most, if not all, general elections featured a run-off election and the cost of a general election is about \$60,000 and a run-off is approximately the same amount. City Clerk Latimore also said run-off elections receive about half the voter turnout of a general election. Outside Counsel Jean Olin stated there is a pending State bill that will impact municipal elections and the City would not have the authority and ability to control the dates. The Committee mentioned that a run-off election could provide a clear and concise decision and avoid the situation of a winning candidate receiving as low as 25% of the total vote if there are 4 or more candidates. City Attorney Smith explained the difference between receiving the majority of the votes as opposed to receiving the highest number of votes.

Motion to approve to retain the existing language made by Mr. Fleurimond, seconded by Mr. Edwards.

Motion Failed 3-4 with Mr. Asarnow, Mr. Dean, Mr. Lamberto, and Mr. Thompson opposed.

Motion to approve to adopt Option “A” made by Mr. Thompson, seconded by Mr. Lamberto.

Motion Passed 4-3 with Mr. Cook, Mr. Edwards, and Mr. Fleurimond opposed.

Item #2 - Flexible Meetings

Existing Provision: Meetings shall commence at 7:30pm and be held on the first and third Tuesday of each month.

Proposed Provision Option “A”: There shall be a minimum of 11 regular monthly meetings per year, which shall be prescribed by the Resolution.

Proposed Provision Option “B”: Retain the existing language.

City Attorney Smith announced that City Manager Garcia would be speaking on this subject.

City Manager Garcia thanked the Committee for taking the time to volunteer and serve for such a worthy and significant endeavor. She explained that City staff is constantly in agenda and meeting mode, which doesn’t always result in greater efficiency, productivity, and financial responsibility. She stated that when she was previously employed at another municipality so much more was accomplished when having monthly meetings. She expressed her favor in having fewer scheduled meetings and said it would not mean any less communication with residents. The Committee inquired if one meeting a month would be sufficient to deal with the amount of legislation and items that require Council approval. City Manager Garcia replied affirmatively and also mentioned that special meetings can always be called, along with Council conference workshops. City Clerk Latimore stated having fewer meetings would result in less of a rush for the Council. City Attorney Smith stated there is often not enough time to review bids, contracts, and ordinances from one meeting to the next, and also acknowledged that the city would save money having fewer meetings. The Committee was informed that meetings would be scheduled in advance through a Resolution once a year.

Mayor Vallejo appeared at the meeting and thanked the Committee for their service.

Motion to approve to adopt Option “A” made by Mr. Cook, seconded by Mr. Fleurimond.

Motion Passed 6-1 with Mr. Edwards opposed.

Item #3 - City Departments

Existing Provision: Provides for Finance, Personnel, Recreation, Police, and Fire Departments.

Proposed Provision Option “A”: The City Manager shall direct and supervise the administration (including creation and elimination) of City Departments, excluding the City Attorney and City Clerk’s departments.

Proposed Provision Option “B”: Retain in whole or in part, the existing language, except for references to the Fire Department.

City Attorney Smith explained the existing provision and the options available for proposed provisions. City Manager Garcia discussed her experiences in other cities, relating to organizational structure and the naming of specific departments. Outside Counsel Jean Olin stated that this provision could be deleted and removed from the City Charter and moved to the City Code. Assistant City Attorney Johnston explained that the removal of a City department in the City Code would require City Council approval. City Clerk Latimore explained the differences in making changes to items that are in the City Charter and the City Code. City Attorney Smith made a suggestion to the Committee to leave the Police Department in the City Charter. The Committee discussed whether having the Police Department remain in the Charter could affect union negotiations.

Motion to approve to keep the Police Department in the City Charter made by Mr. Fleurimond, seconded by Mr. Dean.

Motion Failed 3-4 Thompson, Cook, Edwards, Lamberto opposed.

Motion to approve to adopt Option “A” made by Mr. Edwards, seconded by Mr. Cook.

Motion Passed 6-1 with Mr. Dean opposed.

Item #4 - Recusals

Existing Provision: There is no existing language in the Charter addressing recusals.

Proposed Provision Option “A”: Include a provision in the Citizens’ Bill of Rights providing that council members shall make best efforts to vote unless they cannot vote due to a recusal pursuant to law.

Proposed Provision Option “B”: Include a provision stating that a code of ethics shall be adopted and allow recusals to be addressed in the Code.

Proposed Provision Option “C”: No change.

The Committee stated the reason for this subject is because certain issues have transpired in the past due to members of the Council choosing not to vote for a variety of reasons. City Attorney Smith expressed that inappropriate recusals are an ongoing concern, City Attorney Smith stated that when an elected public official or appointed board member leaves a meeting to avoid voting, they have to file a conflict of interest form. Outside Counsel Jean Olin mentioned that the County Ethics Commission has jurisdiction over the Municipal Ethics Code and the Municipal Citizens’ Bill of Rights.

Motion to approve to adopt Option “A” made by Mr. Cook, seconded by Mr. Thompson.

Motion Passed 6-1 with Mr. Edwards opposed.

Item #5 - Absenteeism

Existing Provision: The existing Charter provides that if any council member fails to attend council meetings for 120 days, the seat shall become vacant.

Proposed Provision Option “A”: Include a provision in the Citizens’ Bill of Rights that council members shall make best efforts to attend all meetings.

Proposed Provision Option “B”: Include a provision that after missing more than 3 council meetings per year, the salary and benefits (for the fiscal year) shall be forfeited to the City.

Proposed Provision Option “C”: Retain existing language.

City Attorney Smith read and explained the existing provision. The Committee discussed issues related to absenteeism, including illness and reasons for missing meetings with good cause.

Motion to table this item until a future meeting was made by Mr. Lamberto, seconded by Mr. Cook.

Motion Passed 6-1 with Mr. Dean opposed.

North Miami Beach resident Mubarak Kazan was recognized and discussed the possibility of receiving the agenda for the Charter Review Committee meeting beforehand and suggested that citizens have access to a public email address to voice their questions and concerns.

Next Charter Review Committee Meeting is Thursday, January 14, 2016.

ADJOURNMENT

The meeting was adjourned at 7:58pm.



CITY OF NORTH MIAMI BEACH

Charter Review Committee Meeting
City Hall, Conference Room, 4th Floor
17011 NE 19th Avenue
North Miami Beach, FL 33162
Monday, November 16, 2015
6:00 PM

Charter Review Committee Members:

Charles Asarnow, Chair
Norman Edwards, Vice Chair
Chuck Cook
William Dean
McKenzie Fleurimond
Bruce Lamberto
Larry Thompson

Appointed by:

Mayor George Vallejo
Councilman Anthony F. DeFillipo
Councilwoman Beth E. Spiegel
Vice Mayor Phyllis S. Smith
Councilman Frantz Pierre
Councilwoman Barbara Kramer
Councilwoman Marlen Martell

Staff:

Jose Smith, City Attorney
Sarah Johnston, Assistant City Attorney
Jean Olin, Esq., Outside Counsel
Pamela L. Latimore, City Clerk
Lynnetta Jackson, Assistant City Clerk

Charter Review Committee Meeting Minutes

Roll Call of the Committee Members

The meeting was called to order at 6:00pm. Present at the meeting were Chairman Charles Asarnow, Vice Chairman Norman Edwards, Chuck Cook, William Dean, McKenzie Fleurimond (arrived a few minutes late), Bruce Lamberto, and Larry Thompson. Also present were City Attorney Jose Smith, Assistant City Attorney Sarah Johnston, Assistant City Clerk Lynnetta Jackson, and Jean Olin, Esq. Outside Counsel.

Pledge of Allegiance was led by the Charter Review Committee.

Chairman Asarnow announced that it is very important to realize that the committee will be making recommendations not just for the current City Council members, staff, and residents, but for future generations in North Miami Beach to live by. He also stated that simplicity should be the goal.

Item #1 - Mayor's Authority/Vacancies in Office

Existing Provision: Charter Officers are appointed by the City Council and committees are established

in the Charter and any vacancies shall be filled by the City Council.

Proposed Provision Option "A": *Mayor, subject to Council approval, appoints City Council committees; Charter Officers appointed by City Council; and, Mayor's vacancy filled by Vice-Mayor until next general election or, if more than six months remain, in term of office then until a special election is held; and, a vacancy in a council member seat with less than 6 months in the term of office shall be filled by the nomination of the Mayor subject to confirmation of by City Council.*

Proposed Provision Option "B": *City Council appoints committees of City Council; Charter Officers; and, a vacancies in council member seats with less than 6 months in the term of office, or until a special election is held.*

City Attorney Smith explained the provision and gave examples of cities that have committees, such as finance, budget, and planning and zoning, which consist of members of the Council and are different than volunteer citizen boards. He also stated that Section 2 of the Code contains all of the committees currently in existence in North Miami Beach and if the City chose to establish a new board, it would be done by an ordinance. The fact that a council has never exercised the authority to make committees within the council was noted.

Motion to approve to retain the language of the existing provision regarding committees made by Mr. Cook, seconded by Mr. Asarnow.

MOTION PASSED 7-0.

Item #2 - Vice Mayor's Duties/Vacancy

Existing Provision: City Council elects a Vice Mayor to act and who shall exercise the powers of the Mayor; and vacancies shall be filled by the City Council pending the next general election, but if more than one year remains in the term of office, a special election to fill the vacancy shall be held.

Proposed Provision Option "A": *Vice-mayor will have all powers, authority, duties, and responsibilities of the Mayor and shall be designated by a resolution of the City Council; and, provides that if there is a vacancy in the Mayor's seat, the Vice-Mayor shall fill the Mayors seat unless there are more than 6 months remaining on the term of office and then a special election shall be held.*

City Attorney Smith explained the provision and noted other cities have decided that a one year vacancy was too long and voters should have the opportunity to fill the position. Mr. Fleurimond said that in cities where the Mayor has to run for office every two years, he would see it as a reasonable reason to consider the change, but because the city is under a four year term, one year is twenty-five percent (25%) of the term and that's not enough reason to make the change and put it in front of the constituents and citizens.

Motion to approve to retain the existing provision made by Mr. Lamberto, seconded by Mr. Asarnow.

MOTION PASSED 7-0.

On the subject of filling vacancies, City Attorney Smith asked the Committee whether they would prefer the Mayor bringing a nomination forward and having the Council vote for that person or allowing each council member the opportunity to nominate someone of their choice. Mr. Fleurimond explained the

process that was in effect during his time on the Council. Councilwoman Beth E. Spiegel stated this issue was previously discussed and not amended by the former Charter Review Committee.

Motion to approve to leave the existing provision as is made by Mr. Lamberto, seconded by Mr. Asarnow.

MOTION PASSED 7-0.

Item #3 - Term of Office/Term Limits

Existing Provision: Mayor and Council limited to no more than eight consecutive years in office.

Proposed Provision Option "A": *No person shall be able to serve more than two terms as Mayor or Councilmember. This allows service as Mayor for two terms and Councilmember for two terms.*

Proposed Provision Option "B": *No person shall be able to serve more than two consecutive terms as Mayor or Councilmember. This would only place limits on consecutive service, an individual could serve more than two terms in any office so long as it was not consecutive.*

The Charter Review Committee discussed the allowable length of time to serve in office. The options discussed were whether to allow service as mayor for two terms and councilmember for two terms or to allow service for more than two terms as long as it was not consecutive. Mr. Dean expressed that changing this provision every couple of years is a disservice to the City. The issue of time served in office while filling a vacancy was determined not to count towards the consecutive years term limit.

Motion to approve to retain the existing provision (Section 22, Page 9) made by Mr. Lamberto, seconded by Mr. Dean.

MOTION PASSED 7-0.

Item #4 - Election Date

Existing Provision: Elections held biennially on the 1st Tuesday in May.

Proposed Provision Option "A": *Regular elections shall be held on the 1st Tuesday following the 1st Monday in November.*

Proposed Provision Option "B": *Regular elections shall be held on the day of the state primary election in August, if no state primary election is held then the election shall be held on the first Tuesday following the second Monday in September.*

Proposed Provision Option "C": *Keep the existing date-regular elections shall be held of the 1st Tuesday in May.*

The Charter Review Committee noted the low voter turnout and the cost involved in running city elections. The Committee discussed the differences between having elections at the same time as the County and conducting stand-alone elections. The committee considered having elections concurrent with the County would significantly lower the cost, but being on a crowded and shared ballot wouldn't allow for control over placement and could cause voter fatigue. Councilwoman Phyllis S. Smith inquired about the current election

schedule cycle. Jean Olin explained the timeline for Federal, State, and County elections. City Attorney Smith reminded the Committee that they can always come back and revisit this topic and that it wasn't a formal binding vote.

Motion to approve to move City elections to November, in conjunction with County elections, in even numbered years made by Mr. Lamberto, seconded by Mr. Cook.

MOTION PASSED 5-2 with Mr. Dean and Mr. Fleurimond opposed.

Item #5 - Quorum

Existing Provision: A quorum shall consist of 5 members.

Proposed Provision Option "A": *a majority of the City Council shall constitute a quorum.*

Proposed Provision Option "B": *Retain the existing quorum requirement of 5 members.*

The Charter Review Committee and City Attorney Smith discussed several possible examples when quorum can be lost, including excessive absenteeism, sickness, emergencies, and conflicts of interest. City Attorney Smith mentioned instances when maintaining quorum was an issue and informed the committee that most other cities and Robert's Rules of Order provide that a majority constitutes a quorum and 4 is the quorum under Florida State Law, but the City Charter TRUMPS the Statute.

Motion to approve to change quorum to consist of a majority (4) made by Mr. Lamberto, seconded by Mr. Asarnow.

MOTION FAILED 4-3 with Cook, Dean, Edwards, and Fleurimond opposed. Lamberto, Asarnow, and Thompson in favor.

UPCOMING MEETING TOPICS and MEETING DATE:

- Recusals
- Run-offs
- Attendance
- Flexible Meeting Schedule (1 or 2 a month)

Next Charter Review Committee Meeting is Thursday, December 10, 2015.

ADJOURNMENT

The meeting was adjourned at 7:38pm.



CITY OF NORTH MIAMI BEACH

Charter Review Committee Meeting
City Hall, Conference Room, 4th Floor
17011 NE 19th Avenue

North Miami Beach, FL 33162

Monday, November 16, 2015

6:00 PM

Charter Review Committee Members:

Charles Asarnow, Chair
Norman Edwards, Vice Chair
Chuck Cook
William Dean
McKenzie Fleurimond
Bruce Lamberto
Larry Thompson

Appointed by:

Mayor George Vallejo
Councilman Anthony F. DeFillipo
Councilwoman Beth E. Spiegel
Vice Mayor Phyllis S. Smith
Councilman Frantz Pierre
Councilwoman Barbara Kramer
Councilwoman Marlen Martell

Staff:

Jose Smith, City Attorney
Sarah Johnston, Assistant City Attorney
Jean Olin, Esq., Outside Counsel
Pamela L. Latimore, City Clerk
Lynnetta Jackson, Assistant City Clerk

Charter Review Committee Meeting Minutes

Roll Call of the Committee Members

The meeting was called to order at 6:00pm. Present at the meeting were Chairman Charles Asarnow, Vice Chairman Norman Edwards, Chuck Cook, William Dean, McKenzie Fleurimond (arrived a few minutes late), Bruce Lamberto, and Larry Thompson. Also present were City Attorney Jose Smith, Assistant City Attorney Sarah Johnston, Assistant City Clerk Lynnetta Jackson, and Jean Olin, Esq. Outside Counsel.

Pledge of Allegiance was led by the Charter Review Committee.

Chairman Asarnow announced that it is very important to realize that the committee will be making recommendations not just for the current City Council members, staff, and residents, but for future generations in North Miami Beach to live by. He also stated that simplicity should be the goal.

Item #1 - Mayor's Authority/Vacancies in Office

Existing Provision: Charter Officers are appointed by the City Council and committees are established in the Charter and any vacancies shall be filled by the City Council.

Proposed Provision Option “A”: *Mayor, subject to Council approval, appoints City Council committees; Charter Officers appointed by City Council; and, Mayor’s vacancy filled by Vice-Mayor until next general election or, if more than six months remain, in term of office then until a special election is held; and, a vacancy in a council member seat with less than 6 months in the term of office shall be filled by the nomination of the Mayor subject to confirmation of by City Council.*

Proposed Provision Option “B”: *City Council appoints committees of City Council; Charter Officers; and, a vacancies in council member seats with less than 6 months in the term of office, or until a special election is held.*

City Attorney Smith explained the provision and gave examples of cities that have committees, such as finance, budget, and planning and zoning, which consist of members of the Council and are different than volunteer citizen boards. He also stated that Section 2 of the Code contains all of the committees currently in existence in North Miami Beach and if the City chose to establish a new board, it would be done by an ordinance. The fact that a council has never exercised the authority to make committees within the council was noted.

Motion to approve to retain the language of the existing provision regarding committees made by Mr. Cook, seconded by Mr. Asarnow.

MOTION PASSED 7-0.

Item #2 - Vice Mayor’s Duties/Vacancy

Existing Provision: City Council elects a Vice Mayor to act and who shall exercise the powers of the Mayor; and vacancies shall be filled by the City Council pending the next general election, but if more than one year remains in the term of office, a special election to fill the vacancy shall be held.

Proposed Provision Option “A”: *Vice-mayor will have all powers, authority, duties, and responsibilities of the Mayor and shall be designated by a resolution of the City Council; and, provides that if there is a vacancy in the Mayor’s seat, the Vice-Mayor shall fill the Mayors seat unless there are more than 6 months remaining on the term of office and then a special election shall be held.*

City Attorney Smith explained the provision and noted other cities have decided that a one year vacancy was too long and voters should have the opportunity to fill the position. Mr. Fleurimond said that in cities where the Mayor has to run for office every two years, he would see it as a reasonable reason to consider the change, but because the city is under a four year term, one year is twenty-five percent (25%) of the term and that’s not enough reason to make the change and put it in front of the constituents and citizens.

Motion to approve to retain the existing provision made by Mr. Lamberto, seconded by Mr. Asarnow.

MOTION PASSED 7-0.

On the subject of filling vacancies, City Attorney Smith asked the Committee whether they would prefer the Mayor bringing a nomination forward and having the Council vote for that person or allowing each council member the opportunity to nominate someone of their choice. Mr. Fleurimond explained the

process that was in effect during his time on the Council. Councilwoman Beth E. Spiegel stated this issue was previously discussed and not amended by the former Charter Review Committee.

Motion to approve to leave the existing provision as is made by Mr. Lamberto, seconded by Mr. Asarnow.

MOTION PASSED 7-0.

Item #3 - Term of Office/Term Limits

Existing Provision: Mayor and Council limited to no more than eight consecutive years in office.

Proposed Provision Option "A": *No person shall be able to serve more than two terms as Mayor or Councilmember. This allows service as Mayor for two terms and Councilmember for two terms.*

Proposed Provision Option "B": *No person shall be able to serve more than two consecutive terms as Mayor or Councilmember. This would only place limits on consecutive service, an individual could serve more than two terms in any office so long as it was not consecutive.*

The Charter Review Committee discussed the allowable length of time to serve in office. The options discussed were whether to allow service as mayor for two terms and councilmember for two terms or to allow service for more than two terms as long as it was not consecutive. Mr. Dean expressed that changing this provision every couple of years is a disservice to the City. The issue of time served in office while filling a vacancy was determined not to count towards the consecutive years term limit.

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MOTION PASSED 7-0.

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schedule cycle. Jean Olin explained the timeline for Federal, State, and County elections. City Attorney Smith reminded the Committee that they can always come back and revisit this topic and that it wasn't a formal binding vote.

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MOTION PASSED 5-2 with Mr. Dean and Mr. Fleurimond opposed.

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Motion to approve to change quorum to consist of a majority (4) made by Mr. Lamberto, seconded by Mr. Asarnow.

MOTION FAILED 4-3 with Cook, Dean, Edwards, and Fleurimond opposed. Lamberto, Asarnow, and Thompson in favor.

UPCOMING MEETING TOPICS and MEETING DATE:

- Recusals
- Run-offs
- Attendance
- Flexible Meeting Schedule (1 or 2 a month)

Next Charter Review Committee Meeting is Thursday, December 10, 2015.

ADJOURNMENT

The meeting was adjourned at 7:38pm.

From: M Kazan [<mailto:mikazan@msn.com>]

Sent: Wednesday, January 13, 2016 3:10 AM

To: Latimore, Pamela <Pamela.Latimore@citynmb.com>; Simmonds, Marva <Marva.Simmonds@citynmb.com>; Jackson, Lynnetta <Lynnetta.Jackson@citynmb.com>

Cc: M Kazan <mikazan@msn.com>

Subject: Proposed NMB Charter changes - 2015-2016

City Clerk's Office
City of North Miami Beach
FL 33162
USA

January 13th, 2016

Please forward to the Charter Review Committee (2015-2016)

I thank you for your time in participating in our Charter Review for the City of North Miami Beach.

Below are some of my proposals and suggestions:

1 - The title of our Council members should be changed to Commissioners.

Policy/No Objection

2 - The city elections should remain in the Month of May. Running up to the May month elections, the months are cooler to campaign; it is before the HURRICANE SEASON and our time is not taken up dodging hurricanes as when it is done in the latter months of the year such as August or November. Saving money is a misnomer. An election cost approximately \$60,000.00. More money is spent behind more frivolous things.

Already decided.

At every elections, we have at least 5,000 election signs about the city. For a person to say they did not know an election was happening, is unbelievable.

Holding an election in November in an election year, the candidates will be at the bottom of the ballot. In 2011 we had approximately 20 candidates. Voters MAY experience voter's fatigue and probably skip the latter pages. Some voters tell you plain, they only vote presidential. Some claim the local politicians are not what they desire and they will not vote local.

3 - Run Off elections should be terminated. Our records for the last 25 years would show at no time a candidate who came in second in the main elections, won in the run offs.

Already decided.

4 - To make amendments to our Charter, the current process should be kept where a Charter Committee made up of residents propose changes and not leave this in the hands of mayor and council to propose changes. There is a different mind set thinking as a resident vs thinking as an elected official. An elected official thinking becomes more oppressive the longer they stay in office.

Contrary to Florida Statute 166.031

5 - When our elected officials and Charter officers take an oath to honor, protect and defend our Charter it should NOT mean swapping our Charter for another city's charter. It should not mean putting this in the hands of the City Attorney or any other Charter officer or city worker, to formulate "their" Charter or mayor and council directing him or her over the phone or otherwise what they want or do not want in the proposed amendments of the Charter. These suggestions should be coming from the residents instead, and not them reading off a cheat sheet what the elected officials and Charter officers want.

We are following well established practices adopted by all municipalities.

6 - Council meetings should be held in the evenings on the 1st and 3rd Tuesday of every month at 7:30 pm. Holding the meetings early in the mornings, is more likely to pass legislation without residents knowledge or input. This helps to stymie corrupt practices. The city residents need to be kept informed of the city's progress periodically. It has an important water plant that is worth over \$2 billion dollars, an annual budget of over \$116 million dollars. If the Charter Officers are complaining it is too much work keeping the taxpayers informed of this 5 square mile city worth billions, it is left up to the mayor and council to stay with the same or get new Charter Officers who are willing to do the required work.

Already decided.

If it does come to pass of having one meeting per month, I would suggest the compensation packages for the mayor, council and Charter Officers be reduced, since they will be doing less work for the taxpayers. Almost half for the mayor and council.

Nonsense. Monthly meetings allow Charter officers and staff to be more productive and realize significant savings to the City. 99% of the work gets done outside the camera.

7 - Mayor's term be four years long

Already decided.

8 - Mayor should NOT BE voted to be a strong mayor. This would disenfranchise the other six council members who now have equal powers with the mayor.

Nobody has ever suggested establishing a "Strong Mayor" form of government. This issue has already been decided.

9 - Mayor can seek two four year mayoral terms, maximum eight years in office.

Already decided.

10 - Council seek two four year term, maximum eight years in office.

Already decided.

11 -After, they have to sit out at least one year before running for city office again.
One year is enough. Not two as some may suggest.

Policy Issue.

12 - Mayor and Council has to step down from office when seeking another elected office, inside or outside the City.

Unconstitutional. Governed by State Law.

13 - All council meetings / workshops / pre council meetings / council conferences should be open and transparent. These should be video taped, audio recorded, and minutes taken by the City Clerk's office. This encourages an open and transparent government. Hush hush type meetings breed corrupt practices one too many times and should be discouraged.

All City meetings are conducted in full compliance with the Sunshine Law.

14 - Robert's Rule of Order should be eliminated from our meetings and we adopt what Miami Dade County use.

Not a Charter issue. Governed by Code Section 2-1.4

15 - Our minutes should be more in depth. Presently more is left to be desired for our council meeting minutes. (The Planning and Zoning meeting minutes presently should be the standard set for Council minutes to duplicate).

Not a Charter issue.

16 - Public Office held in our City should NOT be made into a Profession, hence term limits be kept indefinitely, to no more than two terms. Terms no longer than four years. The US President or FL governor stays NO longer than eight years.

Already decided.

17 - Mayor and Council salary should not be increased. Their compensation package MAY, but approved by the voting public.

For those who may not know, the Qualifying Fees running for public office hinges on the salary and increases as the salary increases. This eliminates, only, the well-to-do seeking office.

Policy issue.

18 - Mayor and Council should not be able to vote by themselves to sell or outsource our water utility services / management team, period. This helps to eliminate corruption and corrupt practices and allows the present service to keep the highest standard it is known for and the services not be reduced in quality and dependability as the present outsourced sanitation department is experiencing. It is a safety issue and we should not be experimenting with people's lives.

Policy issue.

19 - Council/Manager type of government remains. This would prevent the City Manager or City Council monopolizing on power.

Imagine the City Manager listening to only one or two members on the council directing him or her clandestinely how to run the City. Then why did we vote for the other five or six representatives?

No change has ever been proposed to "Council-Manager" form of government.

20 - Mayoral duties should remain at running meetings and whatever is currently in our Charter and NOT BE increased. This helps to reduce corrupt practices.

No change proposed.

21 - Should not have a Strong Manager/City Attorney type of government. It increases corrupt practices.

Already decided.

22 - Should not have a strong City Manager type government. In a small city such as ours, it breeds corrupt practices.

Already decided.

23 - Charter officers contract should not be longer than one year and compensation severance package be no greater than 120 days.

Severance "package" is governed by F.S. 215.425(4)(a)(1). Compensation/Contracts already decided.

24 - The City Clerk's office, which is in charge of our elections, should remain independent as it currently is. It reduces corrupt practices and defeats corrupt ideas.

No change proposed.

25 - All aspects of the Charter dealing with forest and agriculture, should BE KEPT.

I have seen people having stock of live chickens and other farm animals which is illegal, on their property in our City. We have hundreds of trees in our city that needs our care and attention. Eliminating or watering down this part of the Charter would not be beneficial to our city

Nothing is being "watered down". City retains all powers granted under Florida law.

26 - The Proposed Charter items should be presented to the voters individually and not be presented in a block en masse, i.e. if you vote for one item you vote for all.

Agree. That is our plan.

Promoting open and transparent government should be priority.

I thank you for your time. May God be with us.

Sincerely,

Mubarak Kazan
15564 NE 12th Ave
North Miami Beach
FL 33162
USA



PLEASE NOTE: The City of North Miami Beach is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure. All e-mail sent and received is captured by our servers and kept as public record.



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CITY ATTORNEY'S PROPOSED BALLOT MEASURES¹

I. Proposed measures related to Charter Review Committee recommendations:

➤ **Repeal of Existing City Charter and Adoption of New City Charter.**

Shall the North Miami Beach City Charter be repealed and replaced by a new Charter reflecting municipal home rule powers granted by Florida's Constitution and Statutes, incorporating non-substantive stylistic changes, deleting obsolete/redundant language otherwise addressed by State law, restructuring City's Codebook by moving Charter-designated City Departments and Canvassing Board provisions into City Code, while retaining "Boundary" description", "Citizen's Bill of Rights", "Form of Government", and "Initiative/Referendum"?

Yes _____

No _____

➤ **Citizens' Bill of Rights: Councilmember's Duty to Vote.**

Shall the City Charter's "Citizens' Bill of Rights" be amended to include a requirement that Councilmembers shall make best efforts to vote unless they are prohibited from voting due to mandatory recusal?

Yes _____

No _____

➤ **Reducing Number of Regular City Council Meetings.**

Shall the City Charter be amended to reduce the number of regular City Council meetings from twice monthly to no less than 11 per year, with schedule and number of meetings to be established by City Resolution?

Yes _____

No _____

➤ **Absenteeism in Councilmember's Office.**

The City Charter provides for automatic vacancy in office if a Councilmember fails to attend Council meetings for 120 days. Shall the Charter be amended prospectively (excluding a Councilmember's absenteeism occurring prior to this Charter change) to provide that:

- the 120 days shall be "consecutive"; and
- instead of automatic vacancy due to absenteeism, establish instead a due process hearing determination of "good cause" prior to any Councilmember's forfeiture of office.

Yes _____

No _____

➤ **City Manager, City Attorney and City Clerk.**

Shall the City Charter be amended to clarify and further define existing powers and duties of the City Manager, City Attorney and City Clerk, and to specifically:

- grant City Council authority to retain a law firm to serve as City's Attorney instead of in-house City Attorney; and
- delete provisions establishing City Manager's qualifications and tenure/provisional hiring?

Yes _____

No _____

¹ The City Council is advised to discuss as well the order in which its approved ballot measures shall appear on the Special Election ballot.

➤ **Civil Service Charter Provisions.**

Shall the City Charter be amended to:

- change timing of Civil Service Board's hearing on employee's request for appeal from 15 to 30 days after such request, and repeal Board's powers to give examinations and promotions, appoint/designate a "Chief Examiner", and issue subpoenas/enforce by contempt; and
- move Charter provisions concerning "Civil Service", "Classified Service", and "Political Activity" from the Charter into the City Code, allowing amendments by ordinance instead of referendum.

Yes _____

No _____

➤ **Change of City's General Election Date and Delete Runoff Election.**

Shall the City Charter be amended to change City's General Election date from May of odd-numbered years to November of even-numbered years (commencing with City's General Election in 2018), change candidate qualifying dates to correspond to November elections, provide a one-time limited extension of terms of incumbent Council members to implement this change in election date, and delete Runoff Election?

Yes _____

No _____

II. Proposed measures unrelated to Charter Review Committee:

➤ **City Council's Acceptance of Election Returns and Scheduling of Election to Fill Council Vacancy.**

Shall the City Charter be amended to:

- change timing of the City Council's acceptance of election returns from Election night to the second business day following the certification of final election returns; and
- change time by which the City Council must schedule an election to fill a vacancy on the Council from 35-60 to 35-90 days after such vacancy occurs?

Yes _____

No _____

➤ **Amending City Council Member's Term Limit Provisions.**

The City Charter establishes a four-year term of office for members of the City Council, with a term limit of eight consecutive years, not including time served for filling a vacancy on the Council. Shall the Charter be amended to establish that service by a Council member (including by filling vacancy) in excess of 50% of a term shall constitute a full "term"?

Yes _____

No _____

PART I – CHARTER OF THE CITY OF NORTH MIAMI BEACH

Preamble.

We, the people of the City of North Miami Beach, in order to secure for ourselves the benefits and responsibilities of home rule and in order to provide for a municipal government to serve our present and future needs, do hereby adopt this charter and as part thereof adopt the following Citizens' Bill of Rights.

Citizens' Bill of Rights.

(A) This government has been created to protect the governed, not the governing. In order to provide the public with full and accurate information, to promote efficient administrative management, to make government more accountable, and to insure to all persons fair and equitable treatment, the following rights are guaranteed:

1. Convenient access. Every person has the right to transact business with the city with a minimum of personal inconvenience. It shall be the duty of the city manager and the City Council to provide, within the city's budget limitations, reasonable convenient times and places for required inspections, and for transacting business with the city.
2. Truth in government. No municipal official or employee shall knowingly furnish false information on any public matter, nor knowingly omit significant facts when giving requested information to members of the public.
3. Public records. All audits, reports, minutes, documents and other public records of the city and its boards, agencies, departments and authorities shall be open for inspection at reasonable time and places convenient to the public.
4. Minutes and ordinance register. The city clerk shall maintain and make available for public inspection an ordinance register separate from the minutes showing the votes of each member on all ordinances (Ordinance means an official legislative action of the North Miami Beach Council, which action is a regulation of a general and permanent nature and enforceable as a local law), and resolutions (Resolution means an expression of the North Miami Beach Council concerning matters of administration, an expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the North Miami Beach Council) listed by descriptive title. Written minutes of all meetings and the ordinance register shall be available for public inspection not later than thirty (30) days after the conclusion of the meeting.
5. Right to be heard. So far as the orderly conduct of public business permits, any interested person has the right to appear before the City Council or any city agency, board or department for the presentation, adjustment or determination of an issue, request or controversy within the jurisdiction of the city. Matters shall be scheduled for the convenience of the public, and the agenda shall be divided into approximate time periods so that the public may know approximately when a matter will be heard. Nothing herein shall prohibit the city or any agency thereof from imposing reasonable time limits for the presentation of a matter.

6. Right to Notice. Persons entitled to notice of a city hearing shall be timely informed as to the time, place and nature of the hearing and the legal authority pursuant to which the hearing is to be held. Failure by an individual to receive such notice shall not constitute mandatory grounds for canceling the hearing or rendering invalid any determination made at such hearing. Copies of proposed ordinances or resolutions shall be made available at a reasonable time prior to the hearing, unless the matter involves an emergency ordinance or resolution.

7. No unreasonable postponements. No matter once having been placed on a formal agenda by the city shall be postponed to another day except for good cause shown in the opinion of the City Council, or agency conducting such meeting, and then only on condition that any person so requesting is mailed adequate notice of the new date of any postponed meeting. Failure by an individual to receive such notice shall not constitute mandatory grounds for canceling the hearing or rendering invalid any determination made at such hearing.

8. Right to public hearing. Upon a timely request of any interested party a public hearing shall be held by any city agency, board, department or authority upon any significant policy decision to be issued by it, which is not subject to subsequent administrative or legislative review and hearing. This provision shall not apply to the law department of the city or to anybody whose duties and responsibilities are solely advisory. At any zoning or other hearing in which review is exclusively by certiorari, a party or his counsel shall be entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The decision of any such agency, board, department or authority must be based upon the facts in the record. Procedural rules establishing reasonable time and other limitations may be promulgated and amended from time to time.

9. Notice of action and reasons. Prompt notice shall be given of the denial in whole or in part of a request of an interested person made in connection with any municipal administrative decision or proceeding when the decision is reserved at the conclusion of the hearing. The notice shall be accompanied by a statement of the grounds for denial.

10. Manager's and attorneys' reports. The city manager and city attorney shall periodically make a public status report on all major matters pending or concluded within their respective jurisdictions.

11. Budgeting. In addition to any budget required by state statute, the city manager shall prepare a budget showing the cost of each department for each budget year. Prior to the City Council's first public hearing on the proposed budget required by state law, the city manager shall make public a budget summary setting forth the proposed cost of each individual department and reflecting the personnel for each department, the purposes therefor, the estimated millage cost of each department and the amount of any contingency and carryover funds for each department.

12. Quarterly budget comparisons. The city manager shall make public a quarterly report showing the actual expenditures during the quarter just ended against one-quarter of the proposed annual expenditures set forth in the budget. Such report shall also reflect the same cumulative information for whatever portion of the fiscal year that has elapsed.

13. Adequate audits. An annual audit of the city shall be made by an independent certified public accounting firm in accordance with generally accepted auditing standards. The

independent city auditor shall be appointed by the City Council; both appointment and removal of the independent city auditor shall be made by the City Council. A summary of the results of the independent city auditor's annual audit, including any deficiencies found, shall be made public. In making such audit, proprietary functions shall be audited separately and adequate depreciation on proprietary facilities shall be accrued so the public may determine the amount of any direct or indirect subsidy. Duties, method of selection, and method of compensation of the independent city auditor shall be established by ordinance.

14. Representation of public. The City Council shall endeavor to provide representation at all proceedings significantly affecting the city and its residents before state and federal regulatory bodies.

15. Natural resources and scenic beauty. It shall be the policy of the City of North Miami Beach to conserve and protect its natural resources and scenic beauty.

16. Recusals. The City Council shall make best efforts to vote unless they cannot vote due to a recusal pursuant to law.

(B) The foregoing enumeration of citizens' rights vests large and pervasive powers in the citizenry of the City of North Miami Beach. Such power necessarily carries with it responsibility of equal magnitude for the successful operation of government in the City. The orderly, efficient and fair operation of government requires the knowledgeable participation of individual citizens exercising their rights with dignity and restraint so as to avoid any sweeping acceleration in the cost of government because of the exercise of individual prerogatives, and for individual citizens to grant respect for the dignity of public office.

(C) Remedies for violations. In any suit by a citizen alleging a violation of this Bill of Rights filed in the Miami-Dade County circuit court pursuant to its general equity jurisdiction, the plaintiff, if successful, shall be entitled to recover costs as fixed by the court. Any public official or employee who is found by the court to have willfully violated this article shall forthwith forfeit his office or employment.

(D) Construction. All provisions of this article shall be construed to be supplementary to and not in conflict with the general laws of Florida. If any part of this article shall be declared invalid, it shall not affect the validity of the remaining provisions.

Article I. Creation, Form of Government, Incorporation, Boundaries, Powers, and Oath of Office.

Sec. 1.1 Creation.

There is hereby created a municipality to be known as the City of North Miami Beach, the inhabitants of which shall be and constitute a body corporate and politic, with perpetual existence as a city under the laws of the State of Florida, the territorial limits of which shall be as set forth in section 1.3 hereof, as the same may be amended from time to time under the provisions of the constitution and laws of the State of Florida.

Sec. 1.2. Form of government.

The form of government of the City of North Miami Beach shall be that of council-manager, the powers of which city shall be exercised by a City Council and a city manager, and other officers, as hereinafter set forth.

Sec. 1.3. Boundaries. *to be inserted later, existing language to remain.

Sec. 1.4. Powers.

The City of North Miami Beach shall have all available governmental, corporate and proprietary powers and may exercise them except when prohibited by law. Through the adoption of this Charter, it is the intent of the electors of the City to grant to the municipal government established by this Charter, the broadest exercise of home rule powers permitted under the Constitution and the Laws of the State of Florida.

Sec. 1.5 Construction.

This Charter and the powers of the City shall be construed liberally in favor of the City.

1.6 Oath of office.

Members of the City Council, members of appointive boards, the city manager, the city clerk, heads of departments, and the city attorney of the City of North Miami Beach, before entering upon their duties, shall take and subscribe to the following oath of office:

"I do solemnly swear (or affirm) that I will support, protect and defend the Constitution and Government of the United States and of the State of Florida, and the Charter of the City of North Miami Beach; that I am duly qualified to hold office under the Constitution of the State and the Charter of the City of North Miami Beach and that I will, well and faithfully perform the duties of _____ (name of office) upon which I am now about to enter. So help me God."

Article II. Mayor, Vice-Mayor, City Council.

Sec. 2.1 Mayor and Vice Mayor.

The mayor shall preside over meetings of the council and shall cast his/her vote on any motion, resolution or ordinance submitted for consideration of the council. He/She shall be the titular head of the government of the City of North Miami Beach and shall represent the city in any function requiring that the city be represented. He/She shall perform such other duties as may be provided in this charter. The council shall elect from its membership a vice-mayor who shall act in the absence or disability of the mayor and who shall exercise the powers of the mayor when so acting.

Sec. 2.2 City Council.

The City Council shall be composed of seven members, elected as herein provided, one of whom shall be the mayor. The council shall be the legislative body of the City of North Miami Beach and shall have power to investigate any phase, function or operation of the city government in such manner and at such time as to it shall be deemed necessary to the determination by the council of the public policy of the city. It shall have such other powers as are hereinafter expressly or impliedly set forth, or inherent in the legislative department of government.

Sec. 2.3 Compensation.

Members of the City Council shall receive such compensation as shall be fixed by the council. The compensation of members of the City Council may be increased by the affirmative vote of five members of the council. The compensation shall be payable as other expenses of the city are paid. In addition to the compensation as provided herein, the mayor shall annually be provided with an expense fund of twelve hundred dollars (\$1200.00) to meet extraordinary expenses of his office as mayor, payable at the rate of one hundred dollars (\$100.00) per month. No accounting shall be required of expenditures by the mayor from such fund.

Insurance benefits provided to members of City Council shall only be paid for by the city during their actual term of service. After their term of service, councilpersons may be offered the opportunity to remain in the city's insurance plan(s) at their own expense. This provision shall not affect continuing City Council benefits previously established and available to active or former members of City Council elected for at least one (1) term of office prior to the election of May 2009. The salaries of elected officers shall not be reduced during the terms for which they were elected.

Sec. 2.4 Meetings.

The City Council shall hold at least 11 regular monthly meetings in each calendar year, at such times and places as the City Council may prescribe by Resolution. If such date falls upon a legal holiday recognized by the City of North Miami Beach, the regular meeting shall be held on the next day following the legal holiday. The legal holidays recognized by the City of North Miami Beach will be those enumerated in the employee contracts with the city or as subsequently provided by ordinance.

Special meetings shall be called by the mayor for the consideration of emergency matters upon the written request of the city manager or upon the request of five members of the council other than the mayor. Notice of such special meetings shall be delivered to members of the council and shall be posted on the front door of the city hall at least twenty-four hours prior to the holding of same. No business shall be transacted at any special meeting other than that for which the meeting was called.

Sec. 2.5 Quorum, Attendance of Councilmen, Forfeiture by Absence.

A. A quorum of the City Council at any regular or special meeting shall consist of five members. The required number for a quorum at any regular or special meeting of the council shall be reduced by the number of vacancies on the City Council at the time of such meeting. The affirmative vote of a majority of the members present shall be required upon any matter submitted for consideration of the council. If any councilman has failed to attend a meeting of the City Council for a period of one hundred and twenty (120) days, the seat of such councilman shall be subject to forfeiture by absence without good cause subject to a determination by a majority vote of the City Council.

B. Procedures. The City Council shall be the sole judge of the qualifications of its members and shall hear all questions relating to whether or not good cause for absence has been or may be established. The burden of establishing good cause shall be on the Council member in question; provided however, that any Council member may at any duly held meeting move to establish good cause for the absence of his/her self or any other Council member, from any past, present or future meeting(s). Any final determination by the City Council that a City Council member has forfeited his/her office by absence shall be made by a majority of the City Council by

resolution. All votes and other acts of the City Council member in question prior to the effective date of such resolution shall be valid regardless of the grounds of for forfeiture.

Sec. 2.6 Powers of the City Council.

The City Council shall have the power to adopt ordinances, resolutions, rules for the conduct of meetings and to take such other action as may be necessary to the full and complete exercise of powers herein vested in the city manager and other officers provided for herein. The exercise of any power enforceable by the imposition of punishment by fine or imprisonment, the appropriation of any money, or the levy of any tax, shall be by ordinance only. Except as otherwise provided herein, any other power may be exercised by ordinance or resolution in the discretion of the council. The council shall exercise such other powers as are herein authorized. References in this Charter to the City Council and/or council members shall include the Mayor unless the context dictates otherwise.

Sec. 2.7 Ordinances

A. Method of adoption. An ordinance, prior to becoming effective, shall be submitted for consideration of the council in such manner as the rules of the council shall provide and in accordance with the Florida Statutes, and shall be read by title only. Further consideration, except as hereinafter provided for emergency passage of any ordinance, shall be deferred to a subsequent meeting of the City Council. Prior to consideration on second reading, other than emergency passage, the ordinance shall have been posted on the bulletin board of the city hall, and copies made available for examination in the office of the city clerk. The second reading of any ordinance shall be by title only, except that no ordinance shall be revised or amended by reference to its title only and any ordinances to revise or amend shall set out in full the revised or amended act or section or subsection or paragraph of a section or subsection. The ordinance may be amended before or after such second reading, and shall be placed upon final passage by roll call vote recorded in the minutes of the council. Before becoming a law it shall be posted for twenty-four hours on the bulletin board of the city hall.

B. Title and enacting clause. Each ordinance shall contain a title which shall be a short statement of the subject matter of the ordinance, sufficient to place the public on notice of the nature of the contents thereof. The enacting clause of each ordinance shall be: "Be it ordained by the City Council of the City of North Miami Beach."

Sec. 2.8 Emergency ordinances.

The City Council may, by not less than the number of affirmative votes necessary to constitute a quorum under this charter, in an emergency expressed in the preamble, enact any ordinance not inconsistent with the provisions hereof, at any meeting; in which event the two (2) readings provided herein may be had at one session. Provided, however, that such ordinance before becoming effective shall be posted as hereinabove required.

Sec. 2.9 Prohibitions of the City Council.

A. Appointment and Removals. Neither the City Council nor any of its members shall in any manner direct the appointment or removal of any City employees, whom the City Manager or any of his/her subordinates are empowered to appoint.

B. Any willful violation of this Section by the Mayor or any City Council member shall constitute misfeasance in office and grounds for his/her removal from office by recall, as herein provided.

Article III. Administrative personnel and Boards, Agencies and Committees.

Sec. 3.1 City Manager; Appointment, Removal.

The City Council shall appoint a city manager as the chief administrative officer of the City, in the manner and at the time provided in this charter. The City Manager shall be responsible to the City Council for the administration of all city affairs and for carrying out policies adopted by the City Council. The City Council shall appoint the City Manager to serve at the pleasure of the City Council. The City Manager shall be removed by a majority vote of the City Council at any time. The term, conditions, and compensation of the City Manager shall be established by the City Council.

Sec. 3.1.2 Powers and Duties of the City Manager

- A. The city manager shall be responsible for the appointing, hiring, promoting, supervising and removing of all City employees, except the City Attorney, the City Clerk, and all employees of the Office of the City Attorney.
- B. Direct and supervise the administration of all departments and offices but not City boards or committees, unless so directed by the City Council.
- C. Prepare such other reports as the City Council may require concerning the operations of City departments, offices, boards and committees.
- D. Ensure that all laws, provisions of this Charter and directives of the City Council, subject to enforcement and/or administration by him/her or by employees subject to his/her direction and supervision, are faithfully executed.
- E. Prepare and submit to the City Council a proposed annual budget and capital improvement program.
- F. Submit to the City Council and make available to the public an annual report on the finances and administrative activities of the City as of the end of each fiscal year.
- G. Attend all meetings of the City Council and of its committees, with the right to take part in discussion, but without a vote.
- H. Keep the City Council advised as to the financial condition and needs of the City and make such recommendations concerning the affairs of the City as she/he deems to be in the best interests of the City.
- I. Execute contracts and other documents on behalf of the City as authorized by the City Council.
- J. Perform such other duties as are specified in this Charter or as required by the City Council.

Sec. 3.1.3 Absence or Disability of City Manager.

To perform his/her duties during his/her temporary absence or disability, the City Manager may designate by letter filed with the City Clerk, a qualified administrative officer of the City. In the event of failure of the City Manager to make such designation, the City Council may by resolution appoint an officer of the City to perform the duties of the City Manager until she/he shall return or his/her disability shall cease

Sec. 3.2 City Clerk.

The City Council shall appoint the City Clerk to serve at the pleasure of the City Council. The City Clerk shall be removed by a majority vote of the City Council at any time. The term, conditions, and compensation of the City Clerk shall be established by the City Council.

Sec. 3.2.1 Powers and Duties of the City Clerk.

The City Clerk shall give notice of all City Council meetings to its members and the public, and shall keep minutes of the City Council's proceedings. The City Clerk shall perform such other duties as the City Council may prescribe. The City Clerk shall maintain the seal of the City and attest the Mayor's or City Manager's signature on all documents, if needed.

Sec. 3.3 City Attorney.

There shall be a City Attorney or law firm who shall be the head of the Office of City Attorney. The City attorney or law firm shall be a member of the Florida Bar with at least five years' experience in the practice of law in Florida, and with limited applicability to the City Attorney (not the law firm) shall not, during his/her tenure of office, engage in any private practice of law. The City Council shall appoint the City Attorney or law firm to serve at the pleasure of the City Council. The City Attorney or law firm shall be removed by a majority vote of the City Council at any time. The term, conditions, and compensation of the City Attorney or law firm shall be established by the City Council.

Sec. 3.3.1 Powers and Duties of the City Attorney.

The City Attorney shall:

Act as the legal advisor for the City and all of its officers in all matters relating to their official powers and duties.

- A. Prepare or review all ordinances, resolutions, contracts, bonds and other documents in which the City is concerned, and shall endorse on each his/her approval of the form, language, and execution.
- B. Prosecute or defend, for and in behalf of the City, all complaints, suits and controversies in which the City is a party, before any court, or other legally constituted tribunal.
- C. Attend all meetings of the City Council.
- D. Recommend to the City Council for adoption, such measures as he/she may deem necessary or expedient.
- E. Render opinions and/or reports on legal matters affecting the City.
- F. Perform such other professional duties as may be required by ordinance or resolution of the City Council or by this Charter.
- G. Appoint and remove all unclassified personnel in the Legal Department.
- H. The City Council may, at the request of the City Attorney, retain other counsel in any matter in which the City of North Miami Beach has an interest, and pay the compensation of such counsel.

Sec. 3.4 City Boards, Agencies and Committees.

The City Council shall establish or abolish such boards, agencies and committees as it may deem desirable. Such boards, agencies and committees shall report to the City Council.

Sec. 3.5 Planning and Zoning Authority of City.

The City of North Miami Beach shall have the power to designate and establish restricted residence districts within the city, and to otherwise control the development of the city, by the enactment of reasonable rules and regulations relating to construction, reconstruction, alteration, repair, use and occupancy of buildings and other structures in the City of North Miami Beach, and the use of vacant lands in said city. The City Council may declare any violation of such regulations a nuisance and proceed to abate the same.

Sec. 3.5.1 Type of Construction. The City of North Miami Beach shall have the power to regulate and determine the manner and type of construction, the height and bulk and the location and use of buildings, walls, fences, signboards and structures of all kinds hereafter erected, altered or reconstructed, whether permanently located or movable, and to regulate and determine the location and area of yards, courts and other open spaces, the subdividing and platting of land into lots, and the location and laying out of streets, alleys, parks and playgrounds in said city; the city may be divided into districts of such shape and area as may be deemed best suited to carry out the purposes of this section; the regulation shall be uniform for each class of buildings, walls, fences, signboards, structures of any kind, yards, courts and other open spaces, throughout each district, but the regulations in one or more districts may differ from those in other districts; such regulations shall be designed to secure safety from fire and other dangers and to promote the public health and general welfare, including provisions for adequate lights, air and convenience of access. In the making of regulations the city shall have reasonable regard for the character of buildings and other structures in each district, and the use for which the land is suitable, to the end that the economic and industrial prosperity and the enhancement of the health, comfort and convenience of the people generally may be promoted.

Sec. 3.5.2 Location and Use.

The city shall also have the power to restrict the location of such buildings and structures of all kinds designed for specific uses, as well as the location of trades and industries, and may divide the city into districts of such proper shape and area as may be deemed to be the best suited to carry out the purposes of this section. For each such district, regulations may be imposed designating the uses for which such building and structures of all kinds may be erected, altered or reconstructed, and designating the trades and industries that may be excluded or subjected to special regulations and designating the purposes for which they may be used. Such regulations may be designed to promote the public health, safety and general welfare. The city shall give reasonable consideration, among other things, to the character of the districts, their peculiar suitability for particular uses, the conservation of property values and the direction of building development.

Sec. 3.5.3 Variances.

Variances from compliance with any of the provisions of the codes relating to building, planning or zoning may be allowed by the affirmative vote of two-thirds (2/3) of the members of the planning and zoning board present, only for the purpose of preventing hardship or inequities not self-imposed, or for the purpose of preserving the constitutional rights of the applicant, which variance is subject to the approval of the City Council. Application for variance shall first be submitted to the planning and zoning board in the manner prescribed by ordinance, upon payment of such reasonable fee as may be established by ordinance. The City Council may by ordinance provide for public hearing and procedure connected therewith, including notice and determination of persons entitled to notice. The decision of the planning and zoning board shall

be submitted to the City Council at a regular or special meeting occurring more than five days after the meeting of the planning and zoning board at which the decision was made. Recommendation for approval of variance requests by the planning and zoning board must receive a majority vote of those council members present in order to be sustained and granted. Recommendation for denial of variance requests by the planning and zoning board must receive a two-thirds (2/3) affirmative vote of those members of the City Council present and voting in order to overrule the recommendation of denial by the planning and zoning board and grant the variance request. The City Council may impose conditions upon the variance approval.

Sec. 3.5.4 Planning and zoning board.

The powers herein granted shall be exercised by the adoption by ordinance of a building code and a zoning plan delineating the various zoning districts into which the city is divided and prescribing the use regulations in each such district. There shall be a planning and zoning board composed of seven members appointed by the City Council for staggered terms of two years, (such appointments to be made as the terms of members currently serving expire). Any changes in the zoning code or zoning plan of the City of North Miami Beach shall be made only by the City Council acting in its legislative capacity. The City Council may provide by ordinance that changes be initiated by application to the planning and zoning board for advisory action by it in recommending the adoption or rejection of the proposal.

Article IV. Election of City Council Members.

Sec. 4.1 General Elections. Commencing in 2018, General Elections in the City of North Miami Beach shall be held every even-numbered year on the first Tuesday following the first Monday in November, with the candidate for each office (i.e., Mayor or Councilperson in each of the respective groups numbered 2 through 7) receiving the highest number of votes being elected to that respective office. In the event of a tie vote in any General election, the candidate elected shall be determined by lot. In order to accomplish the election date revision made pursuant to this Charter section, the four-year term length of office that is provided for in Charter section 22 shall be extended on the following limited basis: the term of office of the Mayor and of Councilperson groups 3, 5, and 7, which would otherwise expire in May 2019 shall instead expire in November 2020, and the terms of office of Councilperson groups 2, 4, and 6, which would otherwise expire in May 2017 shall instead expire in November 2018.

Sec. 4.2 Election and term of office.

The members of the City Council shall be elected from groups numbered One through Seven. The groups shall be elected citywide by the qualified electors of the City of North Miami Beach. The member in Group One shall be the mayor. At the City's general election on the first Tuesday after the first Monday in November 2018 and at each general election every four years thereafter, the members of City Council running from groups 2, 4, and 6 shall be elected for four (4) year terms. At the City's general election on the first Tuesday after the first Monday in November 2020 and at each general election every four years thereafter, the members of City Council running from groups 1, 3, 5, and 7 shall be elected for four (4) year terms.

Commencing with the 2011 general elections for groups 1, 3, 5, and 7 and with the 2013 general elections for groups 2, 4, and 6, no person may serve as councilperson or mayor or any combination thereof for more than eight (8) consecutive years in office, not including time served as a member of the Council as a result of having filled a vacancy in the Council pursuant to Section 4.5 of the North Miami Beach City Charter, so long as such time served in filling a vacancy does not exceed 50% of that subject term. Service by a Council member in excess of 50% of any term of office shall be considered a full term for purposes of the term limit provisions in this section. After being out-of-office for two (2) years, he/she may run again.

Members of the council shall serve until their successors are elected and qualified.

Sec. 4.3 Qualifying for Office.

Candidates for the office of mayor and councilman of the City of North Miami Beach shall qualify with the clerk of the city not prior to the seventy-eighth day preceding the election provided for herein and not later than 12:00 noon, on the seventy-third (73) day preceding the election. A candidate shall qualify by taking and subscribing to an oath that he is qualified under the charter of the City of North Miami Beach to hold the office of councilman and mayor and by paying to said clerk a qualifying fee in the amount of four (4%) percent of the annual salary of the office, which fee shall be deposited in the general fund of the city. Candidates for the office of City Councilman shall designate the group from which they desire to be elected. Each candidate, at the time of qualifying with the clerk, shall designate a campaign treasurer and a depository of campaign funds. Each candidate, at the time of qualifying with the clerk, must have continuously resided in the City of North Miami Beach for at least one (1) full year, shall at the time of qualifying and at the time of election be a qualified elector of the City of North Miami Beach, and shall not, within five years next preceding the date of his qualification, have been convicted in this or any other state of any offense involving moral turpitude.

Sec. 4.4 Conduct of elections; canvass of returns, and commencement of terms.

A. The City Council shall provide by ordinance for the conduct of elections, the establishment of polling places (one of which shall be at the City Hall), and for the establishment of the City's Canvassing Board.

B. On the second business day immediately following the County Elections Supervisor's issuance of final election results, the City Council shall meet for the purpose of accepting the returns of such election(s) and ascertaining the results thereof. New officers shall be declared elected subsequent to the City Council's acceptance of final General (or Special, as the case may be) Election returns at which time the new officers shall be installed and shall enter upon the discharge of their duties; the Council shall conduct no other or further business other than emergencies at such meeting unless they choose to do so by unanimous consent.

Sec. 4.5 Vacancies.

Vacancies in elective offices of the City of North Miami Beach shall be filled by the City Council pending the next general election, at which time an election to fill the vacancy shall be held for any remainder of the unexpired term. Provided, however, that should any vacancy occur more than one year prior to the next general election, the council shall have no power to fill the same; it shall be filled by a special election to fill the vacancy for the unexpired term, to be held not less than 35 days nor more than 90 days after such vacancy has occurred, with provisions

concerning said Special Election to be established by Resolution of the City Council. When a vacancy is filled by the City Council, it shall be done in such manner as shall be provided by the rules of the council, or as provided by separate ordinance.

Article V. Initiative and Referendum.

Sec. 5.1 Initiated ordinances.

A. The duly qualified electors of the City of North Miami Beach shall have the power to propose any ordinance, except an ordinance appropriating money or levying a tax, in the manner herein provided.

B. The power of initiative shall be exercised by petition signed by not less than two per cent (2%) of the qualified electors executed in such form and in the manner as shall be provided by ordinance of the City of North Miami Beach, which ordinance shall provide that each petition circulated shall contain the full text of the proposed ordinance.

C. Upon certification by the clerk within ten (10) days of the filing of the petition, executed in the manner provided, the City Council shall at its next regular meeting proceed to consider the proposed ordinance. The City Council shall within twenty (20) days from the certification by the clerk adopt such ordinance in the manner provided for the adoption of ordinances generally, with the right to amend in a manner germane to the proposed ordinance. If amended, or upon adoption without amendment in the discretion of the City Council, the ordinance before becoming effective shall be submitted for approval of the qualified electors in any general election held within sixty (60) days of the passage of such ordinance. If amended, the ordinance as amended and the ordinance as initiated shall be submitted on the same ballot. The ordinance receiving the highest number of affirmative votes, if such number shall constitute a majority of the votes cast, shall be deemed adopted. If no general election shall be held within sixty (60) days of the passage of the ordinance, then such ordinance or ordinances shall be submitted for approval of the qualified electors of the City of North Miami Beach at a special election called for that purpose not less than thirty (30) or more than sixty (60) days from the date of final passage by the City Council.

Sec. 5.2 Referendum.

The qualified electors of the City of North Miami Beach may by petition of not less than ten per cent (10%) of their number call for a referendum on the repeal of any ordinance, other than an ordinance not subject to the initiative, adopted by the City Council, to be circulated, executed and submitted as the City Council shall by ordinance provide. Upon certification by the clerk of the proper execution of the required petition, the City Council shall refer such proposed repeal for the approval of the qualified electors at an election as provided for initiated ordinances. If a majority of the votes cast in the election shall favor such repeal, then the ordinance shall stand repealed and may not be reenacted by the City Council, except subject to a referendum as herein

provided. The City Council may, on its own motion, submit any ordinance, or the repeal of any ordinance, to a referendum as herein provided, except such ordinances as are not subject to the initiative proceedings.

Article VI. Budget and Finance.

Sec. 6.1 Budget and Finance.

General Power. The City of North Miami Beach shall have the power to borrow money, contract loans, and issue bonds, notes, and other obligations or evidences of indebtedness in accordance with Florida law.

- A. Budget. In accordance with Florida law, the City Council shall adopt an annual budget.
- B. Fiscal year. The fiscal year for the City of North Miami Beach shall commence on October 1st of each calendar year and end September 30th of the succeeding year

Sec. 6.2 Taxation

A. Ad valorem taxes. The director of the department of finance shall, except as otherwise provided herein, be the assessor and collector of taxes for the City of North Miami Beach. The assessment rolls of Dade County, as equalized in the manner provided by law, shall be the assessment rolls of the City of North Miami Beach for all purposes of taxation and as to all property subject to taxation within the limits of the City of North Miami Beach. The city manager shall, by and with the consent of the proper authorities of Dade County, enter into such contracts as may be necessary to provide for the assessment of property for the purpose of levying ad valorem taxes of the City of North Miami Beach by Dade County, and the collection of such taxes by Dade County for use and benefit of the City of North Miami Beach. Taxes of the City of North Miami Beach shall be assessed and collected as provided by the charter of Dade County and ordinances adopted pursuant thereto.

B. Levy of taxes. The City Council shall by ordinance levy taxes on all real and personal property subject to taxation in the City of North Miami Beach. Upon its adoption, the ordinance shall be certified to the proper authorities of Dade County for the purpose of preparing and mailing tax bills.

C. Delinquent taxes. Taxes shall be enforceable in the manner provided by law for the enforcement of county taxes.

D. Other taxes. The director of the department of finance shall collect other taxes, levies, excises, imposts, special assessments and exactions as may be provided by ordinance, and shall issue his receipt therefor. The collection of such items shall be enforced in the manner provided by ordinance.

Article VII. Public Utilities

Sec. 7.1 Water and Gas Works.

(a) The City of North Miami Beach is hereby authorized and empowered to construct or acquire, own and operate on a self-sustaining basis a municipal water works system in and surrounding the city, and to construct or acquire, own and operate on a self-sustaining basis a gas works and/or transmission and distribution system for the purpose of supplying gas for public,

domestic, commercial and industrial uses, in and surrounding the city and including other municipalities and unincorporated territory within Dade and Broward Counties, Florida, and thereafter to construct additions, extensions and improvements to said works and systems within and without the territorial limits of the City of North Miami Beach, and for the purpose of paying the cost of construction or purchasing said works and systems and appurtenances thereto and expenses incident to such construction or purchase and also for the purpose of thereafter constructing any authorized additions, extensions and improvements to such works and systems, said city is hereby further authorized and empowered to borrow money and in evidence thereof to issue and sell from time to time its revenue bonds payable solely from the revenues of the water works system or the gas system to be financed thereby, all in the manner and subject to the conditions and limitations contained in this article.

(b) The city is hereby further authorized and empowered to negotiate and procure and take assignment of any franchises and operating rights for the operation and maintenance of any portion of said works and systems located outside said City of North Miami Beach.

(c) In connection with the ownership and operation of said works and systems, said city shall have the continuing rights to install, maintain and operate water mains and gas transmission and distribution pipe lines along and across streets, roads and highways within and without the territorial limits of the City of North Miami Beach, but the same shall be so installed, maintained and operated so as not to interfere with or unnecessarily interrupt normal use and traffic on any street, road or highway.

Sec. 7.2 Revenue Bonds.

(a) All such revenue bonds shall be authorized by ordinance adopted by the City Council of said city, may bear such date or dates, may mature at such time or times not exceeding thirty (30) years from their respective dates, may bear interest at such rate or rates not exceeding five per cent (5%) per annum payable semi-annually, may be in such form, may carry such registration privileges, may be executed in such manner, may be payable at such place or places, may be made subject to redemption in such manner and upon such terms with or without premium, may be authenticated in such manner and may contain such terms and covenants, all as may be provided in such ordinance.

(b) The sale and award of such bonds shall be negotiated and made in such manner and upon such terms as may be prescribed by resolution of the City Council.

(c) Notwithstanding the form or tenor thereof, and in the absence of an express recital on the face thereof that it is nonnegotiable, all such revenue bonds shall be negotiable instruments.

(d) Each such ordinance may contain and express such covenants and undertakings on behalf of the city as may be deemed proper or advantageous by the City Council for the purpose of assuring efficient operation of said works and systems and for the purpose of requiring proper fixing, collecting and accounting and revenues from such operation and application of the necessary portions thereof to the payment of such revenue bonds; provided, that no lien upon any physical property of the city shall be created hereunder and payment of all such revenue bonds shall be secured by and payable solely from revenues to be derived from the operation of the particular works and system financed thereby.

(e) The remedy for any breach or default of any such covenants or undertakings may be by mandamus proceedings in any court of competent jurisdiction to compel performance and compliance therewith, and by appointment of a receiver by any such court.

(f) Under no circumstances shall any such revenue bonds be or become an indebtedness of the city within the meaning of any constitutional, statutory or charter limitations, and it shall be plainly stated on the face of each such revenue bond that it does not constitute such indebtedness but is payable solely from revenues of said works and systems.

(g) The city is hereby further authorized and empowered in like manner to issue its refunding revenue bonds for the purpose of refunding at maturity or pursuant to redemption provisions, or at any time before maturity with the consent of the holders thereof, any outstanding revenue bonds which have theretofore been issued under the provisions of this article.

Sec. 7.3 Sinking Fund.

(a) The ordinance authorizing the issuance of any revenue bonds under the provisions of this article may provide for a sinking fund to pay the interest on and principal of such bonds out of the net revenues of said works and system, and may provide that out of said revenues remaining after the payment of the reasonable expenses of operation, repair and maintenance, a fixed amount or a fixed percentage of said net revenues shall be set aside into said sinking fund and into any reserve funds provided for by the ordinance at stated intervals, which shall be used and pledged for the payment of the interest upon such revenue bonds and the payment of retirement thereof at or prior to maturity, in the manner provided by the ordinance.

(b) Provision may be made in and by such ordinance for the use, transfer or payment at stated intervals of all or any part of the balance of the net revenues after making the above prescribed payments into the sinking fund and reserve funds into a special fund to be available for and used for the payment of the principal and interest of the bonds authorized by such ordinance, for making any agreed tax equivalent payments to municipalities in which a part of said works and system may be located, or for any other corporate purpose of the city, in the manner and subject to such limitations as may be prescribed in the ordinance.

(c) The city, acting through the City Council, is hereby further authorized and empowered to maintain, charge and collect in the area served by each of such works and systems reasonable and uniform rates to be determined exclusively by it for the services and facilities furnished and rendered by such works and system, and may readjust such rates or charges from time to time, but such rates or charges shall be fixed and maintained at all times so that the revenues from said works and system shall be sufficient for the payment of the proper and reasonable expenses of operation, repair, replacement and maintenance of said works and system, for the payment of the specified amounts into the sinking fund to pay or retire the principal of all revenue bonds that may be issued with respect to said system under the provisions of this article, for the payment of the amounts required by the ordinance authorizing such bonds into any reserve funds and otherwise to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such bonds, and a reasonable return to said city upon the cost of said works and system, which shall never be less than the annual interest upon the full amount of revenue bonds originally issued with respect to said system.

(d) Any person questioning the reasonableness or uniformity of any rate fixed by said city for such purposes may bring suit against the city in the circuit court of Dade County, which court shall have exclusive jurisdiction to determine the reasonableness and uniformity of such rates.

Sec. 7.4 Water Board.

(a) The City of North Miami Beach, acting by and through the City Council, is authorized and empowered by ordinance to create a separate department or board to manage, control, operate and maintain said works and system on behalf of the city, the members of which board shall consist of five persons designated and appointed by ordinance adopted by the City Council.

(b) The presently existing water board shall be the board as herein authorized.

(c) Upon the expiration of the terms of any appointee, a successor shall be appointed by the board with the consent and approval of the City Council for a term of two (2) years, and in the event of a vacancy for any cause at any time it shall be filled in like manner for the unexpired term. All appointments shall continue until the successors have qualified. Each person appointed to the board shall be a representative business or professional person, a bona fide owner of real property in the city, but no person holding an elective office of the city shall be eligible to appointment until at least one year following termination of his last elective office. Any member may be appointed to succeed himself, and may be removed and disqualified at any time by the affirmative vote of five members of the City Council, after being given an opportunity to be openly heard on the charges against him, and any member shall also be subject to recall and removal upon petition of the qualified voters in the same manner provided herein for the recall and removal of an elective officer of the city.

(d) The members of the board shall receive such compensation as may be fixed from time to time by the City Council and all such compensation shall be paid monthly as an operating expense of said works and system; provided, however, that any member of the board who may be employed as a manager, engineer, attorney, or other operating officer of said works and system shall not be entitled to receive additional compensation as a member of the board.

(e) The board shall designate one of its members to act as its chairman and may select and designate a secretary and a treasurer or the same person may be selected and designated to perform the duties of secretary and treasurer. The board shall have power to establish by-laws, rules and regulations for its own government and procedure and may make and enter into all contracts and agreements deemed necessary or incident to the performance of its duties and the execution of its powers; provided, however, that all contracts or obligations of the board shall be payable solely from funds realized through the issuance of revenue bonds or through the collection revenues from said works and system.

(f) The board may employ by contract for a term of years, or otherwise, a general manager, engineer, attorney and other persons deemed necessary, any of which may be a member of the board, and fix the duties and compensation thereof, as well as the compensation of the person or persons performing the duties of secretary and treasurer, and the board may contract with and employ an experienced utility management corporation and fix its duties and compensation in the management and operation of said works and system consistent with this article and the ordinance or ordinances authorizing the issuance of revenue bonds payable from the revenues of

said works and system.

(g) The water board may, at its option, use the services of the city attorney pursuant to such conditions as may be agreed upon between the water board and the City Council.

(h) The water board is authorized, empowered and permitted to provide for life, health, accident and hospitalization or annuity insurance, or all of any kind of such insurance for the officers and employees thereof and their dependents, upon a group Insurance plan, and to that end to enter into agreements with insurance companies to provide such insurance. Upon the approval of any plan of insurance, the water board shall make same effective by resolution recorded in the minutes of the board. Premiums payable by an employee may be deducted from the salary payable to such employee and remitted by the water board to the insurance company issuing such group insurance. The participation in such group insurance by an employee shall be voluntary at all times and any employee may withdraw from any such plan upon any pay day, upon written notice to the water board directing discontinuance of deductions from wages in payment of premiums.

(i) Provisions may be made by ordinance adopted by the City Council for a pension plan for the benefit of employees engaged in the operation of said works and system, and the cost thereof shall be paid from the moneys of the surplus fund of said works and system.

(j) So long as the management, control, operation and maintenance of said work and system invested in a separate board created under the provision of this article, the schedule of rates and charges for the services and facilities of said works and system shall not be reduced unless such reduction is first recommended by the board and approved by the City Council, but the board and all persons or corporations employed by the board shall at all times manage, control, operate and maintain said works and system, consistent and in accordance with the provisions of this article and with covenants and undertakings of the city as expressed in the proceedings for the issuance of the revenue bonds and in the ordinances adopted by the City Council specifying the powers and duties of the board.

(k) All revenues and other income of said works and system shall be collected and accounted for by the board if there be one, and in such case the City Council may by ordinance provide that all or any particular class of disbursements of such revenues may be made upon order of the board and may require all such disbursements by the board for operation and maintenance be predicated upon an annual budget prepared by the board and approved by the City Council.

(l) Subject to covenants made with the holders of revenue bonds issued with respect to any system, all contracts and obligations of the board, extending or having a duration beyond twelve months, shall be approved by the City Council.

(m) The city, acting by and through the City Council, is hereby further authorized and empowered in cooperation and conjunction with all or any of the other municipalities in which any part of said works and system is located, to create an advisory board to assist and cooperate in solving any problems and outlining matters of general policy and interest to consumers in all of the municipalities served by said works and system.

Sec. 7.5 Fiscal Agent.

The city may, in and by the ordinance authorizing the issuance of revenue bonds as authorized by. this article, contract for the deposit of the sinking fund, reserve funds or other funds provided for in said ordinance with a fiscal agent which shall be a bank or trust company within or without the State of Florida, and may require the fiscal agent to keep such deposits to the extent the same are not insured, continuously secured by a pledge of direct obligations of the United States of America having an aggregate market value, exclusive of accrued interest, at all times at least equal to the balance on deposit in such funds or otherwise as may be provided in said ordinance. Such securities shall either be deposited with the treasurer of the board or be held by a trustee or agent satisfactory to the city. All banks and trust companies are authorized to give such security for such deposits.

Sec. 7.6 Sale of Utilities.

The city is hereby further authorized and empowered to sell, transfer or lease, all or any portion of any works and system acquired as aforesaid for such price and upon such terms as may be approved by ordinance adopted by the City Council; provided, however, that each such sale, transfer, or lease shall be made consistent with terms and provisions of the ordinance or ordinances pursuant to which any then outstanding revenue bonds have been issued. When any portion of said works and system shall have been so sold and transferred, the City of North Miami Beach is hereby authorized and empowered, pursuant to ordinance adopted by the City Council, to contract to supply such portion or portions and extensions thereto with a supply of gas or water for a period of not exceeding twenty (20) years.

Article VIII. Civil Service Board; Pensions.

Sec. 8.1. - Civil Service Board, created.

There shall be a civil service board composed of seven (7) members selected as herein provided. The board shall make and adopt reasonable rules and regulations governing the administration of civil service of the City of North Miami Beach, including but not limited to, provision for appointments to the classified service, suspension, removal, leave, merit rating, promotion, demotion, appeals and other such matters as the board may deem necessary to the operation of the civil service. Rules and regulations adopted by the board shall be submitted for approval by the City Council. If approved, the rules and regulations shall become effective immediately or as otherwise provided therein. Should the City Council object to any rule or regulation, such objection shall be stated in writing and the rule or regulation shall be returned to the board together with the objections of the City Council for further consideration of the board. The board shall revise such rules or regulations and resubmit same for approval of the City Council. Should the City Council again refuse to approve same, it shall not become effective. All rules and regulations must receive final approval by the City Council before becoming effective. The board shall provide a method of selection of personnel to the noncompetitive classified service based on qualifications relating to education, experience, character and such other factors as the board may by regulation determine.

Sec. 8.1.2 Composition of Board.

A. Five (5) members of the civil service board shall be appointed by the City Council, and shall be qualified electors of the City of North Miami Beach. They shall not, during the term for which they are appointed, be employed in any manner by the City of North Miami Beach. Two (2) employees of

the classified service in the City of North Miami Beach shall be elected in the manner provided by regulations of the board to serve as members of the board. A quorum of the board for any purpose shall consist of four (4) members, at least three (3) of whom shall be members appointed by the City Council. Members shall be appointed for staggered terms of two (2) years each. Appointments to fill vacancies shall be for the unexpired term only. Members shall serve until their successors are appointed and qualified.

B. The employee members shall each be elected from different departments under the government of the city and shall serve for terms of two (2) years, and until their successors are elected and qualified. Any vacancy in employee membership shall be filled by special election in the manner provided by regulations of the board, if such vacancy shall occur more than three (3) months prior to the end of the term. Terms of appointed and elected members shall commence on June 1st of the year in which appointed or elected and end May 31st of the year in which such terms are scheduled to expire. The personnel aide to the director of personnel or employee serving in that capacity or function, shall also be the secretary for the civil service commission or board.

Sec. 8.1.3 Appeals.

Pursuant to regulations of the board, the city manager may suspend, demote or otherwise discipline any employee in the classified service, except employees in the legal department, who may be disciplined by the city attorney. Such action shall be for cause only as specified in writing and delivered to the employee. Within thirty (30) days of such action, the employee may appeal the action of the city manager or the city attorney to the civil service board and a hearing shall be afforded by the board within thirty (30) days from the taking of the appeal, unless further time be requested by the employee and allowed by the board. The board shall review the causes for such action and if the charges, in the opinion of the board, be sustained as sufficient and established, action shall be affirmed. If the charges shall be deemed insufficient or unfounded, the employee shall be reinstated with no loss of pay or other rights. The board shall have the power to require the production of books and other records and administer oaths to persons testifying in any proceedings hereunder. The provisions of this section shall apply to matters of demotion, salary decrease or any other matter concerning which an employee may feel himself aggrieved. The board shall have the power to modify any decision of the city manager or city attorney and impose such punishment for violation of its rules as may be in such ruler provided.

Sec. 8.2 Pensions.

The City Council shall by ordinance provide for a pension and retirement system for employees of the city in the classified service. The fund established for such purpose may receive gifts, devises, bequests or other donations for the benefit of the fund. The City Council may provide for the administration of the fund and the rate of contribution thereto by employees, and may make such contribution from public money of the city as it may deem necessary or appropriate. The City Council shall have the power to make contracts of insurance with any insurance company, authorized to do business in the State of Florida, insuring the employees of the city, or any class or classes thereof, under a policy or policies of group insurance covering life, health, accident, and annuity insurance, or any of them. Premiums on any such contract shall be deemed paid for a municipal purpose.

Article IX. Effective date, Preservation of Rights and Obligations, etc.

Sec. 9.1 Effective Date.

Upon approval by the City's electorate, this Charter shall become effective on the date of the City Council's acceptance of final election returns, pursuant to the City's Special Election held on the 8th day of November 2016.

Sec. 9.2 Ordinances Preserved.

All ordinances in effect upon the adoption of this Charter, to the extent not inconsistent herewith, shall remain in full force and effect until amended or repealed.

Sec. 9.3 Officers, Employees and Agents.

The adoption of this Charter, except as otherwise specifically provided, shall not affect or impair the rights, privileges or immunities of persons who are city officers, employees or agents at the time of adoption of this Charter. All elected officers holding office on the effective date of this Charter shall continue in office for the terms to which elected.

Sec. 9.4 Repeal of Former Charter Provisions.

Subject to Sections 9.5 and 9.6 below, all Charter provisions in effect prior to the effective date of this Charter, including but not limited to those contained in Chapter ___, Special Acts of Florida 19___, as amended, are expressly repealed.

Sec. 9.5 Debts, Contracts and Assessments Preserved.

No debt or obligation of contract of, or assessment by the City shall be impaired as a result of the adoption of this Charter, but all such debts, obligations and assessments shall pass to and be binding upon the City and other parties thereto in accordance with their terms and, to the extent applicable, the Charter of the City as in existence at the time of their incurrence or imposition, as applicable. All obligations and rights arising in connection with projects financed pursuant to former City Charter Article XI shall be unaffected and shall remain in full force and effect as if said Article had survived the adoption of this Charter.

Sec. 9.6 Existing Rights, Obligations, Duties and Relationships.

All rights, obligations, duties and relationships now existing by law or agreement between the City of North Miami Beach and other parties (including but not limited to other governmental units) shall be unaffected and shall remain in full force and effect.

Sec. 9.7 Severability.

If any section, sentence, clause or phrase of this Charter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Charter.

Sec. 9.8 Charter review.

The City Council shall appoint a Charter Review Committee composed of residents of the City of North Miami Beach to review this Charter and make recommendations to the City Council regarding necessary or desired amendments no less than once every ten (10) years.