



VILLAGE OF BISCAYNE PARK
640 NE 114TH STREET
BISCAYNE PARK, FL 33161
TEL: 305 899 8000 FAX: 305 891 7241
www.biscayneparkfl.gov

Mayor and Commission

Roxanna Ross
Mayor

Bryan Cooper
Vice Mayor

Robert "Bob" Anderson
Commissioner

Steve Bernard
Commissioner

Albert Childress
Commissioner

Ana Garcia
Village Manager

John J. Hearn
Village Attorney

AGENDA
REGULAR COMMISSION MEETING
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Tuesday, July 13, 2010 at 7:00PM



Indicates documents are attached to this agenda.

1 Call to Order

2 Roll Call

3 Pledge of Allegiance

4 Presentations



4.a Proclamation - July 2010 Parks and Recreation Month



4.b Waste Pro - Recycling Proposal for the Village of Biscayne Park. Tim Bowers, Municipal Marketing



4.c Maria Camara, Village Clerk: Biscayne Park Website

4.d Kimberly Pate, Adm Operations Analyst / Michael Arciola, Finance Director: Biscayne Park IT Infrastructure

5 Additions, Deletions or Withdrawals to Agenda

6 Public Comments Related to Agenda Items / Good & Welfare

7 Consent Agenda



7.a Approval of Minutes

> March 2, 2010 Regular Commission Meeting

Notes provided from Mayor Ross, Commissioner Bernard and Vice Mayor Cooper on what they are requesting to add.

> March 16, 2010 Special Commission Meeting

> April 6, 2010 Regular Commission Meeting

> April 27, 2010 Special Commission Meeting

> May 4, 2010 Regular Commission Meeting

7.b **Resolution 2010-21**



A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO PURCHASE **SHADE STRUCTURES FOR THE ED BURKE RECREATION CENTER** FROM METROPOLITAN CONSULTING AND MARKING, INC; PROVIDING FOR AN EFFECTIVE DATE



Federal Forfeiture Funds Expenditure to be utilized by the Police Department's Crime Prevention initiatives, VOBPOP (Village of Biscayne Park on Patrol)

8 Public Hearings

9 Ordinances - FIRST READING

< None >

Ordinances - SECOND READING



9.a **Ordinance 2010-4**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AMENDING THE MUNICIPAL CODE OF THE VILLAGE OF BISCAYNE PARK BY ADOPTING A **CODE OF CONDUCT** FOR ALL ELECTED OFFICIALS, BOARD MEMBERS AND VILLAGE EMPLOYEES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE.



9.b **Ordinance 2010-5**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AMENDING THE MUNICIPAL CODE OF THE VILLAGE BY ADOPTING **COMPREHENSIVE PROCEDURES GOVERNING COMMISSION MEETINGS**; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE



9.c **Ordinance 2010-9**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTER 6, PUBLIC FACILITIES AND SERVICES, SECTION 6.3.2 OF THE MUNICIPAL CODE RELATING TO **GARBAGE CONTAINERS**; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE

 9.d **Ordinance 2010-10**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, REPEALING CHAPTER 16, DIVISION 2 ENTITLED "ELECTRICITY, METERED AND BOTTLED GAS", SECTIONS 16-16 THROUGH 16-24 IN THEIR ENTIRETY; REPEALING CHAPTER 16, DIVISION 3 ENTITLED "TELECOMMUNICATIONS", SECTIONS 16-31 THROUGH 16-36 IN THEIR ENTIRETY; DELETING THE REFERENCE TO DIVISION 1 OF CHAPTER 16 ENTITLED "GENERALLY"; CREATING NEW SECTIONS 16-12 THROUGH 16-19 RELATING TO **MUNICIPAL PUBLIC SERVICE TAX**; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE

10 Resolutions

10.a **Resolution 2010-22**



A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **APPROVING THE AMENDMENT TO THE BY-LAWS OF THE BISCAYNE PARK FOUNDATION**; PROVIDING FOR AN EFFECTIVE DATE

11 Old Business



11.a Manager Ana Garcia: Mail Box



11.b Manager Ana Garcia: Stormwater Project - Phase III

12 New Business



12.a Mayor Roxanna Ross: Strategic Planning Session



12.b Manager Ana Garcia / Village Clerk Maria Camara: Discussion of cost saving initiative to have Biscayne Park elections coincide with general elections.



12.c Manager Ana Garcia: Inter-local agreement with the Village of El Portal for specific sanitation services

12.d Manager Ana Garcia: Biscayne Park Bus Route - Resident Workshop

- 12.e Vice Mayor Bryan Cooper: E-Mail notification system and Biscayne Canal event

13 Reports

- 13.a Committee Reports
- i > Parks & Parkway Advisory Board
 - ii > Code Review Board
 - iii > Recreation Advisory Board
 - iv > Ecology Board
- 13.b Village Attorney
- 13.c Village Manager
- 13.d Commissioner Comments
- > Vice Mayor Bryan Cooper
 - > Commissioner Bob Anderson
 - > Commissioner Steve Bernard
 - > Commissioner Al Childress
 - > Mayor Roxanna Ross

14 Announcements

All public meetings are held at the Ed Burke Recreation Center, 11400 NE 9th Court, Biscayne Park.

Wednesday, July 14th: Recreation Advisory Board at 6:30PM

Saturday, July 17th: Ribbon Cutting Ceremony for the Public Works Building at 10:AM at the new Public Works building located at 893 NE 109th Street.

Saturday, July 17th: Tree Planting for Arbor Day at 12:Noon.

Monday, July 19th: Planning & Zoning at 6:30PM

Tuesday, July 20th: Code Enforcement at 7:00PM

Wednesday, July 21st: Parks & Parkway at 6:00PM

Tuesday, July 27th: 1st Budget Workshop at 6:30PM

Tuesday, July 27th: Code Review at 7:00PM

Wednesday, July 28th: Ecology Board at 7:00PM

Please visit our website regularly at biscayneparkfl.gov and click on the Calendar of Meetings & Events to view the full schedule.

15 Adjournment

In accordance with the provisions of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made; which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accomodation to participate in the proceedings should call Village Hall at (305) 899 8000 no later than four (4) days prior to the proceeding for assistance.

DECORUM - Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Commission, shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the Commission members present. No clapping, applauding, heckling or verbal outbursts in support or in opposition to a speaker or his/her remarks shall be permitted. No signs or placards shall be allowed in the Commission Chambers. Please mute or turn off your cell phone or pager at the start of the meeting. Failure to do so may result in being barred from the meeting. Persons exiting the Chamber shall do so quietly.

Proclamation

Village Of Biscayne Park

July 2010

PARKS & RECREATION MONTH

Whereas, public parks and lands provide for the critical "green" infrastructure that collectively enhances both community spaces and wild places making the great State of Florida the best place to live in the country; and

Whereas, local parks and recreation experiences enhance the citizens of the Village of Biscayne Park quality of life by contributing to a healthy lifestyle, increasing communication skills, building self esteem, teaching life skills, and providing places for enjoyment; and

Whereas, parks and recreation programs, tournaments and events boost the economy, enhance property values, attract new business, increase tourism, and reduce crime; and

Whereas, opportunity for recreation builds family unity, strengthens neighborhood involvement, provides for social interaction, enhances education, develops creativity, and promotes cultural diversity, and

Whereas, the Village's parks and trails ensure ecological beauty, provide space to enjoy nature, help maintain clean air and water, preserve plant and animal wildlife; and

Whereas, participation in recreation and outdoor activities provides education and therapy for stress relief, improved health and are essential to the rehabilitation of individuals who have been ill or disabled; and

Whereas, the Village recognizes the benefits derived from quality public and private park and natural land resources at the local and regional level; and

Whereas, the National Recreation and Park Association and the Florida Recreation and Park Association designated July as Park and Recreation Month;

Now, Therefore, the Village of Biscayne Park hereby proclaims July 2010 as Park and Recreation Month and encourages residents and visitors to enjoy using the parks, trails, programs and special places that enhance the quality of life of our community

*IN WITNESS WHEREOF, I have hereunto
Set my hand this 13th day in July, in the year
two thousand ten.*

Roxanna Ross, Mayor

WASINDPRO[®]

"THE WASTE PROFESSIONALS"



Recycling Plan for Biscayne Park

The Southeast's Fastest Growing Solid Waste Company

Waste Pro is a privately owned, solid waste & recycling company headquartered in Florida.

(37) Thirty-Seven Locations

(93) Ninety-Three Municipal Franchises

(800) Eight Hundred Collection Vehicles

Serving over 1,000,000 Residences

WASTE PRO
"THE WASTE PROFESSIONALS"

Benefits for Biscayne Park

Private employee owned company
one of US largest and
headquartered in Florida.

2 Men on all Garbage, Yard Waste
& Recycling Routes

More Local Jobs Created
Commitment to Local Hiring

WASTE PRO
"THE WASTE PROFESSIONALS"

Benefits Biscayne Park Continued

Live Online Customer Service System

Live Local People Answering Phones –

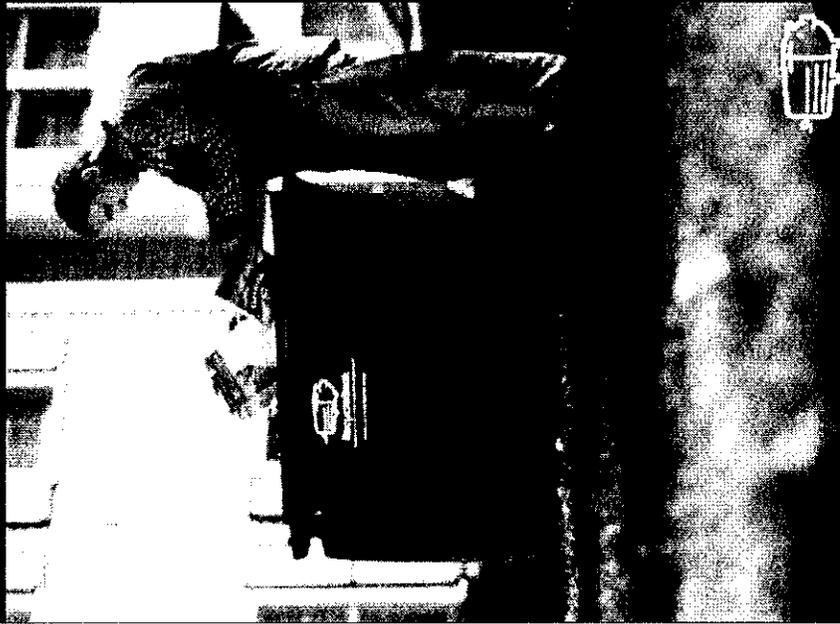
No Automation, No Call Centers

Identify and utilize local vendors

RecycleBank Service in Broward County

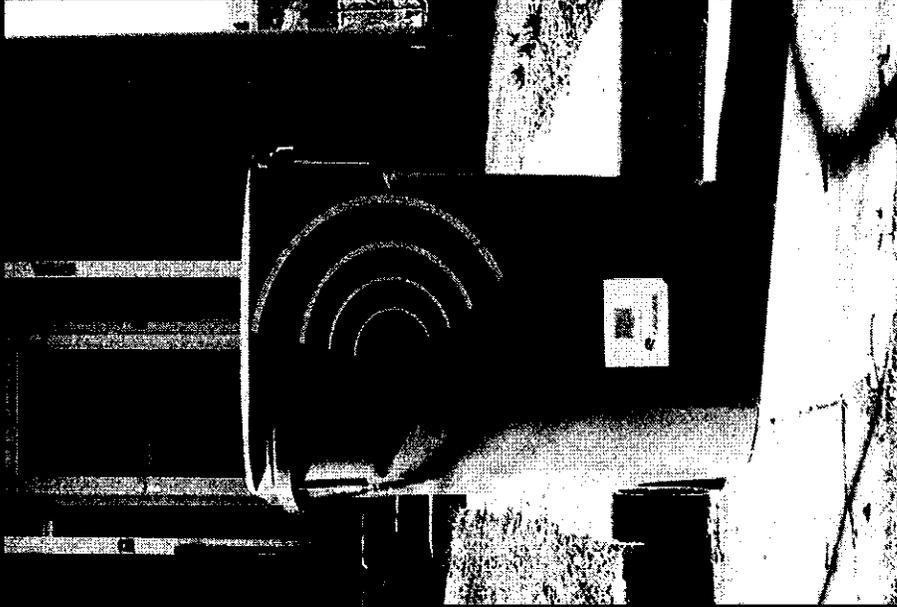
WASTE PRO[®]
"THE WASTE PROFESSIONALS"

RecycleBank



Recycle

Place all your recyclable materials in the RecycleBank cart.



Record

Your RecycleBank cart has an identification code that is recorded by the recycling truck.



Reward

The amount you recycle is translated into rewards at local and national stores.

How We Create Value - RecycleBank

Community Characteristics

1300 Single Family Homes

Total Waste 1300 Tons

Pre RecycleBank

Recycling Metrics

Diversion Rate = 10%

Waste to Landfill = 1170 Tons

Cost = 1170 tn * \$54/tn = \$63,180

Post RecycleBank

Recycling Metrics

Diversion Rate 50%

Waste to Landfill = 650 tons

Cost = 650tn * \$54/tn = \$35,100

Savings to Biscayne Park with RecycleBank = \$28,080

Sale of Commodities 650 ton * \$20/tn = \$13,000

How We Create Value-Continued

- Rewards Households for Doing Right Thing
- Plan for Florida Mandate 75% by 2020
- Environmental Benefits
 - Increase recyclables to 650 tons
 - Save energy and resources
 - Measurable Results
- Community Outreach and Education
- RecycleBank- Local Business Participation

Waste Pro is Ready to Deliver

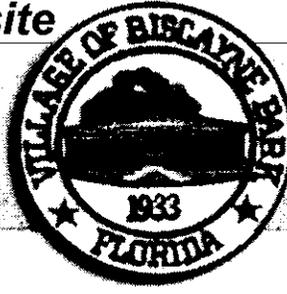


WASTE PRO
"THE WASTE PROFESSIONALS"

Please get to know YOUR website

www.biscayneparkfl.gov

Your KEY to everything YOU NEED TO KNOW as a resident of Biscayne Park



Important information is just a click away!

[Printer-friendly Version](#)

FAQ

When is village hall open?

How do I find my polling place?

What is regular garbage vs. trash vs. special pick-ups?

When is recycling picked up?

What are other questions you want answers on? Let us know and we will post them -- maybe other residents want to know, too!

Send us an e-mail at info@biscayneparkfl.gov and tell us what else we need to post on our website.

Welcome to Biscayne Park "The Village of Homes"

1

Village Hall Information:

Telephone: 305 899 8000

Email: villageclerk@biscayneparkfl.gov

1. **Home** page - main page of our website that lists important information and instructions on where to find information from the navigation bar.

2. Here you will find all of the **meetings and events** that have been scheduled in a calendar format. Just click on an event and detailed information follows. Includes agendas for upcoming meetings.

3. Information on the **history of Biscayne Park** and some cool old pictures. Do you have any photos you want to share and post on our website?

4. 5. 6. The **directory** lists all of the departments and staff including telephone and e-mail, and under **Village Officials and Employees** you can "meet" them. Under **departments** you can learn what services are available to all residents. We are eager to hear from you and serve you - we look forward to hearing from you.

7. **Information for Residents** provides "hot topics" of happenings in our community. Here we also post our quarterly newsletters.

8. **Agendas and Minutes** for all future and past meetings are posted here.

9. Job openings for **employment** in the Village of Biscayne Park are posted here.

10. Useful information to help you put your **Hurricane** plans in place and where we would post updates if a hurricane is threatening our area.

11. There are several **boards and committees** made up of residents. Please find out more about each group and consider becoming a member, or at least attending a meeting to provide your input or just listen.

12. The **Finance** section provides all budget files and auditor reports. Find out how your tax dollars are being spent.

13. The Biscayne Park Code of **Ordinances** are provided here. These are the laws that govern our Village.

14. You can visit Village Hall to get **permit and other forms**, or you can simply click here to find the form you need.

15. Register your e-mail here and receive **e-mail alerts** on happenings in our Village, or important information on issues concerning our residents.

16. Click here to provide **feedback** on what you think of this website or any other matter related to Biscayne Park.

17. There are helpful links provided here about our community.

18. **Frequently asked questions**. If you don't see the answer you need, please contact us at Village Hall at 305 899 8000, or e-mail us: info@biscayneparkfl.gov

- 1 > Home
- 2 > Calendar of Events & Meetings
- 3 > About Our Village
- 4 > Village Directory
- 5 > Village Officials and Employees
- 6 > Village Departments
- 7 > Information for Residents
- 8 > Agendas & Minutes
- 9 > Employment Opportunities
- 10 > Hurricane 2010
- 11 > Boards & Committees
- 12 > Finance
- 13 > Ordinance & Charter Information
- 14 > Download Permit Forms
- 15 > E-mail Updates
- 16 > Feedback Form
- 17 > Helpful Links
- 18 > FAQ



Village of Biscayne Park

**640 NE 114th Street
Biscayne Park, FL 33161**

**Tel: 305 899 8000
Fax: 305 891 7241**

VILLAGE OF BISCAYNE PARK IT INFRASTRUCTURE

Presented by:

**Kimberly Pate, Administrative
Operations Analyst**

Michael Arciola, Finance Director

July 13, 2010



Village of Biscayne Park

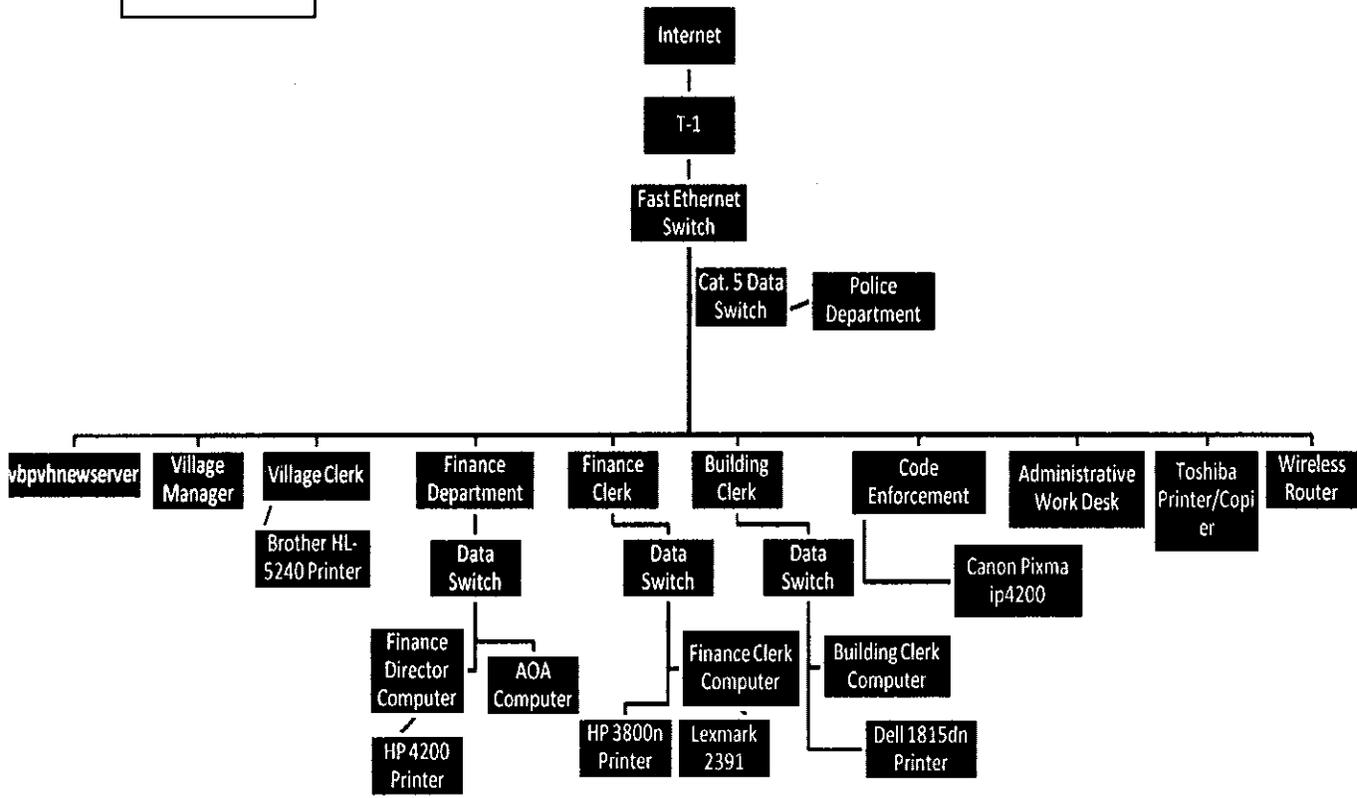


Current Issues

- × **Email unreliable**
- × Email unreachable from Internet or remote use
- × Connection between remote sites-**Unavailable**
- × Calendar sharing-**Unavailable**
- × **Data restore procedures questionable**
- × Procedures manual for administrative functions
 - Backup/restore
 - User account creation/modification and removal
 - Weekly/monthly maintenance

- × Physical firewall missing
- × Free home version of software firewall (**not acceptable for business environment**)
- × **No Software licenses** – (**only adobe acrobat- up for renewal**)
- × Need replacement plans for current PC's
- × Contract of confidentiality **needed** for records stored off site

VILLAGE HALL
Current Network



**Police
Current
Network**

Internet

T-1

Fast Ethernet
Switch (From
Village Hall Side)

Cat. 5 data
Switch

Chief of Police

Captain

Lieutenant

CASELOG
(Server)

Officer 2

Police Clerk

Offier 3

State Computer

HP Color
LaserJet 4605dn

HP deskjet 3845

Espon LQ-870

HP LaserJet 1320

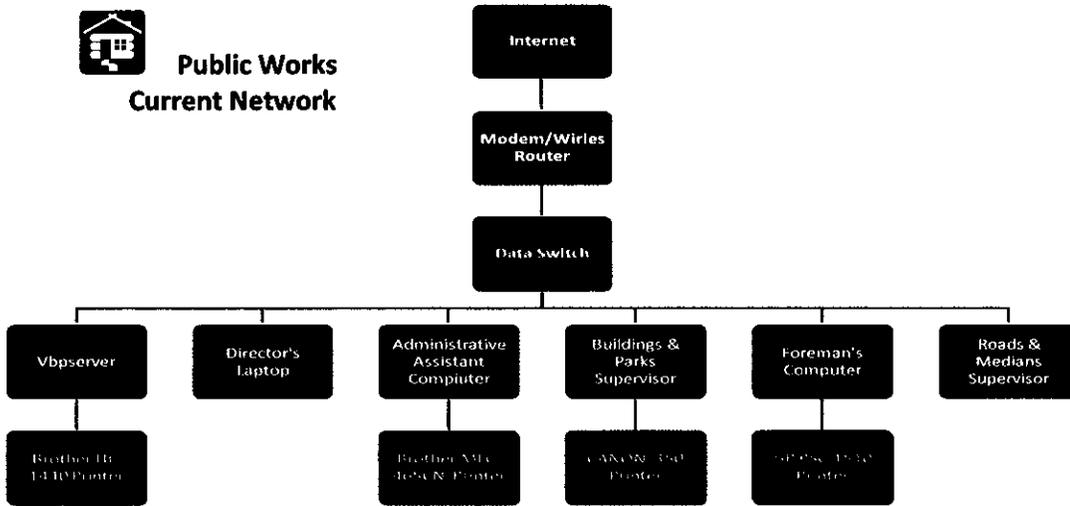
HP Deskjet 3915

Canon DR-2050C

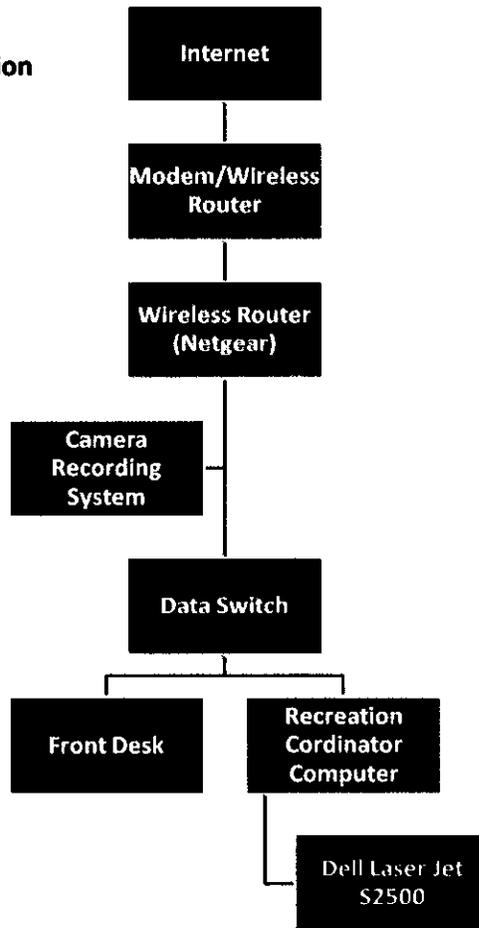
HP Deskjet
D4360



**Public Works
Current Network**



**Park & Recreation
Current Network**



Commissioners



**Future Configuration
Proposed Network**

The Village of Biscayne Park

T1 – Line
Wireless
Router

Firewall

Exchange Server- CALS-24
OWA
Calendar
Internet Access
Firewall & Antivirus

Copier/Fax/
Scanner

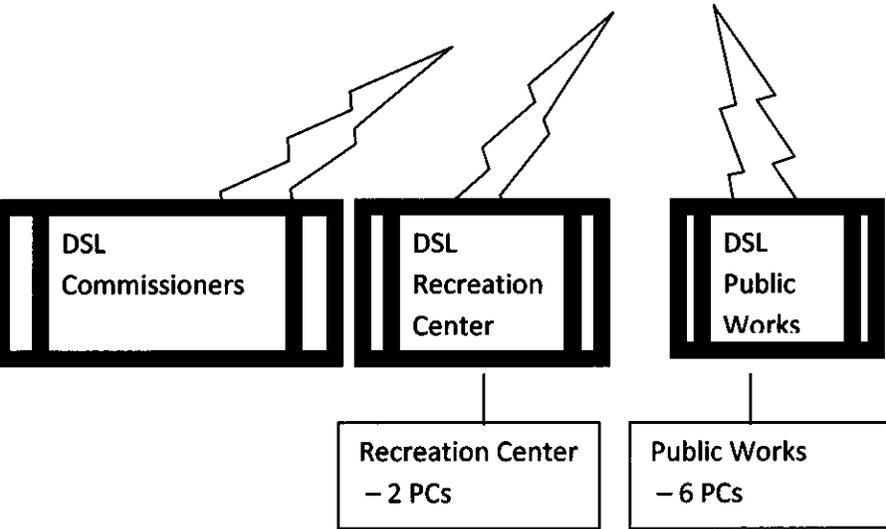
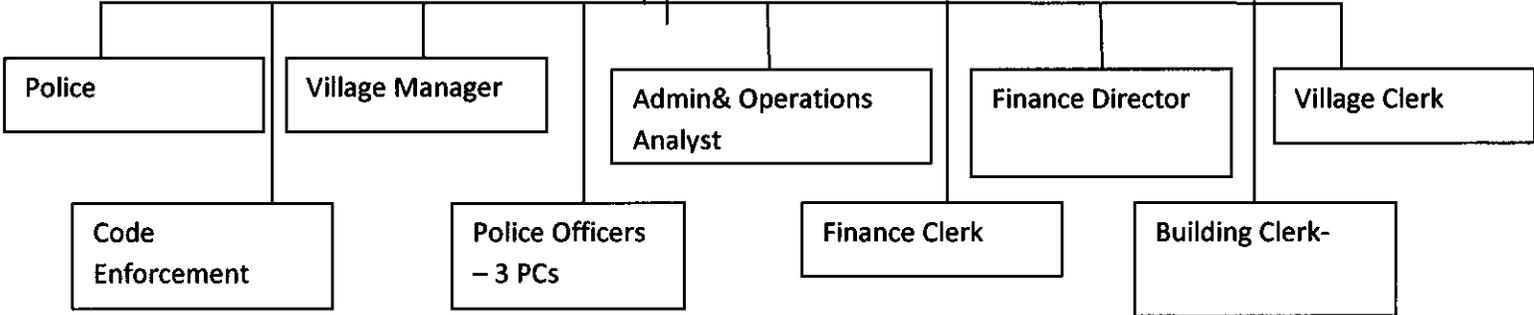
Backup
Connection

File Server & Backup files
\\VBPPoliceSERVER

24 port
Switch
Police &
Village Hall

File Server
SQL-EnerGov – Code DB
Yardy Accounting DB
\\VBPVHNEWSERVER

Backup
Connection



Wireless connection
to server



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Ana Garcia
Village Manager

John J. Hearn
Village Attorney

Maria Camara
Village Clerk

MINUTES
REGULAR COMMISSION MEETING
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Tuesday, March 2, 2010

1 Call to Order

2 Roll Call

Mayor Roxanna Ross called the meeting to order at 7:06PM. In addition to Mayor Ross, present were Vice Mayor Albert Childress, Commissioner Bob Anderson, Commissioner Steve Bernard, and Commissioner Bryan Cooper. Present from staff were Ana Garcia, Village Manager, Maria Camara, Village Clerk, John Hearn, Village Attorney, Police Chief Mitchell Glansberg, Public Works Director Bernard Pratt, and Recreation Coordinator Issa Thornell.

3 Pledge of Allegiance

Participants from Biscayne Park's Youth Flag Football led the pledge of allegiance, which was then followed by a moment of silence. The Mayor asked everyone to remember long time residents Lew Twitchell and Anne Patterson who had recently passed away.

4 Presentations

Recreation Coordinator Issa Thornell presented trophies to participants of Biscayne Park's Youth Flag Football.

March 2, 2010 was proclaimed as Charles Touchstone day, honoring Mr. Touchstone for his 32 years of service in the Public Works Department and in his retirement.

5 Additions, Deletions or Withdrawals to Agenda

All agenda items related to Bell David Planning Group to be discussed together. Items 9d and 9e (ordinances 2010-4 and 2010-5) were moved to the next meeting scheduled for March 16, 2010.

Item 9a (ordinance 2010-3) Item will be presented by Bell David Planning Group today, but detailed discussion for first reading will be moved to the next meeting scheduled for March 16, 2010.

Item 12b (Commissioner Cooper's discussion on supporting environmental issues) moved to the next meeting scheduled for March 16, 2010.

6 Public Comments Related to Agenda Items

Dan Keys - general comments on "New Business" items.

Jordan Leonard, Council Member for Bay Harbor Island - spoke on FPL agreement.

7 Consent Agenda (Motion to be made for all as one or remove for discussion)

The minutes for the February 2, 2010 Commission meeting was pulled from the consent agenda and moved to the next regular commission meeting on April 6, 2010. Motion made by Vice Mayor Childress to approve item 7.b only, Receipt of 1st Quarter Financials as of Dec. 31, 2009. It was seconded by Commissioner Anderson.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Childress and Commissioner Anderson, Commissioner Bernard and Commissioner Cooper.

Motion carries 5/0.

Item 7 above took place after the reading of ordinances, item 9.

8 Public Hearings

None

9 Ordinance 2010-3 - First Reading

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA ADOPTING THE **EVALUATION AND APPRAISAL REPORT** BASED AMENDMENTS TO THE COMPREHENSIVE PLAN; AUTHORIZING TRANSMITTAL TO REVIEW AGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title of the ordinance.

Jerry Bell of Bell David Planning Group gave an explanation of the process and timeline. Looking to get authorization from the Commission to transmit to the state at first reading, then come back in 60 days with a report, make changes based on the report, and finally come back at second reading with updates. Needs to have second reading done by June.

Mayor Ross opened the public hearing for those wishing to speak on the Comp Plan: Barbara Kuhl - concerned with access to all of the information relating to the Comp plan, and that there are too many specifics and should be more general.

Dan Keys - did not have access to original EAR and unable to make comparisons. Concerned that it is too specific.

Karen Cohen - Same concerns and not sure where the amendments came from and that there are too many specifics.

Mike McGwinn - echo the same comments. Appreciate the opportunity to review the origins of what has been presented.

A motion made by Vice Mayor Childress to continue the 1st reading of Ordinance No. 2010-3 with a date certain of March 16, 2010, at 7:30PM. It was seconded by Commissioner Anderson.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Childress and Commissioner Anderson, Commissioner Bernard and Commissioner Cooper.

Motion carries 5/0.

A second motion made by Commissioner Bernard requesting that the original Comp plan and EAR documents are added to the website, as well as hard copies available at Village Hall. It was seconded by Commissioner Cooper.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Childress and Commissioner Anderson, Commissioner Bernard and Commissioner Cooper.

Motion carries 5/0.

Ordinance 2010-6 - First Reading

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA ACCEPTING THE **5-YEAR CAPITAL IMPROVEMENT PLAN** OUTLINING SPECIFIC PROJECTS, SUBJECT TO ANNUAL REVIEW; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title of the ordinance.

Jerry Bell of Bell David Planning Group provided a brief explanation.

Attorney Hearn explained a correction to section 2, subsection 4, which will be made and corrected for second reading.

Mayor Ross opened the public hearing, but there were none.

A motion made by Commissioner Bernard to approve at first reading. It was seconded by Commissioner Anderson.

The motion was called to a vote:

Commissioner Bernard - yes

Vice Mayor Childress - yes

Commissioner Anderson - yes

Commissioner Cooper - yes

Mayor Ross - yes

Motion carries 5/0.

Ordinance 2009-3 - Second Reading

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA ADOPTING ITS **2008-2025 WATER SUPPLY FACILITIES WORK PLAN**; AMENDING THE VILLAGE OF BISCAYNE PARK'S COMPREHENSIVE PLAN TO STRENGTHEN COORDINATION BETWEEN WATER SUPPLY AND LOCAL LAND USE PLANNING BY AMENDING THE TEXT CONTAINED IN THE FUTURE LAND USE, INFRASTRUCTURE, CONSERVATION, INTERGOVERNMENTAL COORDINATION AND THE CAPITAL IMPROVEMENT ELEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Note: First reading was in February 3, 2009.

Attorney Hearn read the title of the ordinance.

Alex David of Bell David Planning Group provided an explanation of the documents provided.

Mayor Ross opened the public hearing:
Tracy Truppmann - concerned with water quality.

After discussion from the Commission with specific concerns of the reverse osmosis issue that comes from North Miami's water plan, Attorney Hearn suggested that Alex David discuss if we can make a change to our plan to detach the reverse osmosis with the regulatory agencies and come back with the response at the next meeting.

Additionally, Commissioner Anderson directed the Manager to verify with the City of North Miami whether there is a budgeted line item in their budget on the water surcharge.

A motion made by Vice Mayor Childress to continue the 2nd reading of Ordinance No. 2009-3 with a date certain of April 6, 2010. It was seconded by Commissioner Bernard.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Childress and Commissioner Anderson, Commissioner Bernard and Commissioner Cooper.

Motion carries 5/0.

Item 11a from Old Business was moved to discuss at this point.

Alex David from Bell David Planning Group provided an update on the issues brought forward to the City of North Miami's Future Land Use. Mr. David reviewed the letter from Maxine Calloway, Director of Community Planning & Development for the City of North Miami to the Village that addressed those issues.

Ordinance 2010-7 - First Reading

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNEPARK, FLORIDA, GRANTING **FLORIDA POWER & LIGHT COMPANY**, ITS SUCCESSORS AND ASSIGNS A NON EXCLUSIVE ELECTRIC FRANCHISE; IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; PROVIDING FOR MONTHLY PAYMENTS TO THE VILLAGE OF BISCAYNE PARK, FLORIDA; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Hearn read the title of the ordinance and provided a brief history on this particular ordinance and a summary of the negotiations with FPL.

Mayor Ross opened the public hearing and the following spoke on this ordinance:

Barry White (Kendall resident representing CASE)

Carmen Di Bernardi

Karen Cohen

Chester Morris

Gaspar Gonzalez

Tracy Truppman

Dan Keys

Bob Kopsik

Michael Speventa

John Holland

The Commission had discussion on the ordinance, followed by comments by the Village Manager. FPL representatives Aletha Player and Ken Rubin also spoke on the ordinance and the negotiations that took place.

A motion made by Vice Mayor Childress to accept the Manager's recommendation and to approve at first reading. It was seconded by Commissioner Anderson.

The motion was called to a vote:

Vice Mayor Childress - yes

Commissioner Anderson - yes

Commissioner Cooper - no

Commissioner Bernard - no

Mayor Ross - yes

Motion carries 3/2

Ordinance 2010-1 - Second Reading

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AMENDING CHAPTER 11 ENTITLED "OFFENSES AND MISCELLANEOUS PROVISIONS" BY CREATING NEW ARTICLE VI, ENTITLED "**STREET ADDRESS DISPLAY**"; PROVIDING FOR PENALTY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

Attorney Hearn read the title of the ordinance and provided a brief summary of the changes made since the first reading.

Mayor Ross opened the public hearing:

Fred Jonas - spoke on where the the numbering is located.

Dan Keys - can the street address be on the right of way.

A motion made by Vice Mayor Childress to accept approve at second reading seeing that the language of the ordinance was sufficient and clear. It was seconded by Commissioner Cooper.

The motion was called to a vote:

Commissioner Cooper - yes

Commissioner Bernard - yes

Vice Mayor Childress - yes

Commissioner Anderson - yes

Mayor Ross - yes

Motion carries 5/0

Ordinance 2010-2 - Second Reading

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE III, ENTITLED, "**COMMISSIONS, BOARDS AND COMMITTEES**"; REPEALING ORDINANCE 2008-8 AND CREATING NEW SECTION 2-30 OF THE CODE OF ORDINANCES OF THE VILLAGE OF BISCAYNE PARK ENTITLED "GENERAL RULES AND POLICIES"; AMENDING EXISTING SECTION 2-31 OF THE CODE OF ORDINANCES OF THE VILLAGE OF BISCAYNE PARK, ENTITLED, "BOARD OF PARKS AND PARKWAYS"; AMENDING EXISTING SECTION 2-32 OF THE CODE OF ORDINANCES OF THE VILLAGE OF BISCAYNE PARK, ENTITLED, "ECOLOGY BOARD"; REPEALING ORDINANCE 2008-7 AND CREATING A NEW SECTION 2-34 OF THE CODE OF ORDINANCES OF THE VILLAGE OF BISCAYNE PARK, ENTITLED, "RECREATION ADVISORY BOARD"; REPEALING ORDINANCE 2008-4; PROVIDING FOR AMENDMENT TO THE APPLICABLE CURRENT CODE SECTIONS WITH REFERENCE TO THIS ORDINANCE AND PROVIDING THAT PROVISIONS OF THE CURRENT CODE, TO THE EXTENT THAT THEY ARE IN CONFLICT WITH THIS ORDINANCE, SHALL BE REPEALED; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EF

Attorney Hearn read the title of the ordinance and provided a brief summary of the changes made since the first reading.

Mayor Ross opened the public hearing:

Dan Keys - does not see value of having alternates on the board, concerned with restriction on family members, and add definition of excused absences.

Barbar Kuhl - concerned with restriction on family members.

The Commission had discussion on the ordinance. During the discussion, the following changes were put to a vote:

1. Keep the definition as is for *Relative*. (section 2-30 A.3)

All in favor: Mayor Ross, Commissioner Cooper, Commissioner Bernard.

All opposed: Commissioner Anderson and Vice Mayor Childress

2. Add "or if another relative is on that board or committee." to *Prohibition of appointment of relatives (section 2-30 B.2)*

All in favor: Mayor Ross, Commissioner Cooper, Commissioner Bernard.

All opposed: Commissioner Anderson and Vice Mayor Childress

3. Leave the language as is to receive minutes within sixty (60) days after meeting. (*section 2-30 E.4.c*).

All in favor: Commissioner Anderson, Vice Mayor Childress, Commissioner Bernard, and Mayor Ross.

All opposed: Commissioner Cooper.

4. Add "and supporting documentation to the extent available." to the written agenda (*section 2-30 E.4.b*).

All in favor: Commissioner Anderson, Vice Mayor Childress, Commissioner Bernard, Mayor Ross and Commissioner Cooper.

A motion made by Commissioner Cooper to approve at second reading with the changes discussed. It was seconded by Commissioner Bernard.

The motion was called to a vote:

Commissioner Bernard - yes

Vice Mayor Childress - yes

Commissioner Anderson - no

Commissioner Cooper - yes

Mayor Ross - yes

Motion carries 4/1

10 Resolutions

None

11 Old Business

See above, item 11.a.

11.b - Discussion of replacement of Board Members

The Commission discussed the replacements and several appointments were made to the boards, but some were still pending as they were not sure on which of the current members needed to be replaced.

Direction given to invite all current members, newly appointed members, and those residents being considered for appointment to the Ethics Training on March 16, 2010. Appointments would then be finalized after that.

12 New Business

Commissioner Cooper moved item 12.a-Discussion of past official Village reports/plans to the next regular Commission meeting on April 6, 2010.

13 Good and Welfare (Public)

< None >

14 Reports

14.a - Committee Reports:

Parks & Parkway - Dan Keys: Following up on the reimbursement of supplies to Lynn Fisher on the Owl House Project.

14.b - Village Attorney Comments:

None except for a reminder that Robert Meyers is confirmed for the Ethics training on March 16, 2010.

14.c - Village Manager Comments:

Requesting consensus to proceed with getting state designation of northeast Sixth Avenue and for the Commission to consider naming suggestions. All in favor.

Discussion on traveling to Tallahassee during legislative session and provided the topics to be discussed. Commissioner Anderson made a motion that the cost of travel not to exceed \$3,000. Seconded by Vice Mayor Childress. All in favor.

14.d - Commissioner Comments:

Commissioner Bernard - remembering resident Lew Twitchell that recently passed away.

15 Announcements - All public meetings are held at the Ed Burke Recreation Center, 11400 NE 9th Court, Biscayne Park.

Monday, March 15th - Planning & Zoning at 6:30PM

Tuesday, March 16th - Ethics Training for staff, board and committee members at 6:00PM

Tuesday, March 16th - Special Commission Meeting at 7:30PM

Wednesday, March 17th - Parks & Parkway Advisory Board at 6:00PM

16 Adjournment

Motion made to adjourn by Vice Mayor Childress and seconded by Commissioner Anderson. All in favor.

Commission approved _____

Attest:

Roxanna Ross, Mayor

Maria Camara, Village Clerk



Village of Biscayne Park

**640 NE 114th Street
Biscayne Park, FL 33161**

Tel: 305 899 8000
Fax: 305 891 7241

The following pages are additional notes to be added to the minutes of March 2, 2010 as requested by:

Mayor Ross
Commissioner Cooper
Commissioner Bernard

Pending approval of Commission majority.

MEMO TO: Clerk Maria Camara
FROM: Mayor Roxanna Ross
RE: March 2, 2010 Meeting Minutes

Please include the following comments to the above-referenced minutes:

03/02/2010: Under First Reading of Ordinance 2010-7 – FPL Franchise:

FPL representatives Aletha Player and Ken Rubin also spoke on the ordinance and the negotiations that took place. Ken Rubin noted:

- a) He has been negotiating this franchise for 3 years with Village Attorney John Hearn, for whom he has tremendous respect.
- b) The ability to generate and use power is specifically provided by Fla. Stat. sec. 366 and Fla. Adm. Code 25-6-065, which regulates “net metering.”
- c) With regard to generating power, Sec. 8 was crafted to address the Village’s concerns, specifically stating that the Village is not prohibited from generating power, storage and distribution for its own use, through its own lines.
- d) Another negotiated term specifically states that: This agreement does not affect any rights which the Village may otherwise possess with respect to the siting of FPL transmission lines.

Ordinance 2009-3 - Second Reading

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA ADOPTING ITS **2008-2025 WATER SUPPLY FACILITIES WORK PLAN**; AMENDING THE VILLAGE OF BISCAYNE PARK'S COMPREHENSIVE PLAN TO STRENGTHEN COORDINATION BETWEEN WATER SUPPLY AND LOCAL LAND USE PLANNING BY AMENDING THE TEXT CONTAINED IN THE FUTURE LAND USE, INFRASTRUCTURE, CONSERVATION, INTERGOVERNMENTAL COORDINATION AND THE CAPITAL IMPROVEMENT ELEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

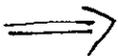
Note: First reading was in February 3, 2009.

Attorney Hearn read the title of the ordinance.

Alex David of Bell David Planning Group provided an explanation of the documents provided.

Mayor Ross opened the public hearing:
Tracy Truppmann - concerned with water quality.

After discussion from the Commission with specific concerns of the reverse osmosis issue that comes from North Miami's water plan, Attorney Hearn suggested that Alex David discuss if we can make a change to our plan to detach the reverse osmosis with the regulatory agencies and come back with the response at the next meeting.



The following is the text that Commissioner Cooper requests to replace the above paragraph:

Commissioner Cooper identified that Biscayne Park residents were inappropriately going to have to pay for a North Miami reverse osmosis plant, whose need is highly questionable when looking at population and water usage amounts in the planning documents. With subsequent discussion by the Commission, Attorney Hearn and Alex David, the attorney suggested that Alex David discuss if we can make a change to our plan to detach the reverse osmosis with the regulatory agencies and come back with the response at the next meeting.

Additionally, Commissioner Anderson directed the Manager to verify with the City of North Miami whether there is a budgeted line item in their budget on the water surcharge.

A motion made by Vice Mayor Childress to continue the 2nd reading of Ordinance No. 2009-3 with a date certain of April 6, 2010. It was seconded by Commissioner Bernard.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Childress and Commissioner Anderson, Commissioner Bernard and Commissioner Cooper.

----- Forwarded Message -----

From: Steve Bernard <steve@stevebernardarchitect.com>

To: VillageClerk@BiscayneParkFl.gov; villagemanager@biscayneparkfl.gov; attyhearn@aol.com

Cc: vobparchives@biscayneparkfl.gov

Sent: Mon, June 7, 2010 7:31:28 AM

Subject: Notes on 3/2/10 Minutes

Memo To: Clerk Maria Camaro

Fr: Commissioner Steve Bernard

Re: March 2, 2010 Meeting Minutes

I have reviewed my handwritten notes and the video of the meeting, and put together notes on the above referenced minutes.

They include items other than FPL, but regarding the FPL item, I have split out our Attorney & Manager comments and FPL's statements from Commission discussion, and they are all included here.

Because it is important that FPL be held to the statements that they made, including in prior negotiations as described by the Attorney and Commissioners, and because there is no other formal record of those representations, I think it is important that we have a permanent record, as these notes will provide.

Therefore, please include the following comments to the above-referenced minutes, and please distribute to the Commission for their review prior to the 6/8/10 meeting.

Sincerely,

Steve Bernard
Commissioner

cc: Village Manager, Attorney, Archives

ITEM 9F - Add:

A. Commissioner Bernard - Asked Consultant about the need for interlocal agreement, to clarify NM responsibility & BP rights, especially regarding the capital improvement fees (and how NM took the cap improvement money paid by BP residents and put towards their operation costs because of their budget shortfall) & 25% rate surplus that BP pays, but also including repairs, upgrades, or water quality for a better response from NM.

B - NM during their comp plan stated that the current water plant had capacity for current needs.

C- Consultant thought he had the interlocal agreement in his files, and will confirm.

D - Commissioner Anderson stated, "On the comment as far as the monies that all of us are paying on our water bills towards the new plant, that they had a budget shortfall, I would ask our Manager to double check that because I talked to North Miami's finance director about 2 months ago, she assured me that that money is in a budgeted item, in an item strictly for the future building of that plant, and I'd like to get that verified for the next commission meeting"

ITEM 11A - Add:

A. 1) NRO & CCD boundaries will be shown on the future land use map, to match the NM Comp Plan, and 2) Density Bonuses outside the NRO would require both a Conditional Use Permit and a land use amendment, inside the NRO would require Conditional Use Permit" would be clarified", and

B. Consultant agreed that the NM letter would have sufficient legal weight so that we don't have to file an appeal on the NM Future Land Use Plan prior to the April deadline.

C. Commissioner Cooper stated that we have to be vigilant for developments, and that we ask to be formally notified via intergovernmental communication on any development projects.

ITEM 9C –

After "Attorney Hearn read the title... and a summary of the negotiations with FPL",
ADD

Including:

1. A Most Favored Nation, which would apply to all parts of the contract for any clause or provision more favorable - FPL has not agreed to that language. They did grant a MFN for fee percentage for cities of over 50,000 customers.
2. Big concession that we sought was that there would be no transmission lines through the Village, FPL did not agree to that. We asked for underground, and FPL agreed but there would be a contribution over and above the normal cost, so that did not occur.
3. What we did get was that FPL recognized that we are a unique residential city, they told us that their policy is to go through industrial corridors first, commercial corridors second, and only as a last resort to go through residential, which is not in the agreement, but is their policy.
4. A recent concession was that the Agreement does not affect our rights that we possess under Florida law with respect to the siting of Transmission lines, as of yesterday.
5. The other issue was to try to get the 30 year term reduced to maybe 5 or 10 years, FPL did not agree to.
6. We talked about the ability for the Village to generate electrical capacity, to store, to use at our facilities, and consistent with Florida to sell back to FPL.
7. FPL did not agree to arbitration
8. FPL did not allow us to audit based on contingent basis, pursuant to law.
9. FPL has a standard contract and told us that they treat everyone equally, but he considers this is the best language of the other City's Agreements he's aware of.
10. It is non-exclusive, does not prevent anyone from using their own source of power
11. It boils down to BP receiving a payment which is a pass through from your citizens in return for the express waiver of our ability to sell or compete with FPL for our electricity.
12. Section 2 gives them the non exclusive right to operate in our rights of ways
13. Section 3 provides that they have to interfere as little as possible with us, the grantor, that we may prescribe in accordance with our rules and regulations where their utilities can go, provided that it doesn't interfere with the proper operation of their facilities and service.
14. There's no obligation for us to enter into the Franchise Agreement, the cities I'm aware of have all entered into it. One city that did not was Parkland about 8 years ago, they let their Contract expire. If you don't have a contract, FPL will still provide electricity to Citizens and operate in the rights of way.
15. FPL's position is very clear that they have a standard contract, and do not deviate in a substantive way.

Manager Garcia:

1. The number \$120,000 is a conservative number to have to replace
2. We inherited a budget that was adopted with \$25,000 in the red
3. We consolidated employee positions

4. We want to increase the level of service
5. Concerned if we don't find an alternative funding source to offset the minimum \$120K up to \$138K.

FPL - Aletha Player & Ken Rubin:

1. The Village and the Residents are allowed to generate and use their own power under Florida Law, the Net Metering Statute. Cannot become a retail provider of electricity, and any excess is required to be sold back to FPL as per PSC. We have specific tariff provisions providing for interconnection agreement and different levels of service, all spelled out in rules passed by PSC.
2. The Village can produce power for its own use, and can store that power use its own lines and distribution system through equipment owned by the Village, and a new section was created to accommodate that request.. This does not prohibit for those things, and it allows for those points.
3. FPL is required to continue providing electric service with or without a Franchise.
4. Regarding Transmission Lines, Florida law provides for method for how lines are sited. In response to concerns, they drafted a statement that assures BP a seat at the table if a proposal for Transmission Lines ever came through the Village.
5. Hollywood did not 'win' their lawsuit, it was settled.
6. FPL pays its taxes, regardless of the old or new formula
7. Regarding Contingency Audit, Mr. Rubin negotiated the Ormand Beach Franchise, and under the FL Statutes, CPA's performing audits shall not be rendered for fee contingent upon the findings of such services, as per Chapter 473.
8. They assured us that if new technology is coming down the pike, they are going to be leading that new technology.

Public Speakers

Barry White is with CASE, which is Citizens Aligned for Safe Energy

Commission discussion included:

Commissioner Cooper:

1. It's standard to hear from companies that 'it's a standard contract', and often can be negotiated.
2. It's disturbing that FPL knows that we're in a financial budget crunch at this point, and he tried through the attorney to get FPL to say we could not only produce our own power, but could we distribute that power ourselves, even just to our light poles, it would have been a nice concession that FPL could have made.
3. Saying that we're going bankrupt is a scare tactic, and there's possibilities that we haven't thought about, including revenue from selling power when technology arrives, instead of committing ourselves for 30 years.
4. FPL can get out of the contract in 90 days, so the money you think is secure is not secure if technology changes to the point where FPL says goodbye.
5. We should consider working with other municipalities who are willing to fight the good fight, including South Miami . If FPL picks us off one at a time, we're not gonna do anything here, but if we work together, there's possibilities.

Attorney Hearn then stated that Cooper was correct about asking to store for street lights, so we'd have to have a separate agreement with FPL because they own the lights and poles. I don't disagree with anything he says, but would like FPL to clarify.

Mayor Ross: Asked Attorney Hearn to reiterate the Legislature, the Florida Siting Act, and any impact this agreement would have on those restrictions that are already in place for control.

Hearn: Will this permit us to keep 75 poles out? No, we didn't seek in the agreement to prohibit that, this is not in any way to allow us to prevent those poles. If it's over 15 miles, it falls under the PSC, if it falls under

15 miles, the process is not governed by the PSC, you have to go through court process, but the power FPL has is rather extensive, the goal is through non-residential areas.

Commissioner Bernard:

1. In negotiations in 2008, Mr. Rubin stated in an email that the heart of this Agreement is the right of way rights, so the idea that this agreement doesn't affect those rights is telling in what FPL is willing to tell us in order for us to get us to sign it.
2. The day we sign is the day a judge will say that we gave those rights away.
3. The biggest issue is money, but there are other issues:
 - a. We pay 6% on our electric bill now, and a city that did an audit showed that the numbers weren't accurate, and since we don't have the time or money to do our own detailed financial analysis, I can't imagine that we'll find the money to audit FPL without a contingent basis. The fact that FPL won't allow this is also telling, although the law says a CPA can do this.
 - b. If another company comes in and wants to provide power to our residents, with cleaner technology or lower rates, FPL has the right of first refusal and can terminate the Contract, but we can't terminate.
 - c. When the technology changes, we'll be locked in, even as people get off the grid. And the money that we're scrabbling for is going to reduce.
 - d. And while we're right now among the highest millage in the County, it won't be like that for 30 years. But if we're so close to the edge at 9 mills, that's only \$158K difference, and this \$120K that we're talking about isn't going to save us, because if the values go down that much, then we can't survive anyway. But as the economy comes up, in 5 years, we're going to look around and say that we didn't have to do this.
4. Because we need money to say 'no' to signing the Agreement, here's how to find the \$125K to replace the Franchise Fees and keep the current level of service:
 - a. Utility Service Tax is at 8%, but can be from 0% up to 10%, and we can change it at anytime, instead of committing us in for 30 years. We have zero energy conservation policies, no high efficiency interior and exterior lighting, no high SEER Air Conditioning units. If we had no Franchise Fee, the money that the Village pays on the Electric Franchise Fee, this adds up to \$30 to \$35,000.
 - b. If we did nothing but raise the millage, it would be a .75 mill increase, but it would be offset by the money that residents save on their electric bill. To answer the question, if we do not max out the millage, and we could show FPL that we're ready to negotiate if we get creative with revenues.
 - c. Special Taxing District would give the ability to tax themselves outside of the millage cap, but it requires the Legislature to approve it, and it requires a special election, but it shows there are means to get extra revenue.
5. Other Cities - We learned 4 years ago what these Franchise Agreements mean for Transmission Lines, the lines in NM couldn't be stopped and when someone says that other cities have signed, ask North Miami if they would sign again. When Miami Shores signed, I was there and there was a clear misunderstanding about several of the issues.
6. Limitations on giving up the rights of BP to create and sell out own power for future revenues.
7. We were told 2 years ago at a Workshop that FPL doesn't change their Agreements, they said its boilerplate, we don't change it. They claimed that there was a certain Statute that said they wouldn't allow us to do it. And we discovered over the next 2 years is that they do change it. 4 years ago, what I heard from our (current) Manager was that they weren't really going to go through Biscayne Park, except it was the cheapest way to go, and if they had gone through, our property values would have killed us.

Commissioner Anderson:

1. Compared to South Miami, they have a lower millage, and we have a problem
2. He questioned if we can produce our own power, or sell back to FPL
3. On the street lights, part of what we pay is for maintenance

4. Newer technology, if we go ahead with the Bloom box, what resident would want to have this power station next to them with all the infrastructure going in, and all of the maintenance required?
5. The Franchise fee is absolutely a tax, but I can regulate my tax by using less electricity and my tax will go down. If we put it on millage, it hurts everyone the same. If you're retired or paid off your house, chances are you're not itemizing, so you get hit 100% no matter what electric you're using. I'm against any kind of a tax that hurts the poor and the elderly, I'm against that completely, and those type of taxes hurt the most. When they get hit with the millage, they're paying a higher rate than a younger person who's in a smaller house.
6. We have investigated this over the years, and there isn't much wiggle room, cannot afford to lose revenue, we are gonna take another hit again when we do our budget because property values have dropped. In the future, as people can get off the grid, but it's a slow drop off, and it would be a shock to the budget to lose services and have to reach into reserves is a no-win situation, and this doesn't take into account increased costs.
7. Every city he's talked to, they've asked where are you going to come up with the revenue, and that's why the majority of the cities sign. We're under financial constraints and I don't want a power station next to my house, and I don't know who would want one, and we need a backup grid system.

Vice Mayor Childress:

1. The Village is not like the City of Parkland, we have limited revenue source
2. It comes down to a revenue issue, and he just cannot see taxing our residents any more than they are already taxed, and that's our only other alternative.
3. If there was any other time, if we had additional revenues, or a strong reserve, or if our millage was lower, it would be a possibility, but at 9.0 I can't see taxing residents more than already taxed.

Commissioner Cooper:

He thinks that we can make up the revenue with hard work and some creative solutions we can make up the shortfall.

Commissioner Bernard:

1. Regarding taxes, between franchise and utility and communication fees & taxes, 22% of the revenues we get from residents is unrecognizable as taxes, so we're already taxing our residents, and if we shift it around it puts us in a better position because it gives us the control.
2. In addition to those who spoke pro or con on this, there are almost 50 emails from people that responded to an email I sent that posted the Ordinance. Out of all those emails, there were one or two that were on the fence, and one that was against the Agreement. While we may not have heard them here tonight, the point of their emails was to say that we can't make it, but this is what we want. To have 50 people say 'here's what we think, and here's what we want you to consider' isn't something that we should take lightly, even if they don't show up at the meeting.
3. We haven't taken the time to see how we can find the money, and I hope before the 2nd reading we can put a concerted effort to do that. I have a feeling that if it weren't for the money, there's nobody up here that thinks this is a good contract. I say let's say let's commit to see how we can find that money, instead of committing 30 years of our resident's fee.
4. It is not unfair to go from an electric fee to a millage fee basis. It's not fair that someone who pays for more electricity in their house is paying more for police or other services. Vacant properties with no structures pay nothing. People with no cell phones pay less than those who do. The millage is known as the fairest system there is, with homestead and exemptions, and it's complicated, but people know what it is when they buy into it.



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Mayor and Commission

Roxanna Ross
Mayor

Albert Childress
Vice Mayor

Robert "Bob" Anderson
Commissioner

Steve Bernard
Commissioner

Bryan Cooper
Commissioner

Ana Garcia
Village Manager

John J. Hearn
Village Attorney

Maria Camara
Village Clerk

MINUTES
SPECIAL COMMISSION MEETING
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Tuesday, March 16, 2010

1 Call to Order

2 Roll Call

Mayor Roxanna Ross called the meeting to order at 7:05PM. In addition to Mayor Ross, present were Vice Mayor Albert Childress, Commissioner Bob Anderson, Commissioner Steve Bernard, and Commissioner Bryan Cooper. Present from staff were Ana Garcia, Village Manager, Maria Camara, Village Clerk, John Hearn, Village Attorney, Police Chief Mitchell Glansberg, Public Works Director Bernard Pratt, and Recreation Coordinator Issa Thornell.

3 Pledge of Allegiance

Students from St. Rose of Lima School led the pledge of allegiance, which was then followed by a moment of silence. The Mayor asked everyone to remember the family members of residents who had recently passed away.

Mayor Ross took the time to encourage all residents to fill out their Census form and reminded everyone how important it is to the Village.

4 Presentations

Ana Garcia presented a certificate of appreciation to Patricia Sechi, North Shore Medical Center.

Chief Mitchell Glansberg gave presentation on two police cases and presented certificate of recognition to Biscayne Park Police Captain Antonio Sanchez and police officers Ray Atesiano, Javier Fernandez and Breno Penichet.

Jim McGinn from the Florida League of Cities presented a check to the Village in the amount of \$6,250 which was a refund for a return of premium from the Florida Municipal Insurance Trust.

5 Additions, Deletions or Withdrawals to Agenda

Mayor Ross asked that item 10d, resolution 2010-12 on Budgetary adjustments be moved to section 7, just behind the consent agenda.

Commissioner Bernard asked that items 10a and 10b, resolutions, be made part of the consent agenda under section 7. Resolution 2010-8 is item 7a and resolution 2010-10 is item 7b.

Commissioner Cooper requested that an item be added to section 12 New Business, a discussion on a workshop to explore alternate revenue sources.

Commissioner Cooper requested that an item be added to section 12 New Business, a discussion on the procedures on how resolutions and ordinances are added on the agenda.

6 Public Comments Related to Agenda Items

< None >

7 Consent Agenda (Motion to be made for all as one or remove for discussion)

A motion made by Commissioner Anderson to accept the consent agenda.

Seconded by Commissioner Cooper.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Childress and Commissioner Anderson, Commissioner Bernard and Commissioner Cooper.

Motion carries 5/0.

8 Public Hearings

< None >

9 Ordinance 2010-3 - First Reading (*Moved from the March 2, 2010 regular Commission meeting.*)

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA ADOPTING THE **EVALUATION AND APPRAISAL REPORT** BASED AMENDMENTS TO THE COMPREHENSIVE PLAN; AUTHORIZING TRANSMITTAL TO REVIEW AGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title of the ordinance.

Jerry Bell of Bell David Planning Group gave a brief explanation of the process which had already been explained in full at the March 2nd meeting. Needs to have second reading done by June.

Mayor Ross opened the public hearing for those wishing to speak on this ordinance:

Dan Keys - confirmed process that the Commission would make changes at this first reading, as well as other specifics that needed correction and/or change.

Barbara Kuhl - agreed with Dan Keys and was concerned on the structured language; Did not understand the wording of items 4.1 and 4.3 on pages 30 and 31.

The Commission reviewed the report and made various changes, additions and deletions. Mr. Bell confirmed that the report is sent, as required by the State, to thirteen different agencies including FDOT and all surrounding municipalities.

Commissioner Bernard requests that once completed, that the minutes of the Feb. 18, 2010 Planning & Zoning Board meeting be included as the official record.

Commissioner Anderson requests that an updated copy of all the changes, additions and deletions be provided to the Commission.

A motion made by Vice Mayor Childress to accept at first reading. It was seconded by Commissioner Anderson.

After discussion the motion was called to a vote:

Commissioner Anderson - yes

Vice Mayor Childress - yes

Commissioner Bernard - yes

Commissioner Cooper - yes

Mayor Ross - yes

Motion carries 5/0.

Mayor Ross asked for a five minute recess.

9 Ordinance 2010-4 - First Reading

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AMENDING THE MUNICIPAL CODE OF THE VILLAGE OF BISCAYNE PARK BY ADOPTING A CODE OF CONDUCT FOR ALL ELECTED OFFICIALS, BOARD MEMBERS AND VILLAGE EMPLOYEES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Ross opened the public hearing for those wishing to speak on this ordinance:
Barbara Kuhl - commented on page 9, section N, no. 2 should be removed.

Attorney Hearn explained that this ordinance was brought forward by Vice Mayor Childress. It was originally drafted by the City of South Miami, then by the City of Doral with some changes. Vice Mayor Childress stated he brought it forward as he feels the Commission should set the standard for the Village.

The Commission reviewed the ordinance and made various changes, additions and deletions.

A motion made by Vice Mayor Childress to accept at first reading with the changes discussed and voted on by majority and to have the second reading at the regular Commission meeting in June which will allow ample time for the Attorney to make all changes. It was seconded by Commissioner Anderson.

After discussion the motion was called to a vote:

Commissioner Anderson - yes

Vice Mayor Childress - yes

Commissioner Bernard - no

Commissioner Cooper - no

Mayor Ross - yes

Motion carries 3/2.

The first reading of the following ordinance was moved to the next meeting in April.

Ordinance 2010-5 - First Reading

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AMENDING THE MUNICIPAL CODE OF THE VILLAGE BY ADOPTING COMPREHENSIVE PROCEDURES GOVERNING COMMISSION MEETINGS. PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE.

10 Resolutions

This item was discussed after item 7, Consent Agenda.

Resolution 2010-12

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, GIVING THE VILLAGE MANAGER APPROVAL TO MAKE BUDGETARY ADJUSTMENTS TO THE ADOPTED BUDGET AS A RESULT OF DEPARTMENTAL RESTRUCTURING; PROVIDING FOR AN EFFECTIVE DATE

Manager Garcia provided a review of the budgetary adjustments which were realized through elimination of positions and shifting of job responsibilities. The adjustments are \$27,843 from General Government to Finance, and \$5,700 from Public Works to Recreation.

Motion made by Commissioner Childress to accept, seconded by Commissioner Anderson.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Childress, Commissioner Anderson, Commissioner Bernard and Commissioner Cooper.

Motion carries 5/0.

The following two resolutions were added to the Consent agenda and approved:

Resolution 2010-8

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, REQUESTING THAT THE UNITED STATES POSTAL SERVICE REPLACE THE MAILBOX WHICH WAS REMOVED FROM THE LOCATION OF 9TH AVENUE AND 113TH STREET IN THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR AN EFFECTIVE DATE

Resolution 2010-10

BISCAYNE PARK, FLORIDA, URGING THE FLORIDA LEGISLATURE TO PROVIDE EACH REGION OF THE STATE, INCLUDING SOUTHEAST FLORIDA AND MIAMI-DADE COUNTY, ITS FAIR SHARE OF THE STATE FUNDING BASED ON WHERE REVENUE IS GENERATED; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

The following resolution was moved to the next meeting in April:

Resolution 2010-11

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT AND OPPOSE CERTAIN ISSUES DURING THE 2010 LEGISLATIVE SESSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

11 Old Business

< None >

12 New Business

On Commissioner Cooper's request to direct the Attorney to draft a resolution supporting environmental efforts as per resolutions adopted by sister cities in southeast Florida, item 12a, the Attorney advised Commission Cooper to forward the language and additional information and he would have that resolution drafted for the next meeting in April.

On Commissioner Cooper's discussion on how resolutions and ordinances get added to the agenda, item 12c, Attorney Hearn explained that each Commissioner has the authority to add a resolution or ordinance to the agenda. The final approval to add it to the agenda is through the Village Manager.

Mayor Ross asked for item 12b, discussion on having a workshop for alternative revenues, be moved to the next meeting in April. Commissioner Cooper explained that since this was time sensitive, would need to be discussed tonight.

Motion made by Commissioner Cooper to schedule a workshop either the next week or the following week. Seconded by Commissioner Bernard.

The motion was called to a vote:

All in favor: Commissioner Bernard and Commissioner Cooper.

All opposed: Vice Mayor Childress, Commissioner Anderson and Mayor Ross.

Motion dies 3/2.

15 Announcements - All public meetings are held at the Ed Burke Recreation Center, 11400 NE 9th Court, Biscayne Park.

Wednesday, March 17th - Parks & Parkway Advisory Board at 6:00PM

Wednesday, March 31st - Adult Easter Egg Hunt at 8:00PM

Saturday, April 3rd - Kid's Easter Egg Hunt at 10:00AM

Monday, April 5th - Planning & Zoning at 6:30PM

Tuesday, April 6th - Regular Commission Meeting at 7:00PM

16 Adjournment

Motion made to adjourn by Vice Mayor Childress and seconded by Commissioner Anderson. Meeting adjourned at 12:32 AM.

Commission approved on _____

Attest:

Roxanna Ross, Mayor

Maria Camara, Village Clerk



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Mayor and Commission

Roxanna Ross
Mayor

Albert Chikress
Vice Mayor

Robert "Bob" Anderson
Commissioner

Steve Bernard
Commissioner

Bryan Cooper
Commissioner

Ana Garcia
Village Manager

John J. Hearn
Village Attorney

Maria Camara
Village Clerk

MINUTES
REGULAR COMMISSION MEETING
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Tuesday, April 6, 2010

1 Call to Order

2 Roll Call

Mayor Roxanna Ross called the meeting to order at 7:10PM. In addition to Mayor Ross, present were Vice Mayor Albert Childress, Commissioner Bob Anderson, Commissioner Steve Bernard, and Commissioner Bryan Cooper. Present from staff were Ana Garcia, Village Manager, Maria Camara, Village Clerk, John Hearn, Village Attorney, Police Chief Mitchell Glansberg, Public Works Director Bernard Pratt, and Recreation Coordinator Issa Thornell.

3 Pledge of Allegiance

Mayor Ross led the audience in the pledge of allegiance and asked for a moment of silence.

Mayor Ross apologized to the audience and viewing members for the length of time that the last two meetings have taken. Asked the entire Commission for their efforts in keeping their comments to the point and succinct to lessen the meeting times.

4 Presentations

Mayor Ross read a proclamation that April 2010 is Water Conservation Month. The proclamation was given to Ed Hernandez, Director for the South Florida Water Management District. Mr. Hernandez looked forward to working with the Village in our water conservation efforts.

Village Manager Ana Garcia recognized Derrick Murray in his promotion to Public Works foreman.

Village Clerk Maria Camara presented the Certificate of Completion to Mayor Ross for her participation and completion of the Institute for Elected Municipal Officials Training.

Mayor Ross provided a review of her trip with Village Manager Ana Garcia to the 2010 Florida Legislative session in Tallahassee, Florida.

Nestor Caballero, from the firm of Alberni, Caballero & Company, LLP presented the Comprehensive Annual Financial Report for fiscal year 2008-09 for the Village of Biscayne Park. At the conclusion of Mr. Caballero's presentation, the Commission was given the opportunity to ask questions. Commissioner Cooper asked about getting detailed budget summaries from our accounting software. Commissioner Bernard asked about the listed deficiencies and asked that if possible, the Manager provide the Commission with a timetable on when these deficiencies will be addressed and resolved at the next meeting.

5 Additions, Deletions or Withdrawals to Agenda

Attorney Hearn asked to pull item 7b from the consent agenda, Resolution 2010-14, the agreement for Stormwater Services Phase III. Will look to see if we are able to re-bid, and if so go ahead. If not, bring back for further discussion and direction.

Commissioner Bernard asks to move item 11a prior to discussion of item 9c.

Commissioner Cooper moves items 12a and 12b under New Business to subsequent meetings.

6 Public Comments Related to Agenda Items

Peter Foldes - FPL. Turned in his petition to the Village Clerk.

Linda Domin - FPL.

Mike Gruener - FPL. Turned in petitions to the Village Clerk.

Daniel Samaria - FPL.

Helene Baldwin - FPL.

Dan Keys - FPL.

Arthur Earhart - FPL.

Margaret Foldes - FPL.

Amy Refeca - FPL.

Lauren Caban - FPL.

Carmen DiBernardi - FPL.

Anne Marie Jonckheer - FPL.

Steve Taylor - FPL.

Gaspar Gonzalez - FPL.

7 Consent Agenda (Motion to be made for all as one or remove for discussion)

Commissioner asked to pull the minutes of the March 2, 2010 meeting.

Left on the consent agenda:

> Approval of the minutes of February 2, 2010

> Resolution 2010-16 - State designation of Northeast Sixth Avenue as Biscayne Park Way.

Motion by Commissioner Cooper to approve the consent agenda. Seconded by Commissioner Anderson.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Childress, Commissioner Anderson, Commissioner Bernard and Commissioner Cooper.

Motion carries 5/0.

In regards to the March 2, 2010 meeting, the Commissioners are to submit what they want to add to the minutes to the Clerk and she will make it available with the minutes at the next Commission meeting.

Commissioner Cooper makes a motion to table the minutes of the March 2, 2010 meeting to the next meeting in April. Seconded by Commissioner Bernard.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Childress, Commissioner Anderson, Commissioner Bernard and Commissioner Cooper.

Motion carries 5/0.

8 Public Hearings

< None >

9 Ordinance 2009-3 - Second Reading

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA ADOPTING ITS **2008-2025 WATER SUPPLY FACILITIES WORK PLAN**; AMENDING THE VILLAGE OF BISCAYNE PARK'S COMPREHENSIVE PLAN TO STRENGTHEN COORDINATION BETWEEN WATER SUPPLY AND LOCAL LAND USE PLANNING BY AMENDING THE TEXT CONTAINED IN THE FUTURE LAND USE, INFRASTRUCTURE, CONSERVATION, INTERGOVERNMENTAL COORDINATION AND THE CAPITAL IMPROVEMENT ELEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Note: First reading was in February 3, 2009.

Note: Second reading was moved on 3/2/2010 to date certain 4/6/2010

Attorney Hearn read the title of the ordinance.

Alex David of Bell David Planning Group provided an explanation of the documents provided.

Mayor Ross opened the public hearing and there was none.

A motion made by Vice Mayor Childress to approve at second reading. It was seconded by Commissioner Anderson. Further it was requested that language added to the transmittal letter and to page 12, under section 3.4.2 of the document, that the Village is not accepting the payment for the cost of the new reverse osmosis treatment plan.

After discussion the motion was called to a vote:

Commissioner Cooper - yes

Commissioner Bernard - yes

Vice Mayor Childress - yes

Commissioner Anderson - yes

Mayor Ross - yes
Motion carries 5/0

Ordinance 2010-6 - Second Reading

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA ACCEPTING THE 5-YEAR CAPITAL IMPROVEMENT PLAN OUTLINING SPECIFIC PROJECTS, SUBJECT TO ANNUAL REVIEW; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Hearn read the title of the ordinance.

Jerry of Bell David Planning Group provided an explanation of the documents provided.

Mayor Ross opened the public hearing and there was none.

A motion made by Commissioner Anderson to approve at second reading. It was seconded by Vice Mayor Childress. Further it was requested by Commissioner Bernard to add language to the ordinance on the matching grant information and the source of the grant to paragraph 1 and section 2.

After discussion the motion was called to a vote:

Commissioner Bernard - yes
Vice Mayor Childress - yes
Commissioner Anderson - yes
Commissioner Cooper - no
Mayor Ross - yes
Motion carries 4/1

The Mayor called for a 3-minute recess.

Item 11a from Old Business was moved to discuss at this point.

Commissioner Cooper requests that an enterprise fund workshop to occur before the final vote on the FPL franchise agreement.

Commissioner Anderson makes a motion to take the next 60 to 90 minutes to discuss the alternate revenue sources. Seconded by Vice Mayor Childress. After lengthy discussion the motion was withdrawn.

Commissioner Bernard makes a motion to have a workshop to discuss alternate sources of revenues on Saturday, April 17, 2010, with the cost not to exceed \$1,000, with a target start time of 10:00AM to 2:00PM. Seconded by Commissioner Cooper.

A request would be made to invite Ken Small from the Florida League of Cities. Resident Harvey Bilt stated he would cover the cost for Ken Small's visit.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Childress, Commissioner Bernard and Commissioner Cooper.

All opposed: Commissioner Anderson
Motion carries 4/1.

Ordinance 2010-7 - Second Reading

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNEPARK, FLORIDA, GRANTING **FLORIDA POWER & LIGHT COMPANY**, ITS SUCCESSORS AND ASSIGNS A NON EXCLUSIVE ELECTRIC FRANCHISE; IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; PROVIDING FOR MONTHLY PAYMENTS TO THE VILLAGE OF BISCAYNE PARK, FLORIDA; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Hearn read the title of the ordinance.

A motion made by Commissioner Bernard to move the second reading of this ordinance to a special meeting on date certain April 27, 2010, at 6:00PM. It was seconded by Commissioner Cooper.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Childress, Commissioner Bernard, Commissioner Anderson and Commissioner Cooper.

Motion carries 5/0.

10 Resolutions

Resolution 2010-11

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT AND OPPOSE CERTAIN ISSUES DURING THE 2010 LEGISLATIVE SESSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE

A motion made by Commissioner Bernard to accept. It was seconded by Commissioner Anderson.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Childress, Commissioner Bernard, Commissioner Anderson and Commissioner Cooper.

Motion carries 5/0.

11 Old Business

The Commission reviewed each board and made appointments, both new and re-appointments as follows:

Commissioner	P&Z	Code Enforcement	Code Review	Parks & Parkway	Recreation Adv Bd	Ecology Board
Roxanna Ross	Fred Jonas	Carmen Wolin		Randy Wagoner	Heiga Silva	Tracy Truppmann
Bob Anderson	Eliz Hornbuckle	Harvey Bilt	Gary Kuhl	Dan Keys	Ron Gwynn	Victor Romano
Steve Bernard	Andrew Ollis	Dale Blanton	Judi Hamelburg	Anne M Jonckheer	James Murphy	mat Davis
Al Childress	Gage Hartung	David Coviello		Barbara Kuhl	Vicki O'Brien	Art Pyle
Bryan Cooper	< pending >	Victor Cannon		Barbara Kiers	John Holland	Tom Pliske
	Mario Rumiano	Kelly Rumiano (A)	Gage Hartung	jane Ansley (A)	Rachel O'Conner (A)	Linda Carrington (A)
	Doug Tannehill (A)	Milt Hunter (A)	Andrew Ollis	Lynn Fisher (A)		
	Cari Bicket (A)	Ray Irazarri (A)	Fred Jones	Mary Ann Jones (A)		
			Harvey Bilt			
			Dale Blanton			
			David Coviello			
			Carmen Wolin			
			Kelly Rumiano			
			Milt Hunter			
			Ray Irazarri			
			Victor Cannon			

12 New Business

Commissioner Cooper moved item 12.a-Discussion of past official Village reports/plans to the next regular Commission meeting on April 6, 2010.

13 Good and Welfare (Public)

Barbara Kuhl - FPL.

Fred Jonas - Discussion on revenues

A motion made by Vice Mayor Childress to move Good & Welfare up with section 6 Public Comments. It was seconded by Commissioner Anderson.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Childress, Commissioner Bernard, Commissioner Anderson and Commissioner Cooper.

Motion carries 5/0.

14 Reports

The Village Attorney advised that notice received on the negotiations for the Public Works Union contract. Attorney Hearn, Manager Garcia and Director Pratt will negotiate with the representative from the local.

The Village Attorney recommends we enter into an inter-local agreement with North Miami on the water supply agreement.

The Village Attorney also reminds the Commission that there was previous discussion on the Commission doing a strategic planning session and would recommend that we do it before budget season.

The Village Attorney also brought forward a mutual aid agreement with Miami Dade County Police Department and the Biscayne Park Police Department.

A motion made by Commissioner Anderson to approve to go forward with the mutual aid agreement. It was seconded by Vice Mayor Childress.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Childress, Commissioner Bernard, Commissioner Anderson and Commissioner Cooper.

Motion carries 5/0.

Village Manager Garcia reported on the Recreation Center project status, the Department of Forestry Grant, her meeting with the City Manager for the City of North Miami, and getting official confirmation on the status of the ARRA grant. Also discussed the status of her six month evaluation.

Commissioners Anderson, Bernard and Cooper and Vice Mayor Childress deferred their comments. Mayor Ross requests that the Commission complete their evaluations of the Village Manager.

- 15 **Announcements** - All public meetings are held at the Ed Burke Recreation Center, 11400 NE 9th Court, Biscayne Park.

Saturday, April 17th - Revenue Workshop at 10:00AM.

Monday, April 19th - Planning & Zoning at 6:30PM.

Tuesday, April 20th - Code Enforcement at 7:00PM.

Wednesday, April 14th - Parks & Parkway Advisory Board at 6:00PM.

Tuesday, April 27th - Special Commission Meeting at 6:00PM.

Monday, May 3rd - Planning & Zoning at 6:30PM.

Tuesday, May 4th - Regular Commission Meeting at 7:00PM.

- 16 **Adjournment**

Motion made to adjourn by Vice Mayor Childress and seconded by Commissioner Anderson. All in favor. The meeting was adjourned at 12:07AM.

Commission approved on _____

Attest:

Roxanna Ross, Mayor

Maria Camara, Village Clerk



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Mayor and Commission

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Commissioner

Steve Bernard
Commissioner

Bryan Cooper
Commissioner

Ana Garcia
Village Manager

John J. Hearn
Village Attorney

Maria Camara
Village Clerk

MINUTES
SPECIAL COMMISSION MEETING
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Tuesday, April 27, 2010

1 Call to Order

2 Roll Call

Mayor Roxanna Ross called the meeting to order at 6:08PM. In addition to Mayor Ross, present were Vice Mayor Albert Childress, Commissioner Bob Anderson, Commissioner Steve Bernard, and Commissioner Bryan Cooper. Present from staff were Ana Garcia, Village Manager, Maria Camara, Village Clerk, John Hearn, Village Attorney, Police Chief Mitchell Glansberg, Public Works Director Bernard Pratt, and Recreation Coordinator Issa Thornell.

3 Pledge of Allegiance

Mayor Ross led the audience in the pledge of allegiance. Mayor Ross asked for a moment of silence.

4 Presentations

None

5 Additions, Deletions or Withdrawals to Agenda

None

6 Public Comments Related to Agenda Items

None

7 Consent Agenda (Motion to be made for all as one or remove for discussion)

None

8 Public Hearings

None

9 Ordinance 2010-7 - Second Reading *(Moved from the April 6, 2010 meeting with a date certain April 27, 2010.)*

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA GRANTING FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS A NON EXCLUSIVE ELECTRIC FRANCHISE; IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; PROVIDING FOR MONTHLY PAYMENTS TO THE VILLAGE OF BISCAYNE PARK, FLORIDA; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title of the ordinance.

Mayor opened the public hearing on this ordinance.

Margaret Foldes
Karla Gottlieb
Estelle Hacia
Valerie Karecappa
Mike Kopsic
Mike Gruener
Barbara Watts
Gaspar Gonzalez
Carmen DiBernardi
Doug Tannehill
Barbara Kuhl
Arthur Earheart
Gary Kuhl
Karen Cohen
Linda Brewer
Susan Weiss
Mike Gridano
Morris Yomtov

Public hearing was closed.

Attorney Hearn explained the issue of transmission lines and other issues relating to the ordinance, and a summary of the negotiations that took place with FPL.

Comments from the Village Manager was requested and given. The Manager gave her recommendation to the Commission that the FPL franchise agreement should be signed as this is a major source of revenue and due to our budgetary constraints.

Vice Mayor Childress provided his comments and then made a motion to sign the agreement and approve the ordinance at second reading. The motion was seconded by Commissioner Anderson, and he provided his comments on the ordinance.

Commissioner Cooper provided his comments. He asked for a discussion on the option of signing an inter-local agreement with Miami Dade County to go under their FPL franchise agreement which has 10 years remaining on it. Commissioner Cooper requested that the motion on the floor be taken back to discuss the Miami Dade County option further. Vice Mayor Childress declined.

Commissioner Bernard provided his comments. He supports Commissioner Cooper's proposal to discuss the Miami Dade County option further. He also read a petition that was signed by approximately 150 residents where they stated they understood that the Village needs the revenue generated by the franchise agreement to maintain our level of service, but that they would prefer to fund it through a temporary increase in property taxes, from the current 9 mil to 9.75 mil, instead of through a surcharge on their electric bill. *(Note: the petitions were not turned in to the Clerk.)*

Commissioner Cooper requested that Commissioner Anderson remove his second. Commissioner Anderson declined.

During Commissioner Cooper's discussion, he asked whether anyone in the Commission or staff had received funds from FPL, whether campaign contributions or other type of donations. No response was given, and the Attorney confirmed that a response was not required.

Commissioner Bernard continued with additional comments and provided a power point presentation. He requested that the clarification provided by the FPL Attorney, Ken Rubin, on the Village's ability to distribute power be included in the minutes. Also that a cover letter be included with the agreement stating this point.

A motion was made by Vice Mayor Childress to call the vote on the motion on the floor. It was seconded by Commissioner Anderson.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Childress, Commissioner Anderson

All opposed: Commissioner Bernard and Commissioner Cooper

Motion dies 3/2 as a call to vote requires a super majority which is at least 4/1.

Commissioner Bernard continued and completed his presentation.

Mayor Ross provided her comments on the ordinance. Does not agree with going under the Miami Dade County agreement as it does not recognize Biscayne Park as a unique residential community, while our agreement does. Also there are other municipalities under the Miami Dade County agreement that do not receive the full amount of the franchise fees paid by the residents.

The Mayor favored pursuing the increase of the utility tax on electricity and also instituting a utility tax on water.

After all comments were made and discussion completed, the motion was called to a vote:

Vice Mayor Childress - yes

Commissioner Anderson - yes

Commissioner Bernard - no

Commissioner Cooper - no

Mayor Ross - yes

Motion carries 3/2.

Mayor Ross advised she had received an e-mail from the Miami Dade County League that President Blynn was creating a task force to lobby the legislature on the siting of transmission lines. Asked for a volunteer to serve on the panel on behalf of the Village. Commissioner Bernard stated he would volunteer.

10 Resolutions

None

11 Old Business

None

12 New Business

None

13 Reports

None

14 Announcements - The next regular commission meeting would be on Tuesday, May 4th, at 7:00PM.

15 Adjournment

Motion made to adjourn by Commissioner Anderson and seconded by Vice Mayor Childress. All in favor. The meeting was adjourned at 8:58PM.

Commission approved on _____

Attest:

Roxanna Ross, Mayor

Maria Camara, Village Clerk



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Steve Bernard
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Ana Garcia
Village Manager

John J. Hearn
Village Attorney

Maria Camara
Village Clerk

MINUTES
REGULAR COMMISSION MEETING
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Tuesday, May 4, 2010

1 Call to Order

2 Roll Call

Mayor Roxanna Ross called the meeting to order at 7:10PM. In addition to Mayor Ross, present were Vice Mayor Albert Childress, Commissioner Bob Anderson, Commissioner Steve Bernard, and Commissioner Bryan Cooper. Present from staff were Ana Garcia, Village Manager, Maria Camara, Village Clerk, John Hearn, Village Attorney, Police Chief Mitchell Glansberg, Public Works Director Bernard Pratt, and Recreation Coordinator Issa Thornell.

3 Pledge of Allegiance

Students of Miami Shores Elementary, residents of Biscayne Park, led the audience in the pledge of allegiance. Mayor Ross asked for a moment of silence.

Mayor Ross apologized to the audience and viewing members for the length of time that the last two meetings have taken. Asked the entire Commission for their efforts in keeping their comments to the point and succinct to lessen the meeting times.

4 Presentations

Mayor Ross read a proclamation for Municipal Clerk's Week , May 2-8, 2010. The proclamation was given to Maria Camara, Village Clerk.

Mayor Ross read a proclamation for Water Reuse Week in Florida, May 16-22, 2010. The proclamation was given to Village Clerk, Maria Camara.

Mayor Ross read a proclamation for Public Works Week, May 16-22, 2010. The proclamation was given to Public Works Director, Bernard Pratt.

Issa Thornell, Recreation Coordinator, gave a presentation on the happenings at the Recreation Center, including a recognition given to volunteers, Samantha Perez and Diane Jean-Louis.

5 Additions, Deletions or Withdrawals to Agenda

Manager Garcia asked to pull the contract for Finance Department Administration from the consent agenda, item 7a.

Commissioner Anderson asked to add an item to New Business, regarding Commissioner Cooper's questions at the April 27th meeting regarding whether Commissioners or Staff had received monies from FPL, 12h.

Commissioner Cooper asked that the ARRA Grant discussion under the Village Manager report be moved up to Old Business, item 11a.

Commissioner Bernard asked to add an item to New Business, Village Manager evaluation, 12i.

Commissioner Bernard asked to add a final Public Comments section to the end of the meeting, before item 13 Reports.

6 Public Comments Related to Agenda Items

Mitch Cuba - FPL voting, tree trimming needs, spotty areas not up to code.

Karen Cohen - FPL voting, opinions must be based on fact.

Chester Morris - Compliment everyone on FPL vote, keep moving forward.

Steve Keung - Item 12f Fencing material

Daniel Samaria - Creating a blog in the Gold Coast Chronicle

7 Consent Agenda (Motion to be made for all as one or remove for discussion)

Mayor Ross requested to pull the March 2, 2010 minutes to allow everyone to review the submission from Commissioner Cooper. Commissioner Bernard will also provide additions to the minutes for the next meeting.

Commissioner Anderson wants to make a final decision on having summary minutes or verbatim. Mayor Ross suggests to have this discussion at the next meeting when additional meeting minutes are provided.

Commissioner Cooper asked that the Manager provide an explanation as to why the Finance Department Agreement was pulled from the consent agenda. The Manager explained that as a result of the challenging questions provided by Commissioner Bernard, she would go back and do some additional review and analysis and come back with a new proposal/direction.

8 Public Hearings

None

9 Ordinance 2010-8 - First Reading

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AMENDING SECTION 15.1.10 ENTITLED "FINES; LIENS" OF THE VILLAGE OF BISCAYNE PARK LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title of the ordinance and provided an overview on the original code which currently caps fines at \$15,000. This ordinance would lift the cap.

Mayor Ross opened the public hearing and there were none.

Vice Mayor Childress commented that the fines should be monitored so that the fines do not exceed the value of the property. If it does, it should be capped at that point.

A motion made by Vice Mayor Childress to approve at 1st reading with added language from state statute 162, and a clause regarding irreparable violations with a \$5,000 fine for these violations. It was seconded by Commissioner Anderson.

After discussion, the motion was amended by Vice Mayor Childress to keep the motion the same, but instead of having no fine limit, add a cap of \$40,000 per violation. Commissioner Anderson seconded the amendment.

Additionally, the Commission requested that Code Enforcement provide quarterly reports in order to keep updated on the status of all properties with fines. This is not a part of the code, but rather an administrative policy.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Childress, Commissioner Anderson, Commissioner Bernard and Commissioner Cooper.

Motion carries 5/0.

10 Resolutions

None

11 Old Business

ARRA Grant status was provided by the Village Manager as well as the background on how it was started and where it was currently at, which is that the County has advised that we cannot change the original scope of the grant that was rejected by the previous Commission.

Commissioner Cooper stated that based on his understanding of the grant and on his own personal discussions with the County, that we are able to make a change to the grant as long as the original scope is kept the same which is connecting, in a linear fashion, the two current transit points. We should make every effort to make this work.

Commissioner Cooper makes a motion to bring this item back up for discussion and to go forward to find a way to use this grant and connect the two points and keep it transit oriented. Commissioner Bernard seconded the motion.

After discussion, the Mayor asked that the motion be withdrawn and to move it for discussion at the June meeting. Commissioner Cooper agreed. Additionally Commissioner Bernard would create a drawing on a new idea to give to the County for their consideration. The Mayor does not agree and stressed that it should be handled through the Manager only.

After further discussion on what changes can or cannot be made, Vice Mayor Childress stated that we do not have enough information and there were mixed messages in order for the Commission to make a decision or to go forward. Requested that this item be moved to the next meeting in June and for that meeting, invite the County representative to attend the meeting so that the questions can be answered.

The Mayor called for a five minute recess.

12 **New Business**

Upon return the Mayor moved item 12.f as first discussion under New Business, discussion of the Code Review Board's recommendations in the area of fence materials, hedges and walls.

Gage Hartung, Chair of the Code Review board provided a summary of the board's progress. Specifically spoke on changes to the code regarding fence materials, hedges and walls, corner lots and metal roofs. There were many more items discussed up to Chapter 15, and would work with Vice Mayor Childress (former chair of the Code Review board) to get all updates, present it for review to the current Code Review board that has new members, then would bring it to the Commission.

Mayor Ross recommends that we go forward with crafting an ordinance to encompass all the changes the board has discussed on specifically fences, hedges and walls, and corner lots, since these are the items that usually come up for

Commissioner Bernard instead would like a full review of the current text along with the new proposed changes prior to taking it to first reading of an ordinance. Commissioner Cooper agreed and would want to get an entire red-lined document to be put on the website for review by the citizenry. Concerned that if we went straight to the ordinance it may alarm residents with changes that may not happen.

After discussion, the Mayor requested that the Attorney get detailed information from Mr. Hartung and Vice Mayor Childress and create a legislative draft for review and discussion at the next meeting in June.

The next item for discussion was the renewal of insurance benefits for employees effective June 1, 2010. Prior to the presentation, Mayor Ross advised she may have a remote connection on this issue and may be conflicted with the selection this commission may make. In order to avoid the appearance of any impropriety, the Mayor will recuse herself from any vote. *(Form 8B is attached at the end of these minutes.)* The meeting was turned over to Vice Mayor Childress. The Village Clerk, Maria Camara, provided a power point presentation outlining the current benefits for medical, dental, and life insurance and the costs. Based on the renewal quotes provided for the same plans, there was an increase of 26% from the current carriers,

An extensive request for quotes was undertaken with multiple insurance providers as well as looking at different options from PPO's to HMO's and with different levels of deductibles and co-pays. Input was also obtained from the staff utilizing a questionnaire on their main areas of concern and needs. After a thorough review of all quotes, the top two vendors were United Health Care and Superior Trust (Coventry) as they provided the best solutions with aggressive pricing.

Taking these two quotes, each was considered carefully and a determination was made that the quote from United Health Care that provided medical, dental, vision and life premiums was the best solution for the Village, both in the annual premiums and the services provided to the employee. Based on their proposed quotes, the Village would net an annual savings of just under 2%.

There were still two providers that had not yet submitted their quotes due to the deadline of this Commission meeting. A request was made to the Commission asking for approval that the Village go forward with the proposal from United Health Care in order to meet the enrollment deadline at the end of this month. However, if either of the two remaining providers provided a better solution than the one from United Health Care, the Manager would call a special meeting to present the new options to the Commission.

A motion made by Commissioner Bernard to approve going forward with the United Health Care proposal, unless the two pending quotes provided a better option. It was seconded by Commissioner Anderson.

Vice Mayor Childress asked that for next year, the renewal be done earlier to allow more time for a review and not so close to the deadline. Commissioner Bernard asked that we make the request to extend the policy to 16 months so that the renewal will coincide with our budget season, commencing on October 1st.

The motion was called to a vote:

All in favor: Vice Mayor Childress, Commissioner Anderson, Commissioner Bernard and Commissioner Cooper.

Motion carries 4/0.

Mayor Ross returned to the meeting.

The next item was a discussion from Commissioner Cooper on all of the past Village reports/plans that were paid for with tax dollars and have set idle. These reports include the traffic study, Charette Vision Plan, CPTED Study, Recreation Advisory Board surveys. Asks that the Village Manager to build upon these assets. Expects that the Manager should do her review with this intellectual capital and compare it to our Comp Plan and come back with her recommendations.

Commissioner Cooper makes a motion to have the Manager to read and review each of these reports, along with the Comp Plan, and come back to the Commission with her recommendations.

The Mayor would rather encourage the Commission to come together and review each of these reports, discuss them and come to consensus on the priorities and then turn them over to the Manager with a clear direction. Commissioner Anderson agrees with this process.

Mayor Ross asked Commissioner Cooper to rescind his motion to which he agreed.

Attorney Hearn would provide suggestions on facilitators that other cities utilize for these type of planning sessions.

Commissioner Anderson makes a motion to go forward with a strategic planning session and incorporate all of the past reports. Seconded by Vice Mayor Childress.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Childress, Commissioner Anderson, Commissioner Bernard and Commissioner Cooper.

Motion carries 5/0.

Commissioner Cooper had a discussion on the possibility of renewable sources of energy within the Village and partnering with our residents. Commissioner Anderson would like to see more information, literature on this application. Mayor Ross would encourage Commissioner Cooper to bring back a resolution for the next meeting, utilizing what other cities have used. Mayor Ross would bring a copy of the resolution used in the city of Cutler Bay.

Commissioner Cooper discussed the notice that was sent out to all corner lot properties on clear visibility at intersections. Commissioner Cooper had received many calls and was concerned with the tone of the letter and the fact that after so long of having non-enforcement, we send out this letter. Was happy that this went out to every corner property, and happy to hear from those residents that called Ms. Ramos for clarification were satisfied.

Referred to the intersection at 119th street and 9th avenue that has very clear visibility and this is a corner that has had major accidents. Whereas if there was more shrubbery on those corner properties, vehicles would be more likely to slow down before crossing the intersection. Commissioner Cooper feels we should rethink this matter and also looking to see if the County ordinance on corner properties is less restrictive.

Mayor Ross would like to see this issue go before the Code Review board for their review and recommendations.

On item 12e, discussion on Utility Tax, the Mayor moves this to the next meeting due to the late hour.

Manager Garcia asked for Commission direction on scheduling commission meetings on the first Tuesday after a Monday holiday. All agreed to change the following meetings: June 1 meeting moved to June 8; July 6 meeting moved to July 13; September 7 meeting moved to September 14.

Commissioner Anderson makes a motion to move the meeting times for all regular commission meetings to 6:30PM. Seconded by Vice Mayor Childress.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Childress, Commissioner Anderson

All opposed: Commissioner Bernard and Commissioner Cooper

Motion carries 3/2.

Item 12h, Commissioner Anderson's discussion on Commissioner Cooper's comments at prior meeting on FPL, it was moved to the next meeting in June.

Item 12i, Commissioner Bernard's discussion on the Manager evaluation was moved to the next meeting in June.

Good and Welfare (Public)

Barbara Watts - put out an ad to Barry Univ or FIU for services to provide transcription of minutes. Also would like to self-nominate for the Code Review board. All in favor.

13 Reports

Committees & Boards - none.

Village Attorney Hearn provided a status on the on-going labor cases which include disciplinary and termination cases, active EEOC case, and open workmen's compensation claims cases. The current adopted budget for legal services of \$30,000 has been met with an estimate of an additional \$30,000 before year end.

The attorney also discussed the practice of when one commissioner asks a question, it is not best practice to respond to that commissioner and do a 'cc' to the rest of the commission. Advised the commission not to express their opinions on a subject which could give an indication on how they may vote on an issue. As a safeguard, it is better to use 'bcc' to include the other commissioners in a response.

The Village Manager reported that in regards to the requirement of Art in Public places for some of the grants that are in progress, she would be teaming up with the County on how to best satisfy.

The Manager also provided copies of the certifications that she and her staff have attained for their on-going professional development.

Commissioner Comments:

Vice Mayor Childress reminds everyone that we are entering hurricane season on June 1st. Asks the Manager to provide a report on the hurricane plans the Village has in place.

Commissioner Anderson encourages residents to take advantage of the Miami Dade County water conservation programs.

Commissioner Bernard wants to keep an eye on the Solar Mountain project in North Miami. Wants to see the Village utilize the e-mail blast option to advise residents of meetings with links to the calendar and agenda on the website. In regards to the FPL discussions at past meetings, commented on the divisive words used. Also requested that the Ordinance on the Code of Conduct be put up on the website with changes for resident review.

Commissioner Cooper commented that the Ordinance on the Code of Conduct is stifling and disagrees with the Mayor that we are not here to educate.

Mayor Ross discussed a request of a candidate running in the primary election in August that was looking to host an event in our Village. Felt that in order to do for one, we must do for all of the other 12 candidates and it would not be feasible for us to do. Vice Mayor Childress suggested to possibly combine our efforts with another city.

14

Announcements - All public meetings are held at the Ed Burke Recreation Center, 11400 NE 9th Court, Biscayne Park.

Monday, May 11th - Code Review at 7:00PM

Monday, May 17th - Planning & Zoning at 6:30PM

Tuesday, May 18th - Code Enforcement at 7:00PM

Wednesday, May 19th - Parks & Parkway at 6:00PM

Saturday, May 22nd - Village Market from 8:00AM to 2:00PM

Tuesday, May 25th - Code Review at 7:00PM

15

Adjournment

Motion made to adjourn by Commissioner Anderson and seconded by Vice Mayor Childress. All in favor. The meeting was adjourned at 12:07AM.

Commission approved on _____

Attest:

Roxanna Ross, Mayor

Maria Camara, Village Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Ross, Roxanna S.		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Village of Biscayne Park Commission	
MAILING ADDRESS 11166 Griffing Blvd.		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
CITY Biscayne Park	COUNTY Miami-Dade	NAME OF POLITICAL SUBDIVISION: Village of Biscayne Park	
DATE ON WHICH VOTE OCCURRED 05/04/2010		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Roxanna S. Ross, hereby disclose that on May 4, 20 10 :

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, Humberto "Tony" Sosa _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

See attached Schedule (b)

5/18/2010
Date Filed

RS Ross
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B - MEMORANDUM ON VOTING CONFLICT FOR COUNTY, MUNICIPAL,
AND OTHER LOCAL PUBLIC OFFICIAL

Schedule (b)

The Village of Biscayne Park sought to explore opportunities for group health insurance for the Village employees that would present a cost savings to the Village.

Related to that research, I asked guidance from my brother, Humberto “Tony” Sosa, who is employed in the financial industry. My brother referred and recommended a business associate, specializing in group health insurance with experience in dealing with municipalities, to present group health insurance options to the Manager and Clerk. I did not then, nor have I since studied the details of this or any other offering.

Prior to this matter coming before our Commission for a vote, I consulted with our Village Attorney John Hearn, and I also sought an informal opinion from Attorney Robert Meyer of the Dade County Commission on Ethics, both of whom advised that there did not appear to be a direct voting conflict under the above-described circumstances.

Nevertheless, out of an abundance of caution, and because I did have a sense that there was a potential for gain to inure to my brother, whether monetary or in the form of professional good will if the group health contract were to be awarded to his referral, I decided to remove myself from the decision-making process.

The Commission Meeting Agenda for May 4, 2010 included under New Business an item titled: Renewal of insurance benefits for employees effective June 1, 2010.

At the time that this item was reached on our agenda, I read the following statement and removed myself from the Commission Chamber until the item was concluded and I was called back into Chambers: I feel that I may have a remote connection with this insurance issue and believe myself conflicted with regard to any selection. In order to avoid any appearance of impropriety, I am therefore removing myself from discussion and recusing myself on any vote with regard to this issue. Vice Mayor please chair the discussion, and kindly let me know when this item is concluded so that I may reclaim the chair.

* * * * *



Village of Biscayne Park

640 NE 114th Street
Biscayne Park, FL 33161

Tel: 305 899 8000
Fax: 305 891 7241

Mayor and Commission

Roxanna Ross
Mayor

Bryan Cooper
Vice Mayor

Robert "Bob" Anderson
Commissioner

Steve Bernard
Commissioner

Albert Childress
Commissioner

Ana Garcia
Village Manager

John J. Hearn
Village Attorney

Maria Camara
Village Clerk

July 7, 2010

To: Mayor Roxana Ross
Vice Mayor Bryan Cooper
Commission Bob Anderson
Commissioner Steve Bernard
Commissioner Bryan Cooper

From: Ana Garcia, Village Manager

Re: Resolution 2010-21 Purchase of Shade Structures for the Ed Burke Recreation Center

Background Analysis:

The Village of Biscayne Park has received two grants for the Ed Burke Park and Recreation Center. One grant is a non match grant from the State for \$60,000 to harden the Recreation Center. Additionally, the Village has received a \$55,000 matching grant from the County for Recreation Center and Park enhancements. The Village has budgeted the matching \$55,000 in this fiscal year's budget. The total amount of the two grants totals \$170,000.

Through a competitive bid process and Village resolution 2010-13, Bejar Construction has been awarded a contract of \$123,500 to perform the majority of the work required of the two grants. There are two remaining requirements of the county grant (Safe Neighborhoods Parks) which are a shade structure over the tot lot on the north end of the park, and six shade trees to replace the canopy lost in Hurricane Wilma. Initially the Village had estimated the shade structure to be approximately \$50,000. We have negotiated with Metropolitan Consulting and Marketing Inc. (DBA Shade Fla) and through a Miami Dade County Parks bid no. 4907, we have received a bid for \$25,370.00. This will give us the opportunity to add an additional shade canopy on the west side of the park, adjacent to the large tot lot, which was bid at \$10,753.00. Both these quotes include delivery and installation.

These beautiful shade canopies will not only enhance the aesthetics of our park, but will create a much needed shade area on the junior tot lot, and the additional multi use area adjacent to the large tot lot.

Manager Recommendation

Resolution No. 2010-21

Page 1 of 2

Additionally, by piggy backing off a Miami Dade County bid, the Village is not only guaranteed a vendor who has participated in the County's Competitive Bid Program, but also secures the Village a reward of .5% reimbursement based on the total contract award.

Fiscal/ Budgetary Impact:

The Village of Biscayne Park has already budgeted the \$55,000 match amount to the county grant in this year's budget.

Recommendation:

It is recommended that the Commission approve the purchase of two shade structures totaling \$36,123.27 from Metropolitan Consulting and Marketing Inc. (dba Shade Fla).

1
2 **RESOLUTION NO. 2010-21**
3

4 **A RESOLUTION OF THE VILLAGE COMMISSION OF THE**
5 **VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING**
6 **THE APPROPRIATE VILLAGE OFFICIALS TO PURCHASE**
7 **SHADE STRUCTURES FOR THE ED BURKE RECREATION**
8 **CENTER FROM METROPOLITAN CONSULTING AND**
9 **MARKING, INC.; PROVIDING FOR AN EFFECTIVE DATE**
10

11
12 WHEREAS, the Village of Biscayne Park entered into an agreement with the State of
13 Florida, Division of Emergency Management on December 15, 2009, to receive a state funded
14 sub-grant in the amount of \$60,000 for the hardening of the existing Ed Burke Recreation Center
15 facility; and

16 WHEREAS, the Village of Biscayne Park entered into an agreement with the Safe
17 Neighborhood Parks Bond Program on December 1, 2009, to receive a matching grant in the
18 amount of \$55,000 for interior renovations of the existing Ed Burke Recreation Center facility;
19 and

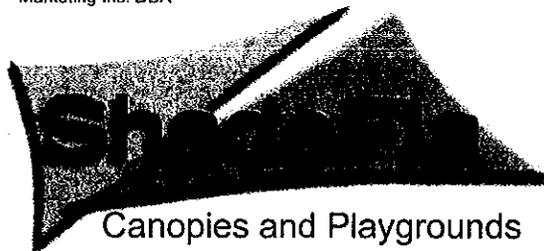
20 WHEREAS, as a requirement of the Safe Neighborhoods Parks Bond matching grant is
21 the installation of a shade structure over the junior tot lot on the north end of the park; and

22 WHEREAS, the Village has successfully negotiated with Metropolitan Consulting and
23 Marketing, Inc. (dba, Shade Fla) through Miami Dade County Parks bid no. 4907 and received a
24 bid for \$25,370; and

25 WHEREAS, we have the opportunity to add an additional shade structure on the west
26 side of the park, adjacent to the large tot lot which has been bid at \$10,753.00 through Shade Fla;
27 and

28 WHEREAS, going through Miami Dade County's competitive bid program, the Village
29 is reimbursed .5% on the total contract award; and

Metropolitan Consulting &
Marketing Inc. DBA



Canopies and Playgrounds
for Outdoor Living

Miami Dade County Parks Bid # 4907 - 3/13

Metropolitan Consulting and Marketing, Inc. has been in business since 1989. We have been in the Shade business for the past 5 ½ years and operate as Shade Fla (our DBA). Our need to protect our children from the sun's harsh rays lead us to this business and we now provide shade canopies for many parks, schools, hotels and residences.

We design and install custom high end shade canopies built to withstand Hurricane Force Winds. Our products are found in hotels, high end residential and condo projects, governmental institutions, commercial projects and children's playgrounds. We carry four main shade products, Retractable h h h h h h h h h h Products, PVC Canopies, Shade Cloth Canopies and High Wind Resistant Umbrellas. We also carry several lines of residential umbrellas.

Retractable:

Sun Square Retractable Sails were in the cover of Architectural Digest (August) and installed at The Betsy Hotel in South Beach, designed and fabricated in Austria and can be found in 5,100 locations in Europe, Asia, the Caribbean and the U.S.

Corradi Retractable Pergolas and Retractable Arm Canopies

PVC Tensioned Canopies examples installed at Pelican Harbor Marina, Golden Glades Library and the Ritz Carlton South Beach pool deck.

Shade Cloth Canopies

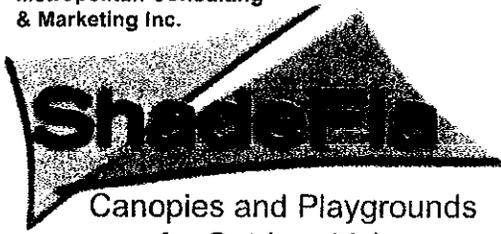
We also design and install shade cloth canopies for children's playgrounds or sail projects. Installations include Miami Children's Museum, Morningside, Range and Williams Parks in the City of Miami.

High Winds Umbrellas

Finally our umbrellas are high wind rated umbrellas, some withstand up to 75 MPH winds open.

Residential and Commercial Umbrella Lines: Tucci, Greencorner, Sky Span

Our playground equipment is high quality and fun including equipment for water play, commercial playgrounds, indoor playgrounds, sports equipment, rotational games and site amenities. We also carry metal shelters, skate parks, exercise equipment, pour-in-place surfacing.



Canopies and Playgrounds
for Outdoor Living

Estimate

Date
6/9/2010

1530 Bay Drive
Miami Beach, FL 33141

Name / Address
Village of Biscayne Park Ana M. Garcia, CPRP 640 NE 114th Street Miami, FL 33161

Description	Qty	Cost	Total
60' X 40' X 12' TWO DOME (EACH DOME 40'X30'X12'), SOLAR SHADE STRUCTURE HIP DESIGN, 6 EMBEDDED COLUMNS WITHOUT GLIDE ELBOW	1	11,849.18	11,849.18
SEALED ENGINEERING DRAWINGS	1	550.00	550.00
INSTALLATION OF SHADE	1	9,756.03	9,756.03
LULL FEE	1	750.00	750.00
PERMITTING	1	1,200.00	1,200.00
FREIGHT		1,265.00	1,265.00
Please note that 50% deposit required at time of order			

Total	\$25,370.21
--------------	--------------------

Customer Signature _____

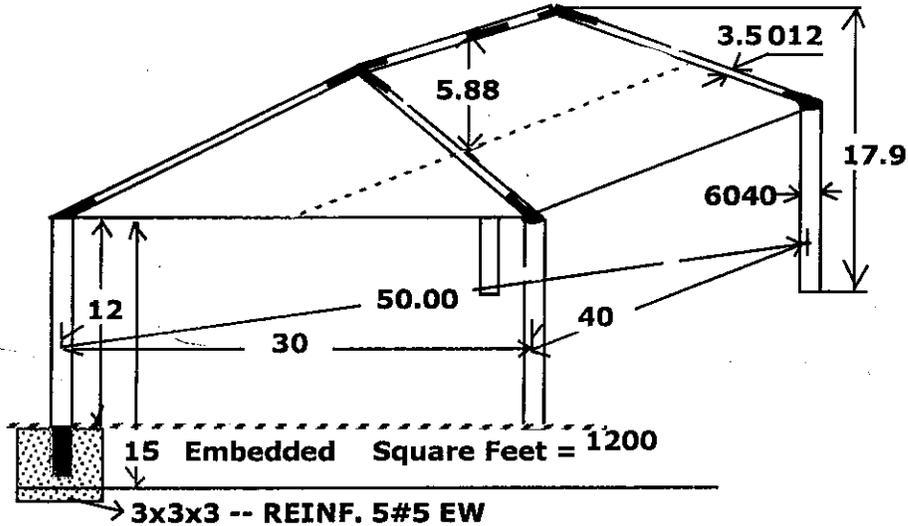


Metropolitan Consulting &
Marketing Inc. DBA



Canopies and Playgrounds
for Outdoor Living

Date	Description	Proposal #
1/18/2010	SOLAR SHADE STRUCTURE HIP DESIGN	17974



QTY	Rows	L	W	H	DESCRIPTION
1	2 Dome	40'	30'	12'	SOLAR SHADE STRUCTURE HIP DESIGN
6	6 EMBEDDED COLUMNS				POWDER COATING COLUMNS & HOOPS
					STEEL COLOR : TO BE SELECTED FABRIC COLOR: TO BE SELECTED

Design by	Design for
	KORKAT
	SHANE LANIER
	(770) 214 Fax: (770) 214 9323

206 Adamson Industrial Blvd, GA 30117 Tel:888-829-8997 Fax: 770 834-2764
www.superiorshadeinc.com Email:Sales@superiorshadeinc.com

Metropolitan Consulting
& Marketing Inc.



Canopies and Playgrounds
for Outdoor Living

Estimate

Date
6/9/2010

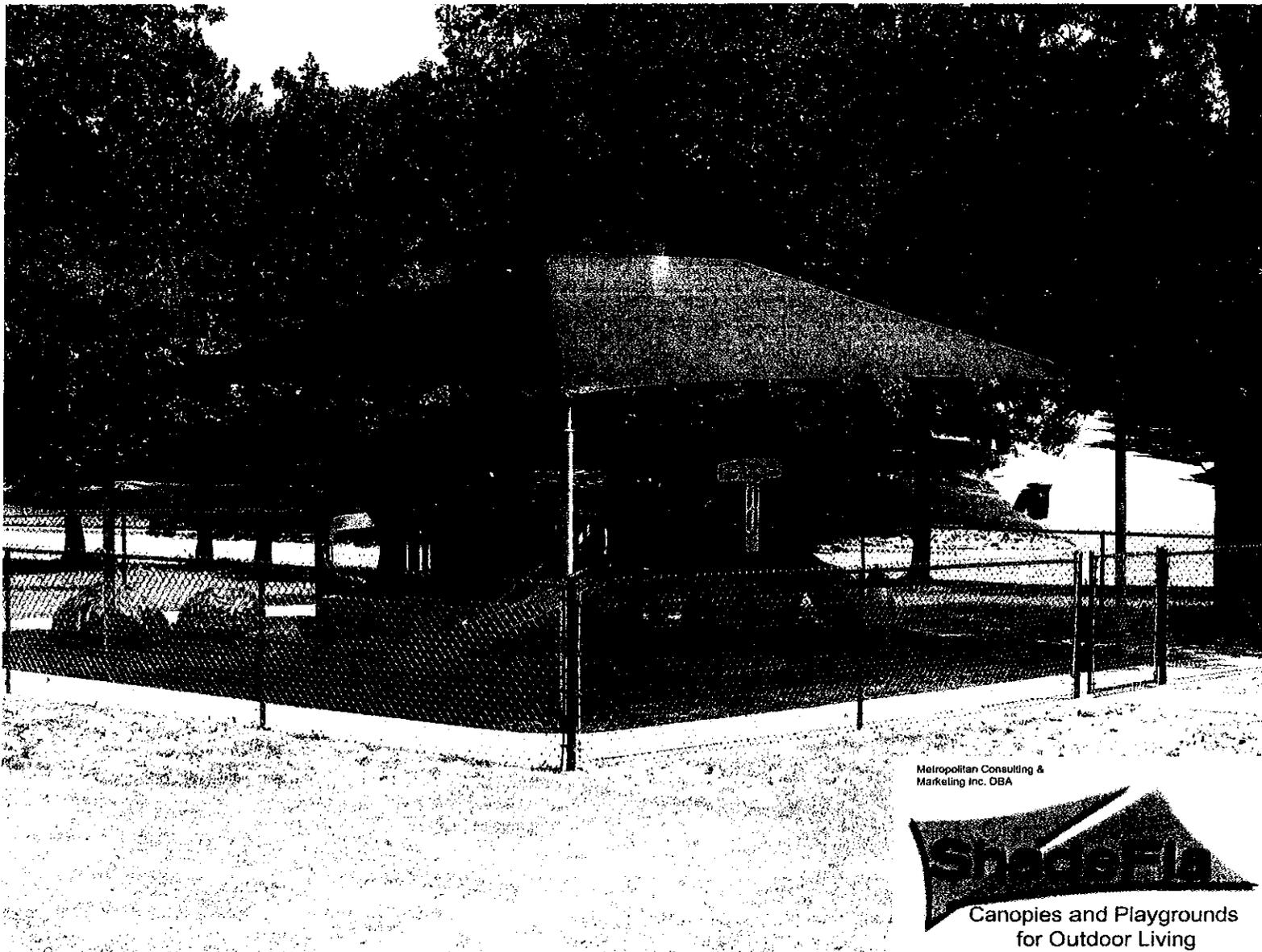
1530 Bay Drive
Miami Beach, FL 33141

Name / Address
Village of Biscayne Park Ana M. Garcia,CPRP 640 NE 114th Street Miami, FL 33161

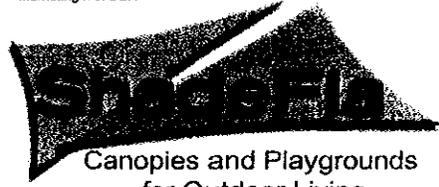
Description	Qty	Cost	Total
32' X 18' X 8' ONE DOME SOLAR SHADE STRUCTURE HIP DESIGN, 4 EMBEDDED COLUMNS WITH GLIDE ELBOW SEALED ENGINEERING DRAWINGS	1	3,658.06	3,658.06
INSTALLATION OF SHADE	1	550.00	550.00
PERMITTING	1	3,190.00	3,190.00
FREIGHT	1	1,200.00	1,200.00
		355.00	355.00
Area #3 - Mulch Mulch priced per cubic yard/ installed/ 30 C. YD. Minimum Order	30	60.00	1,800.00
Please note that 50% deposit required at time of order			

Total	\$10,753.06
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Customer Signature _____

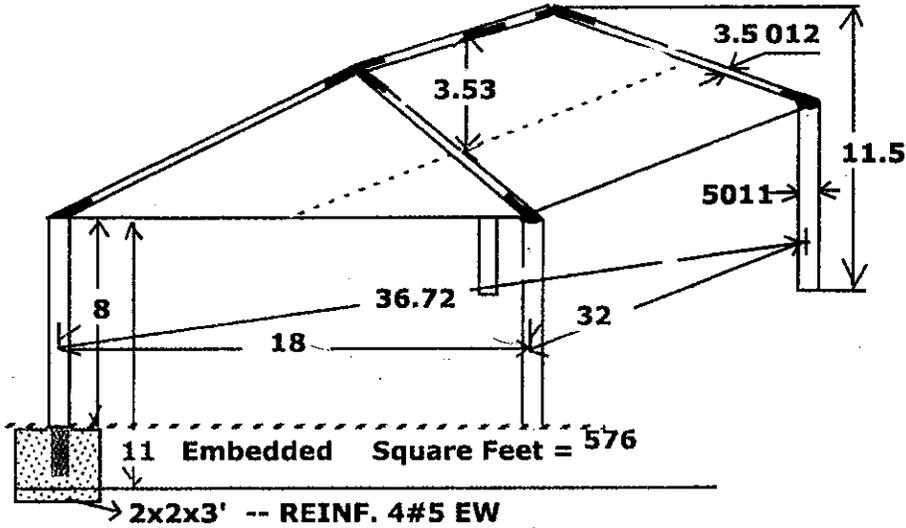


Metropolitan Consulting & Marketing Inc. DBA



Canopies and Playgrounds
for Outdoor Living

Date	Description	Proposal #
1/18/2010	SOLAR SHADE STRUCTURE HIP DESIGN	17972



QTY	Rows	1	L	W	H	DESCRIPTION
1	1	Dome	32'	18'	8'	SOLAR SHADE STRUCTURE HIP DESIGN
4	4	EMBEDDED COLUMNS				POWDER COATING COLUMNS & HOOPS STEEL COLOR : TO BE SELECTED FABRIC COLOR: TO BE SELECTED

Design by	Design for
	KORKAT
	SHANE LANIER
	(770) 214 Fax: (770) 214 9323

206 Adamson Industrial Blvd, GA 30117 Tel:888-829-8997 Fax: 770 834-2764
 www.superiorshadeinc.com Email:Sales@superiorshadeinc.com

BISCAYNE PARK POLICE DEPARTMENT

MEMORANDUM

TO: Ms. Ana M. Garcia, Village Manager

FROM: Chief Mitchell Glansberg

DATE: July 6, 2010

CC: Mayor Roxanne Ross, Village Commission, Mrs. Maria Camara,
Village Clerk

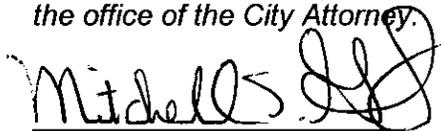
RE: **Agenda Item, July Commission Meeting: Expenditure of
Federal Forfeiture Funds**

Federal Forfeiture Funds Expenditure:

The Village of Biscayne Park Police Department is seeking expenditure of not more than \$1000.00 from the Village of Biscayne Park Police Department's Federal Forfeiture Funds account to be utilized for the purchase of three (3) Verizon cellular phones and 12 months of airtime for the three phones to be utilized by the Public Works Department in order to facilitate communication and support for the newly established Village of Biscayne Park Police Department's Crime Prevention initiative, **VOBPOP**, (Village of Biscayne Park on Patrol).

CERTIFICATION:

I, Mitchell S. Glansberg, Chief of Police, certify that all funds from the above request(s) will be utilized for law enforcement purposes and comply with the requirements of the State of Florida Forfeiture Guidelines and The Department of Justice/Treasury Forfeiture Guidelines, where applicable. The above request has been reviewed and approved by the office of the City Attorney.



Mitchell S. Glansberg
Chief of Police



Village of Biscayne Park

640 NE 114th Street

Biscayne Park, FL 33161

Tel: 305 899 8000

Fax: 305 891 7241

The following is a clean version of
Ordinance No. 2010-4 with all
changes incorporated from first
reading.

A red-lined version follows.

ORDINANCE NO. 2010-4

**AN ORDINANCE OF THE VILLAGE COMMISSION OF
THE VILLAGE OF BISCAYNE PARK, FLORIDA,
AMENDING THE MUNICIPAL CODE OF THE VILLAGE
OF BISCAYNE PARK BY ADOPTING A CODE OF
CONDUCT FOR ALL ELECTED OFFICIALS, BOARD
MEMBERS AND VILLAGE EMPLOYEES; PROVIDING
FOR CONFLICT; PROVIDING FOR SEVERABILITY;
PROVIDING FOR INCLUSION; PROVIDING FOR AN
EFFECTIVE DATE**

WHEREAS, the Village Commission of the Village of Biscayne Park finds it to be in the best interests of its citizenry to adopt a code of conduct for all elected officials and board members; now, therefore

BE IT ORDAINED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AS FOLLOWS:

Section 1. The Municipal Code of the Village of Biscayne Park is hereby amended by adopting comprehensive procedures governing Village Commission meetings as follows:

Sec. 2-1. Code of conduct for all elected officials, board members and public employees.

(a) Declaration of policy. High moral and ethical standards among public officials, both elected and appointed, and public employees are essential to gain and maintain the confidence of the public because such confidence is essential to the conduct of free government. The proper operation of democratic government requires that public officials be independent and impartial when establishing policy and that their positions never be used for personal gain. They are the agents of the people and hold their positions for the benefit of the people.

All elected and appointed officials, Village employees, and others who participate in the Village's government are required to subscribe to this chapter and the conflict of interest and code of ethics ordinance codified as subsection 2-11.1 of the Code of Miami-Dade County.

(b) Definitions. The following terms for purposes of interpreting this code of conduct shall have the meanings indicated below:

Attitude. The manner in which one shows one's dispositions, opinions, and feelings.

Behavior. External appearance or action; manner of behaving; carriage of oneself.

Civility. Politeness, consideration, courtesy.

Conduct. The way one acts; personal behavior.

Courtesy. Politeness connected with kindness.

Decorum. Suitable; proper; good taste in behavior.

Grandstanding. Utilizing public meeting time ostentatiously and hampering the efficient conduct of business.

Manners. A way of acting; a style, method, or form; the way in which things are done.

Point of order. An interruption of a meeting to question whether rules or bylaws are being broken, such as the speaker has strayed from the motion currently under consideration.

Point of personal privilege. A challenge to a speaker to defend or apologize for comments that a fellow member considers offensive.

Propriety. Conforming to acceptable standards of behavior.

Protocol. The courtesies that are established as proper and correct.

Public disruption. Behavior that disrupts the proceedings in a manner obviously hostile to the purpose of the meeting.

Public official. Any appointed or elected official and specifically includes, but is not limited to, the Mayor and Village Commission, and all board and committee members and administrative officials.

(c) Minimum Standards. This code of conduct is designed to address the manner in which public officials should treat one another, Village staff, constituents, and others they come into contact with in representing the Village of Biscayne Park.

Public officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide public officials to take appropriate actions even in the most difficult situations. The Village's code of conduct includes the following minimum standards:

(1) Uphold the United States and Florida Constitutions, laws and regulations and the Village of Biscayne Park's Charter, ordinances and regulations.

(2) Place the Village Charter, Code of Ordinances, rules, and interests ahead of any group or individual interests or concerns.

(3) Seek to find and use the most equitable, efficient, effective and economical means for getting tasks accomplished, and not unnecessarily burdening staff with time consuming, unnecessary or frivolous requests related to personal concerns or individual points of view.

(4) Adopt policies (and programs, as applicable) that support the rights and recognize the needs of all citizens regardless of race, sex, sexual orientation, age, religion, creed, country of origin or disability.

(5) Disclose all business, professional (including but not limited to boards, clubs, civic and professional organizations) and on-going personal relationships with anyone coming before the Commission or Board, or doing business with, employed by or seeking to do business with or to be employed by the Village of Biscayne Park.

(6) To the extent that the Village will incur an expense or enter into any activity that could result in the Village incurring an expense, no elected official or board/committee member may contact a Village consultant or vendor without first going through the Village Manager. If the Manager considers it necessary, he or she may bring the matter to the next Commission meeting to discuss the effect on the budget of such expense.

(7) Public records and information requests by a public official that involve an excessive amount of staff time in research, analysis or copying shall be treated as a public records request, and if appropriate, a deposit for payment of the fees which would be charged to the general public for such a request, unless the request is made at the direction of a majority of the Commission, or the charge is waived by a majority of the Commission.

(8) Ensure the integrity of the actions of each board, committee or the Village Commission by avoiding discrimination through the dispensing of special favors, or unfair privileges to anyone, whether for remuneration or not.

(9) Make no private promises of any kind binding upon the duties of any office, since a public official is a public servant, and should have no private work which can be binding on public duty.

(10) Never use any information gained confidentially in the performance of governmental duties as a means of making private profit.

(11) Expose through appropriate means and channels, corruption, misconduct or neglect of duty whenever discovered.

(12) Adhere to the principle that the public's business should be conducted consistent with the Sunshine law and following the letter and spirit of the Sunshine law by using closed meetings only to deal with certain legal and labor matters as provided under Florida law.

(13) Avoid using a position of public trust to gain access to the media or the dais for the purposes of criticizing colleagues, other public officials, citizens or staff, impugning their integrity or vilifying their personal beliefs.

(14) Make sure, when responding to the media, or to public comments, that a clear distinction is made between personal opinion or belief and a decision made by the applicable board, committee or Village Commission.

(15) Pledge to honor and uphold these principles, ever conscious that public office (whether appointed or elected) is a public trust.

(d) Village Meetings.

(1) The Mayor will chair official meetings of the Village Commission, unless the Vice-Mayor or another Commission member is designated as chair of a specific meeting. The chair maintains order, decorum, and the fair and equitable treatment of all speakers, keeps discussion and questions focused on specific agenda item under consideration, and makes parliamentary rulings with advice, if requested, from the Village Attorney who acts as an advisory parliamentarian. Chair rulings may be overturned if a Commission member makes a motion as an individual and the majority of the Commission votes to overrule the chair. These rules of decorum supplement and enhance the Village's meeting procedures ordinance found elsewhere in this Code.

(2) Board and committee meetings. The board or committee chairman will chair official meetings of their respective board or committee, unless the vice-chair or another member is designated as chair of a specific meeting. The meeting chair maintains order, decorum, and the fair and equitable treatment of all speakers, keeps discussion and questions focused on the specific agenda item under consideration, and makes parliamentary rulings with advice, if requested, from the board attorney (where applicable) who acts as an advisory parliamentarian. Chair rulings may be overturned if a member makes a motion as an individual and majority of the board votes to overrule the chair.

(e) Rules of Decorum.

(1) All public officials shall practice civility and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

(2) All public officials shall honor the role of the chair in maintaining order. It is the responsibility of the chair to keep the comments of Commission members, board or committee members on track during public meetings. Public officials shall honor efforts by the chair to focus discussion on current agenda items and to halt nonproductive grandstanding. If there is disagreement about the agenda or the chair's actions, those objections shall be voiced politely and with reason, following procedures outlined in parliamentary procedure.

(3) Avoid personal comments that could offend other persons. If an individual member of the Commission, board or committee is personally offended by the remarks of another member the offended public officials shall make notes of the actual

words used and call for a "point of personal privilege" that challenges the offending member to justify or apologize for the language used. The chair will maintain control of this discussion.

(4) Demonstrate effective problem-solving approaches. The Village Commission and each public board and committee has a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

(5) Public officials should refer to one another formally during public meetings by their official titles followed by the individual's last name.

(f) Correspondence Signatures.

(1) Public officials do not need to acknowledge the receipt of correspondence, or copies of correspondence, during Commission meetings or other official Village meetings. Village staff will prepare official letters in response to public inquiries and concerns. If correspondence is addressed only to one (1) public official, that public official should check with staff on the best way to respond to the sender. At all times, public officials will make sure to comply with the Village's quasi-judicial procedures, comply with the Jennings Rule, and adhere to the state's Sunshine laws.

(2) Public officials are to check with Village staff on correspondence before taking action. Before sending correspondence, public officials should check with Village staff to see if an official Village response has already been sent or is in progress.

(3) Village letterhead may be used when the public official is representing the Village and the Village's official position. A copy of official correspondence should be given to the Village Clerk to be filed in the Commission office as part of the permanent public record. It is best that Village letterhead not be used for correspondence of public officials representing a personal point of view or a dissenting point of view from an official Village Commission or Village board position. However, should public officials use Village letterhead to express a personal opinion, the official Village position must be stated clearly so the reader understands the difference between the official Village position and a minority dissenting viewpoint.

(g) Conduct with Village staff. Governance of a Village relies on the cooperative efforts of all public officials. The Village Commission sets policy and the Village Manager, together with Village staff, implements and administers the Commission's policies. To allow proper governance in the Village Manager's application and implementation of the Village Commission's policies, public officials shall comply with the following minimum standards:

(1) Public officials shall treat all staff as professionals with clear, honest communication that respects the abilities, experience and the dignity of each individual. Public officials shall maintain an attitude of courtesy and consideration toward all colleagues, public officials and staff during all discussions and deliberations.

(2) Questions/inquiries to Village staff:

- a. General public official communications with Village staff should be limited to normal Village business hours unless the circumstances warrant otherwise.
- b. Routine requests for information and inquiries. Public officials may contact staff directly for information made readily available to the general public on a regular basis (e.g., "What are the recreation center's hours of operation?").
- c. Nonroutine requests for readily available information. A public official may also contact staff directly for easily retrievable information not routinely requested by the general public so long as it does not require staff to discuss the issue or express an opinion (e.g., "How many traffic lights are there in the Village?").
- d. Nonroutine requests requiring special effort. Any public official request or inquiry that requires staff to compile information that is not readily available or easily retrievable and/or that requests staff to express an opinion (legal or otherwise) must be directed to the Village Manager, (e.g., "Please provide a matrix reconciling data from various traffic studies"). The Village Manager shall be responsible for distributing such requests to his/her staff and for follow-up. Responses to such requests shall be copied to all public officials on the board, the Village Manager, the Village Attorney as appropriate and affected department heads. The procedure outlined in this subsection does not preclude a public official from making a public records request under Chapter 119, Florida Statutes.
- e. Meeting requests. Any public official request for a meeting with staff must be directed to the Village Manager. When in doubt about the appropriateness of a communication with staff, public officials shall ask the Village Manager for advice.
- f. Public safety restrictions. Under certain circumstances, requests for information regarding operations or personnel of the department of public safety may be legally restricted under state law to protect minors, certain victims and law enforcement officers and their investigations. Accordingly, it shall be the policy of the Village of Biscayne Park to strictly comply with all applicable legal authorities governing the release of public safety information and records.

(3) Comments about staff performance should only be made to the Village Manager. Public officials shall never express concerns about the performance of a Village employee in public, to the employee directly, or to the employee's department manager.

(4) Public officials shall not become involved in administrative functions. Public officials shall not attempt to influence Village staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of Village licenses and permits.

(5) Public officials shall not solicit political support from staff. Public officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from Village staff. Village staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

(h) Conduct with Members of the Public:

(1) Make no promises on behalf of the entire body. Public officials will frequently be asked to explain an action of the body or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of Village policy and to refer to Village staff for further information. It is inappropriate to overtly or implicitly promise action by the body, or to promise Village staff will do something specific (fix a pothole, plant new flowers in the median, etc.).

(2) Make no personal comments about other public officials. It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other public officials, their opinions and actions.

(i) Conduct with Other Public Agencies.

(1) The Mayor shall be recognized as the head of Village government, and as the Village official designated to represent the Village in all dealings with other governmental entities. Unless designated to represent the Village by the Commission, public officials should avoid representing the Village, a board of the Village or personal interests. If a public official appears before any governmental agency or organization or meets with the agency representative or staff to give a statement on an issue, the public official must clearly state that his or her statement reflects personal opinion unless designated to represent the Village by the Commission. If the public official is representing the Village, the public official must support and advocate the official Village position on an issue, not a personal viewpoint.

(j) Conduct with Boards and Commissions.

(1) Public officials may generally attend any public meeting, which are always open to any member of the public. There are specific exceptions in the case of quasi-judicial proceedings. If in doubt, the official should seek guidance from the Village Attorney. However, public officials should be sensitive to the way their participation could be viewed as unfairly affecting the process and shall avoid attempting directly or indirectly to improperly influence the decision or official act of any member of any board or committee of the Village. Public officials may appear before any such board or committee upon invitation of a majority of the members of such board or committee. If the Mayor or a Commission member shall appear before such board or committee without invitation, he shall be presumed to have a financial or personal interest in any matter which he shall have advocated or espoused before the board and sanctions may be imposed consistent with Section (l) below.

(2) It is inappropriate for a public official to contact a committee, board or Commission member to lobby on behalf of businesses or developers.

(k) Commission Conduct with the Media. Public officials are frequently contacted by the media for background and quotes. Most members of the media represent the highest levels of journalistic integrity and ethics and can be trusted to keep their word. But one (1) bad experience can be catastrophic. Words that are not said cannot be quoted. The Mayor is the official spokesperson and representative of the Village's position. The Mayor is the designated representative of the Commission to present and speak on the official Village position. If an individual public official is contacted by the media, the public official should be clear about whether their comments represent the official Village position or a personal viewpoint. The public official should choose words carefully and cautiously. Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

(l) Sanctions.

(1) Public disruption. Members of the public who do not follow proper conduct after a warning in a public hearing shall be barred from further testimony at that meeting or removed from the Commission chambers.

(2) Inappropriate staff behavior. Public officials should refer to the Village Manager any Village staff who do not follow proper conduct in their dealings with Commission members, board or committee members, other Village staff, or the public. These employees may be disciplined in accordance with standard Village procedures for such actions.

(3) Public officials' behavior and conduct. Public officials who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Commission. Serious infractions of the code of ethics or code of conduct could lead to other sanctions as deemed appropriate by the Commission and as provided under law.

(4) Appointed public officials. Violation of this code by an appointed public official, for a first offense, shall result in sanctions as deemed appropriate by the Commission. A second violation of this code by an appointed public official may result in removal of that appointed public official from the board or committee consistent with the determination of the Commission.

(m) Impartiality. No official or employee shall request, use or permit the use of any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

(n) Use of public property. No official or employee shall use his/her position to request, use or permit the use of any Village-owned or Village-supported property, vehicle, equipment, material, labor or service for the personal convenience or the private advantage of himself or of any other person. This rule shall not be deemed to prohibit an official or employee from requesting, using or permitting the use of such publicly-owned or publicly-supplied property, vehicle, equipment, material, labor or service which it is the general practice to make available to the public at large or which are provided as a matter of stated public policy for the use of officials and employees in the conduct of official business.

Section 2. Repeal of Conflicting Provisions. To the extent any provisions of the Code conflict with this Chapter, those provisions are repealed in its entirety.

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Code. It is the intention of the Village Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the Village of Biscayne Park, Florida; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date. This Ordinance shall be effective upon adoption on second reading.

The foregoing Ordinance was offered by Commissioner _____, who moved its adoption. The motion was seconded by _____ and upon being put to a vote, the vote was as follows:

The foregoing ordinance upon being put to a vote, the vote was as follows:

Roxanna Ross, Mayor

Attest:

Mayor Ross _____
Vice Mayor Childress _____
Commissioner Anderson _____
Commissioner Bernard _____
Commission Cooper _____

Village Clerk

Approved as to form:

John J. Hearn, Village Attorney



Village of Biscayne Park

640 NE 114th Street

Biscayne Park, FL 33161

Tel: 305 899 8000

Fax: 305 891 7241

The following is a red-lined version of
Ordinance No. 2010-4 with all
changes incorporated from first
reading.

ORDINANCE NO. 2010-4

**AN ORDINANCE OF THE VILLAGE COMMISSION OF
THE VILLAGE OF BISCAYNE PARK, FLORIDA,
AMENDING THE MUNICIPAL CODE OF THE VILLAGE
OF BISCAYNE PARK BY ADOPTING A CODE OF
CONDUCT FOR ALL ELECTED OFFICIALS, BOARD
MEMBERS AND VILLAGE EMPLOYEES; PROVIDING
FOR CONFLICT; PROVIDING FOR SEVERABILITY;
PROVIDING FOR INCLUSION; PROVIDING FOR AN
EFFECTIVE DATE**

WHEREAS, the Village Commission of the Village of Biscayne Park finds it to be in the best interests of its citizenry to adopt a code of conduct for all elected officials and board members; now, therefore

BE IT ORDAINED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AS FOLLOWS:

Section 1. The Municipal Code of the Village of Biscayne Park is hereby amended by adopting comprehensive procedures governing Village Commission meetings as follows:

Sec. 2-1. Code of conduct for all elected officials, board members and public employees.

(a) Declaration of policy. High moral and ethical standards among public officials, both elected and appointed, and public employees are essential to gain and maintain the confidence of the public because such confidence is essential to the conduct of free government. ~~They are the agents of the people and hold their positions for the benefit of the people.~~ The proper operation of democratic government requires that public officials be independent and impartial when establishing policy and that their positions never be used for personal gain. They are the agents of the people and hold their positions for the benefit of the people.

All elected and appointed officials, Village employees, and others who participate in the Village's government are required to subscribe to this chapter and the conflict of interest and code of ethics ordinance codified as subsection 2-11.1 of the Code of Miami-Dade County. ~~All elected and appointed officials, Village employees, and others who participate in the Village's government are required to understand how those ordinances apply to their specific responsibilities. All elected and appointed officials shall receive a copy of this section and will subscribe to the standards delineated in the code when carrying out their responsibilities.~~

(b) Definitions. ~~Below is a list of terms with their associated meanings.~~ The following terms for purposes of interpreting this code of conduct shall have the meanings indicated below:

Attitude. The manner in which one shows one's dispositions, opinions, and feelings.

Behavior. External appearance or action; manner of behaving; carriage of oneself.

Civility. Politeness, consideration, courtesy.

Conduct. The way one acts; personal behavior.

Courtesy. Politeness connected with kindness.

Decorum. Suitable; proper; good taste in behavior.

Grandstanding. Utilizing public meeting time ostentatiously and hampering the efficient conduct of business.

Manners. A way of acting; a style, method, or form; the way in which things are done.

Point of order. An interruption of a meeting to question whether rules or bylaws are being broken, such as the speaker has strayed from the motion currently under consideration.

Point of personal privilege. A challenge to a speaker to defend or apologize for comments that a fellow member considers offensive.

Propriety. Conforming to acceptable standards of behavior.

Protocol. The courtesies that are established as proper and correct.

Public disruption. Behavior that disrupts the proceedings in a manner obviously hostile to the purpose of the meeting.

Public official. Any appointed or elected official and specifically includes, but is not limited to, the Mayor and Village Commission, and all board and committee members and administrative officials.

(c) Minimum Standards. This code of conduct is designed to address the manner in which public officials should treat one another, Village staff, constituents, and others they come into contact with in representing the Village of Biscayne Park.

Public officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide public officials to take appropriate actions even in the most difficult situations. The Village's code of conduct includes the following minimum standards:

(1) Uphold the United States and Florida Constitutions, laws and regulations and the Village of Biscayne Park's Charter, ordinances and regulations, ~~and never knowingly be a party to their evasion.~~

(2) Place the Village's Charter, Code of Ordinances, rules, codes and interests ahead of any group or individual interests or concerns. ~~No public official shall put individual concerns or interests before that of the Village and the Village's Code of Ordinances, before, during or after making a recommendation or a decision on a pending application.~~

(3) Seek to find and use the most equitable, efficient, effective and economical means for getting tasks accomplished, and not unnecessarily burdening staff with time consuming, unnecessary or frivolous requests related to personal concerns or individual points of view.

(4) Adopt policies (and programs, as applicable) that support the rights and recognize the needs of all citizens regardless of race, sex, sexual orientation, age, religion, creed, country of origin or disability. ~~Avoid adopting policies (or supporting programs) or engaging in activities that discriminate against or offend individuals because of race, sex, sexual orientation, age, religion, creed, country of origin or disability.~~

(5) Disclose all business, professional (including but not limited to boards, clubs, civic and professional organizations) and on-going personal relationships with anyone coming before the Commission or Board, or doing business with, employed by or seeking to do business with or to be employed by the Village of Biscayne Park.

(6) To the extent that the Village will incur an expense or enter into any activity that could result in the Village incurring an expense, no elected official or board/committee member may contact a Village consultant or vendor without first going through the Village Manager. If the Manager considers it necessary, he or she may bring the matter to the next Commission meeting to discuss the effect on the budget of such expense.

(7) Public records and information requests by a public official that involve an excessive amount of staff time in research, analysis or copying shall be treated as a public records request, requiring a written request, and if appropriate, a deposit for payment of the fees which would be charged to the general public for such a request, unless the request is made at the direction of a majority of the Commission, or the charge is waived by a majority of the Commission.

(5) (8) Ensure the integrity of the actions of each board, committee or the Village Commission by avoiding discrimination through the dispensing of special favors, or unfair privileges to anyone, whether for remuneration or not.

(6) (9) Make no private promises of any kind binding upon the duties of any office, since a public official is a public servant, and should have no private work which can be binding on public duty.

~~(7) Do not take public positions or engage in any activity that advocates or supports an applicant, group, organization, business or position on any matter or issue that will come before your respective board or committee. No appointed public official shall advocate, lobby, or take any action involving the community or the Village Commission on an item that has been considered or is to be heard by that appointed public official's board or committee. The appointed board or committee, as a whole, shall issue a recommendation in its official capacity to the Village Commission. The individual appointed board or committee members shall not advocate to the public, or appear before the Village Commission on an item upon which their respective board or committee will consider or has considered, as doing so would provide an appearance of undue influence, bias and improper conduct. An appointed public official may only appear before the Village Commission on matters considered or to be considered by their respective board or committee if specifically invited by the Commission to do so. Appointed public officials may, however, appear before the Village Commission on all other Village business.~~

(8) (10) Never use any information gained confidentially in the performance of governmental duties as a means of making private profit.

(9) (11) Expose through appropriate means and channels, corruption, misconduct or neglect of duty whenever discovered.

(10) (12) Adhere to the principle that the public's business should be conducted consistent with the Sunshine law and following the letter and spirit of the Sunshine law by using closed meetings only to deal with certain legal and labor matters as provided under Florida law.

(11) (13) Avoid using a position of public trust to gain access to the media or the dais for the purposes of criticizing colleagues, other public officials, citizens or staff, impugning their integrity or vilifying their personal beliefs.

(12) (14) Make sure, when responding to the media, or to public comments, that a clear distinction is made between personal opinion or belief and a decision made by the applicable board, committee or Village Commission.

(13) (15) Pledge to honor and uphold these principles, ever conscious that public office (whether appointed or elected) is a public trust.

(d) Village ~~m~~Meetings.

(1) The Mayor will chair official meetings of the Village Commission, unless the Vice-Mayor or another Commission member is designated as chair of a specific meeting. The chair maintains order, decorum, and the fair and equitable treatment of all speakers, keeps discussion and questions focused on specific agenda item under consideration, and makes parliamentary rulings with advice, if requested, from the Village Attorney who acts as an advisory parliamentarian. Chair rulings may be overturned if a Commission member makes a motion as an individual and the majority of the Commission votes to overrule the chair. These rules of decorum supplement and enhance the Village's meeting procedures ordinance found elsewhere in this Code.

(2) Board and committee meetings. The board or committee chairman will chair official meetings of their respective board or committee, unless the vice-chair or another member is designated as chair of a specific meeting. The meeting chair maintains order, decorum, and the fair and equitable treatment of all speakers, keeps discussion and questions focused on the specific agenda item under consideration, and makes parliamentary rulings with advice, if requested, from the board attorney (where applicable) who acts as an advisory parliamentarian. Chair rulings may be overturned if a member makes a motion as an individual and majority of the board votes to overrule the chair.

(e) Rules of dDecorum.

(1) All public officials shall practice civility and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

(2) All public officials shall honor the role of the chair in maintaining order. It is the responsibility of the chair to keep the comments of Commission members, ~~or~~ board or committee members on track during public meetings. Public officials shall honor efforts by the chair to focus discussion on current agenda items and to halt nonproductive grandstanding. If there is disagreement about the agenda or the chair's actions, those objections shall be voiced politely and with reason, following procedures outlined in parliamentary procedure.

(3) Avoid personal comments that could offend other persons. If an individual member of the Commission, board or committee is personally offended by the remarks of another member the offended public officials shall make notes of the actual words used and call for a "point of personal privilege" that challenges the offending member to justify or apologize for the language used. The chair will maintain control of this discussion.

(4) Demonstrate effective problem-solving approaches. The Village Commission and each public board and committee has a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

(5) Public officials should refer to one another formally during public meetings by their official titles followed by the individual's last name.

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public officials will make sure to comply with the Village's quasi-judicial procedures, comply with the Jennings Rule, and adhere to the state's Sunshine laws.

(2) Public officials are to check with Village staff on correspondence before taking action. Before sending correspondence, public officials should check with Village staff to see if an official Village response has already been sent or is in progress.

(3) Village letterhead may be used when the public official is representing the Village and the Village's official position. A copy of official correspondence should be given to the Village Clerk to be filed in the Commission office as part of the permanent public record. It is best that Village letterhead not be used for correspondence of public officials representing a personal point of view or a dissenting point of view from an official Village Commission or Village board position. However, should public officials use Village letterhead to express a personal opinion, the official Village position must be stated clearly so the reader understands the difference between the official Village position and a minority dissenting viewpoint.

(g) Conduct with Village staff. Governance of a Village relies on the cooperative efforts of all public officials. The Village Commission sets policy and the Village Manager, together with Village staff, implements and administers the Commission's policies. To allow proper governance ~~and to ensure non-interference with~~ in the Village Manager's application or implementation of the Village Commission's policies, public officials shall comply with the following ~~guidelines~~ minimum standards:

(1) Public officials shall treat all staff as professionals with clear, honest communication that respects the abilities, experience and the dignity of each individual. Public officials shall maintain an attitude of courtesy and consideration toward all colleagues, public officials and staff during all discussions and deliberations.

(2) Questions/inquiries to Village staff:

a. General public official communications with Village staff should be limited to normal Village business hours unless the circumstances warrant otherwise. ~~Responses to public official questions posed outside of normal business hours should be expected no earlier than the next business day.~~

b. Routine requests for information and inquiries. Public officials may contact staff directly for information made readily available to the general public on a regular basis (e.g., "What are the recreation center's hours of operation?"). ~~Under these circumstances staff shall treat the public official no differently than they would the general public, and the public official shall not use his/her/their elected or appointed status to secure preferential treatment. The Village Manager does not need to be advised of such contacts.~~

c. Nonroutine requests for readily available information. A public official may also contact staff directly for easily retrievable information not routinely requested by the general public so long as it does not require staff to discuss the issue or express an opinion (e.g., "How many traffic lights are there in the Village?").

- d. Nonroutine requests requiring special effort. Any public official request or inquiry that requires staff to compile information that is not readily available or easily retrievable and/or that requests staff to express an opinion (legal or otherwise) must be directed to the Village Manager, (e.g., "Please provide a matrix reconciling data from various traffic studies"). The Village Manager shall be responsible for distributing such requests to his/her staff and for follow-up. Responses to such requests shall be copied to all public officials on the board, the Village Manager, the Village Attorney as appropriate and affected department heads. The procedure outlined in this subsection does not preclude a public official from making a public records request under Chapter 119, Florida Statutes.
- e. Meeting requests. Any public official request for a meeting with staff must be directed to the Village Manager. When in doubt about the appropriateness of a communication with staff, public officials shall ask the Village Manager for advice.
- f. Public safety restrictions. Under certain circumstances, requests for information regarding operations or personnel of the department of public safety may be legally restricted under state law to protect minors, certain victims and law enforcement officers and their investigations. Accordingly, it shall be the policy of the Village of Biscayne Park to strictly comply with all applicable legal authorities governing the release of public safety information and records.

~~(3) — Do not disrupt Village staff from their jobs. Public officials should not disrupt Village staff while they are engrossed in performing their job functions in order to have their individual needs met.~~

~~(4) (3) Never publicly criticize an individual employee. Comments about staff performance should only be made to the Village Manager. Public officials shall never express concerns about the performance of a Village employee in public, to the employee directly, or to the employee's department manager. Comments about staff performance should only be made to the Village Manager.~~

~~(5) (4) Public officials shall not become involved in administrative functions. Public officials shall not attempt to influence Village staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of Village licenses and permits.~~

~~(6) — Public officials shall not attend meetings with Village staff unless requested by staff. This restriction does not apply to board or committee members sitting in on meetings concerning matters that do not come before their respective boards or committees for consideration.~~

~~(7) — Requests for staff support shall be made to the Village Manager who is responsible for allocating Village resources.~~

(8) (5) Public officials shall not solicit political support from staff. Public officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from Village staff. Village staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

(h) Conduct with ~~m~~Members of the ~~p~~Public.

(1) Make no promises on behalf of the entire body. Public officials will frequently be asked to explain an action of the body or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of Village policy and to refer to Village staff for further information. It is inappropriate to overtly or implicitly promise action by the body, or to promise Village staff will do something specific (fix a pothole, plant new flowers in the median, etc.).

(2) Make no personal comments about other public officials. It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other public officials, their opinions and actions.

(i) Conduct with ~~e~~Other ~~p~~Public ~~a~~Agencies.

(1) The Mayor shall be recognized as the head of Village government, and as the Village official designated to represent the Village in all dealings with other governmental entities. Unless designated to represent the Village by the Commission, ~~P~~public officials should be clear about avoid representing the Village, a board of the Village or personal interests. If a public official appears before ~~another~~ any governmental agency or organization or meets with the agency representative or staff to give a statement on an issue, the public official must clearly state: ~~1) if that~~ 1) if his or her statement reflects personal opinion unless designated to represent the Village by the Commission ~~or is the official stance of the Village;~~ 2) whether this is the majority or minority opinion of the body s/he represents. If the public official is representing the Village, the public official must support and advocate the official Village position ~~on~~ an issue, not a personal viewpoint.

~~(2) Correspondence also should be equally clear about representation. Village letterhead may be used when the public official is representing the Village and the Village's official position. A copy of official correspondence should be given to the Village Clerk to be filed in the Commission office as part of the permanent public record. It is best that Village letterhead not be used for correspondence of public officials representing a personal point of view or a dissenting point of view from an official Village Commission or Village board position. However, should public officials use Village letterhead to express a personal opinion, the official Village position must be stated clearly so the reader understands the difference between the official Village position and the minor viewpoint of the public official.~~

(j) Conduct with ~~b~~Boards and Commissions.

(1) Public officials may generally attend any public meeting, which are always open to any member of the public. There are specific exceptions in the case of quasi-judicial proceedings. If in doubt, the official should seek guidance from the

Village ~~Attorney Manager~~ attorney's office. However, public officials should be sensitive to the way their participation could be viewed as unfairly affecting the process and shall avoid attempting directly or indirectly to improperly influence the decision or official act of any member of any board or committee of the Village. Public officials may appear before any such board or committee upon invitation of a majority of the members of such board or committee; ~~provided, however, that~~ If the Mayor or a Commission member shall appear before such board or committee without invitation, he shall be presumed to have a financial or personal interest in any matter which he shall have advocated or espoused before the board and sanctions may be imposed consistent with Section (l) below. ~~and shall be disqualified to vote thereon in his official capacity.~~ No public comments by an appointed public official at a Village Commission meeting may be made where the board or committee's recommendation is presented, unless that board or committee member is specifically invited to speak by the Mayor or by the Commission.

(2) It is inappropriate for a public official to contact a committee, board or Commission member to lobby on behalf of businesses or developers.

(k) Commission eConduct with the mMedia. Public officials are frequently contacted by the media for background and quotes. Most members of the media represent the highest levels of journalistic integrity and ethics and can be trusted to keep their word. But one (1) bad experience can be catastrophic. Words that are not said cannot be quoted. The Mayor is the official spokesperson and representative of the Village's position. The Mayor is the designated representative of the Commission to present and speak on the official Village position. If an individual public official is contacted by the media, the public official should be clear about whether their comments represent the official Village position or a personal viewpoint. The public official should choose words carefully and cautiously. Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

(l) Sanctions.

(1) Public disruption. Members of the public who do not follow proper conduct after a warning in a public hearing shall be barred from further testimony at that meeting or removed from the Commission chambers.

(2) Inappropriate staff behavior. Public officials should refer to the Village Manager any Village staff who do not follow proper conduct in their dealings with Commission members, board or committee members, other Village staff, or the public. These employees may be disciplined in accordance with standard Village procedures for such actions.

(3) Public officials' behavior and conduct. Public officials who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Commission. Serious infractions of the code of ethics or code of conduct could lead to other sanctions as deemed appropriate by the Commission and as provided under law. ~~Failure of an appointed public official to comply with the Village's, County's, and State's ethics codes shall result in removal of the public official.~~

(4) Appointed public officials. Violation of this code by an appointed public official, for a first offense, shall result in sanctions as deemed appropriate by the Commission ~~which sanctions may include removal of the appointed public official from the board or committee.~~ A second violation of this code by an appointed public official shall may result in removal of that appointed public official from the board or committee consistent with the determination of the Commission.

(m) Impartiality. No official or employee shall request, use or permit the use of any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

(n) Use of public property. No official or employee shall use his/her position to request, use or permit the use of any Village-owned or Village-supported property, vehicle, equipment, material, labor or service for the personal convenience or the private advantage of himself or of any other person. This rule shall not be deemed to prohibit an official or employee from requesting, using or permitting the use of such publicly-owned or publicly-supplied property, vehicle, equipment, material, labor or service which it is the general practice to make available to the public at large or which are provided as a matter of stated public policy for the use of officials and employees in the conduct of official business.

~~(n) — Influence of board members by Mayor and Commission members, appearance before boards. The Mayor and Commission members of the Village are hereby prohibited from:~~

~~(1) — Attempting directly or indirectly to improperly influence the decision or official act of any member of any board of the Village;~~

~~(2) — Appearing before any such board except upon invitation of a majority of the members of such board; provided, however, that if the Mayor or a Commission member shall appear before such board without invitation, he shall be presumed to have a financial or personal interest in any matter which he shall have advocated or espoused before the board and shall be disqualified to vote thereon in his official capacity.~~

~~(3) — Excepted from the provisions hereof is participation by the Mayor or members of the Commission in the acts and deliberation of any board of which they are ex-officio members.~~

Section 2. Repeal of Conflicting Provisions. To the extent any provisions of the Code conflict with this Chapter, those provisions are repealed in its entirety.

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall

remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Code. It is the intention of the Village Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the Village of Biscayne Park, Florida; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date. This Ordinance shall be effective upon adoption on second reading.

The foregoing Ordinance was offered by Commissioner _____, who moved its adoption. The motion was seconded by _____ and upon being put to a vote, the vote was as follows:

The foregoing ordinance upon being put to a vote, the vote was as follows:

Roxanna Ross, Mayor

Attest:

Mayor Ross _____
Vice Mayor Childress _____
Commissioner Anderson _____
Commissioner Bernard _____
Commission Cooper _____

Village Clerk

Approved as to form:

John J. Hearn, Village Attorney



Village of Biscayne Park

**640 NE 114th Street
Biscayne Park, FL 33161**

Tel: 305 899 8000
Fax: 305 891 7241

The following is a clean version of
Ordinance No. 2010-5 with all
changes incorporated from first
reading.

A red-lined version follows.

ORDINANCE NO. 2010-5

**AN ORDINANCE OF THE VILLAGE COMMISSION OF
THE VILLAGE OF BISCAYNE PARK, FLORIDA,
AMENDING THE MUNICIPAL CODE OF THE VILLAGE
BY ADOPTING COMPREHENSIVE PROCEDURES
GOVERNING COMMISSION MEETINGS; PROVIDING
FOR CONFLICT; PROVIDING FOR SEVERABILITY;
PROVIDING FOR INCLUSION; PROVIDING FOR AN
EFFECTIVE DATE**

WHEREAS, the Village Commission of the Village of Biscayne Park finds it to be in the best interests of its citizenry to adopt comprehensive procedures governing Commission meetings;

BE IT ORDAINED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AS FOLLOWS:

Section 1. The Municipal Code of the Village of Biscayne Park is hereby amended by adopting comprehensive procedures governing Village Commission meetings as follows:

Sec. 2-18. Comprehensive procedures for Village Commission meetings.

(a) This section shall govern the procedures for meetings of the Village Commission.

(b) Definitions. References in this article to the Florida Statutes shall be interpreted as meaning Florida Statutes as amended from time to time.

(1) Chair means the presiding officer of the Village Commission. The Mayor is the presiding officer, under the Charter, when present. In the absence of the Mayor, the Vice-Mayor shall become the presiding officer. In the absence of both the Mayor and Vice-Mayor, the remaining Village Commission members shall elect a chair for the meeting.

(2) Journal of proceedings means that an account of all proceedings of the Village Commission shall be kept by the Village Clerk and shall be the official record of the Village Commission.

(3) Meeting shall mean any regular, special or workshop meeting of the Village Commission.

(4) Quorum shall mean a majority of the members of the Village Commission.

(c) Village Commission meeting procedures. Section 4.01 of the Charter of the Village of Biscayne Park authorizes the Village Commission to determine and adopt its own rules of procedure for Village Commission meetings. Except as otherwise provided by Village Charter, Village Code or laws of the State of Florida, the functioning and proceedings of the Commission shall be governed by these Commission rules of procedures.

(d) Rules of procedure for Village Commission meetings.

(1) On matters involving parliamentary procedure not provided for in these Commission rules of procedure, the Village Attorney's latest revised edition of Robert's Rules of Order shall be referenced by the Mayor as persuasive rather than binding, and the Mayor's determination shall be final.

(2) The Village Attorney shall act as parliamentarian and, when applicable, shall interpret Robert's Rules of Order for the Commission.

(3) These rules of procedure shall not be altered except by an amending ordinance. These rules of procedure may be suspended, when appropriate, by a majority vote of the Commission.

(e) Village Commission meeting agenda.

(1) The Village Manager shall be responsible for preparing the agenda for all Village Commission meetings. Village staff may request that a matter of business be placed on the agenda provided sufficient notice is provided to the Village Commission and the Village Manager. Items previously brought before the Village Commission for consideration or for an expression of interest on three (3) occasions, may not be brought forward for reconsideration or expression of interest again before six (6) months have lapsed from the last consideration or expression of interest pertaining to said item, unless a super majority four-fifths (4/5) of the Village Commission agrees to reconsider the item. All proposed agenda items shall be delivered to the Village Clerk's office at a minimum of eleven (11) days prior to a regular Village Commission meeting.

(2) Members of the Village Commission may submit items for placement on the agenda. All proposed agenda items shall be delivered to the Village Clerk's office at a minimum of ten (10) days prior to a regular Village Commission meeting. These items shall be part of the meeting notice and part of the meeting agenda. No member of the Village Commission may present more than three (3) items at any meeting.

(3) Except for emergency matters or other special matters requiring the immediate attention of the Village Commission, a listing of business to be considered by the Village Commission shall be prepared by the Village Manager. The Village Manager shall attempt to deliver the listing of business to each member at least six (6) days prior to each regular Village Commission meeting.

(4) It is the responsibility of the Village Clerk to compile and deliver the agenda and all supporting documentation under the general supervision and direction

of the Village Manager. All members of the Village organization are encouraged to cooperate with the Clerk in making the agenda complete and accurate. Additional items may only be added to the agenda by the Village Manager or the Mayor, upon a finding that failure to consider the item would negatively impact the Village. The Village Manager may request additional time to study an item not included on the agenda but presented for action at the meeting.

(5) The Village Commission may, upon a majority vote of its members, modify the contents of the agenda at a Village Commission meeting.

(6) Any member of the Village Commission may pull an item off of the consent agenda for discussion and a separate vote on that item. No vote of the Village Commission is required to pull the item off the consent agenda.

(7) Village Commission workshops may be held from time to time for the special purpose of affording the Village Commission an opportunity to discuss items that may be considered at a future Village Commission meeting. Only items on a workshop agenda may be discussed at a Village Commission workshop. Additional items may only be added to the agenda by the Village Manager or the Mayor, upon a finding that failure to consider the item would negatively impact the Village.

(f) Notice of meetings.

(1) Public notice and posting: The Village Clerk shall post a statement in at least two (2) locations of the dates, times and places (subject to change) of the Village Commission meetings regularly scheduled for the upcoming month. Said posting shall occur no later than the day preceding the first regular meeting of the month. The Village Clerk may use any other medium appropriate for notice of public meetings.

(g) Order of business.

(1) The Mayor shall take the chair at the hour appointed for the meeting of Village Commission and shall call the meeting to order and direct the Clerk to call roll. In the absence of the Mayor, the Vice-Mayor shall preside. If a quorum is present, the meeting shall continue.

(2) The general order of any regular or alternate meeting, which any member of the Village Commission can alter upon request and acceptance, should be as follows. This order and content may vary in consideration of time constraints and/or actual items being considered:

- a. Call to order
- b. Roll call of members
- c. Pledge of Allegiance
- d. Additions, deletions or withdrawals to agenda
- e. Public comments related to agenda
- f. Presentation
- g. Consent agenda
- h. Public hearings
- i. Ordinances

- j. Resolutions
- k. Old business
- l. New business
- m. Good and welfare
- n. Reports
- o. Announcements

(h) Rules for conduct of business.

(1) Village Commission's duties.

a. Recognition shall be given only by the presiding officer. Upon being recognized the member may proceed.

b. No member may speak more than ten (10) minutes continuously, except by leave of the Mayor. The decision of the Mayor is final, unless a majority of the Village Commission votes to the contrary.

c. A member may speak a second time on any one (1) question only after all members have been given an opportunity to speak.

d. The Mayor shall regulate debate in any other manner that she/he deems necessary, provided that the rights of all persons to express their views are respected.

e. Questions and comments by members of the Village Commission should be reserved insofar as possible for the end of a presentation to avoid interrupting the speaker, disrupting the time-keeping process and duplicating ground the speaker may cover. All members of the Village Commission shall be permitted to speak on any matter and shall not be ruled out of order by the presiding officer unless the member has made abusive, derogatory or rude remarks. No member of the Village Commission shall be limited in his or her debate on any issue, except as otherwise provided herein, unless the member engages in abusive, derogatory or rude comment.

f. All members of the Village Commission shall accord the utmost courtesy to each other, to Village employees, and to public members appearing before the Village Commission, and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities.

g. The Village Manager may speak to any matter on which he or she has information for the Village Commission.

h. It shall be unlawful for any individual or member of the Village Commission to disturb or disrupt a meeting of the Village Commission or refuse to obey the orders of the Mayor or presiding officer in the conduct of the meeting. Any individual or member of the Village Commission who causes a disruption or disturbance of the meeting shall be warned by the Mayor or presiding officer that the conduct is interfering or disturbing the order of the meeting and shall be given the opportunity to cease the conduct constituting an interruption or disturbance. If the individual or member

of the Village Commission fails to cease the offending conduct and continues to interrupt or disturb the meeting, the individual or member of the Village Commission shall be removed from the meeting by the Police Chief or his authorized agent in attendance at the meeting if so directed by the Mayor or presiding officer. Once removed, the individual or member of the Village Commission shall be barred from further audience for the remainder of the meeting.

i. In the event that the Mayor or presiding officer fails to act, any member of the Village Commission may move to require the presiding officer to act to enforce the rules, and the affirmative vote of the majority of the Village Commission members present at that time shall require the presiding officer to act.

(2) Residents/Interested parties' duties.

a. Members of the public may speak only at times designated by the Mayor or presiding officer

b. The member of the public shall step to the floor microphone and state her/his name and address in an audible tone for the Clerk's record.

c. Remarks shall be limited to the question(s) under discussion, unless such remarks come during the public participation section of the meeting.

d. During public participation any member of the public may speak to any issue that is not on the agenda for public hearing during the Village Commission meeting. Speakers will be limited to three (3) minutes during this time. Additional time may be added by the Village Commission.

e. All remarks shall be addressed to the Village Commission as a body through the Mayor, and not to any member thereof.

f. Cumulative and repetitive testimony should be avoided on any matter. Persons of the same position as the previous speaker may simply state their names, address and the positions with which they agree.

g. Any person making disruptive, impertinent or slanderous remarks, or who shall become boisterous while addressing the Village Commission and refuses to stop may be requested to leave the meeting by the Mayor, pursuant to subsections(h)(1)h. and (h)(1)i.

h. Persons whose allotted time to speak has expired shall be so advised by the Village Clerk to conclude. Public hearings consist of those agenda items where the public may participate. The public shall speak only on the agendized subject. Speaking time for members of the public is limited to three (3) minutes for any particular topic. Additional time may be added by the Village Commission. Members of the public shall not delegate or give their time, or any portion thereof, to another party. When an issue has been designated as quasi-judicial, public remarks shall only be heard during a quasi-judicial hearing that has been properly noticed for that matter.

(i) Enforcement.

(1) During Village Commission meetings, Village Commission members shall preserve order and decorum and shall neither by conversation nor otherwise delay or interrupt the proceedings or the peace of the Village Commission nor refuse to obey the rules of the Village Commission.

(2) Anyone in the audience creating an atmosphere detrimental or disturbing to the conduct of the meeting will be asked to leave by the Mayor, pursuant to subsections (h)(1)h and (h)(1)i.

(3) The order, if not heeded, will then cause the police to eject the person from the Commission Chambers upon instruction from the Mayor, pursuant to subsections (h)(1)h and (h)(1)i.

(j) Procedure for Village Commission actions.

(1) A member may speak on any item to be considered by the Village Commission; call for the question (for the question to be called, requires a 2/3 vote of the Village Commission); ask for a statement of the question (which the Mayor or Clerk shall render); call for a division of the questions (the Mayor shall render a decision regarding the divisibility of any question and said decision shall be subject to appeal as is a question of order); and question the Village Manager or Village Attorney.

(2) Pursuant to subsection (e), any member may introduce items to be considered by the Village Commission, such as the member deems appropriate. It is preferred that it be submitted to the Village Manager to be included on an appropriate agenda.

(3) The Village Commission may consider and act upon such other business as may come before it. When new business is offered as a motion and seconded, it shall be written and read to the Village Commission by the Village Clerk before debate. After a motion has been read by the Village Clerk, it shall be deemed to be in the Village Commission's possession and may be withdrawn only by leave of the Village Commission.

(4) Form of ordinances/resolutions shall contain not more than one (1) subject, which shall be fully described in the title in easily understood terms.

(5) Motion to reconsider: Any member who voted on the prevailing side may move a reconsideration of any action of the Village Commission, provided that the motion be made not later than the next regular meeting after such action was taken. A motion to reconsider shall be in order at any time, except when a motion on some other subject is pending. A motion to reconsider being laid upon the table may be taken up and acted upon at any time.

(6) Motion made and additional proper motions: When a question is before Village Commission or under debate, or a motion has been made, no other motion shall be proper, except the following and these take precedence according to the order listed:

a. To adjourn;

- b. To table until future stated time;
- c. Requested cessation of debate and vote are taken;
- d. To refer to a standing or ad hoc committee;
- e. To amend the matter under discussion;
- f. To postpone action for an indefinite time or to a certain date.

(7) Questions without debate: The following questions shall be considered without debate:

- a. To adjourn;
- b. To lie on the table;
- c. To take from the table;
- d. All questions relating to priority.

(8) Motion to postpone – Adjourn.

a. A motion to postpone (to a day certain or indefinitely) shall not again be allowed at the same reading of the ordinance or resolution under consideration.

b. A motion to adjourn shall always be in order, but if decided in the negative, it shall not be entertained again until some motion, order, or decision has taken place.

(9) Motion to take from the table: A motion to remove any matter from the table shall be in order after consideration of one (1) question succeeding the tabling. This item may be overturned by a majority vote of the Village Commission.

(10) Motion to amend or revise: A motion to amend or revise shall be divisible into two (2) separate motions: a motion to strike and a motion to insert. A refusal to strike is equivalent to agreeing to the matter in the form. However, this does not preclude further amendment by way of addition.

(11) Appeal decision of the chair: On appeal from the decision of the chair, no member shall speak more than once, and the chair shall have preference.

(12) Call to order: Can be made at any time when the order of business is being varied from. It requires no second, and is in order when another has the floor, even though it interrupts a speech, as a single member has a right to demand that the order of business be conformed to.

(k) Voting procedures.

(1) Every member present, when a question is put, shall vote unless the member has a conflict of interest. Any member abstaining from voting must make a brief statement for such request and will fill out all appropriate paperwork to be filed with the Village Clerk at the meeting where the conflict is announced, pursuant to Chapter 112, Florida Statutes, as amended from time to time. The question shall then be immediately taken without further debate.

(2) Voting on all legislation shall be oral and in open Village Commission meetings. No proxy votes are permitted. When the Village Clerk calls the roll, each member shall respond "yes," "no," "aye," or "nay." No other comment is permitted during voting. The order of voting shall rotate in a random manner except the Mayor votes last.

(3) The Village Clerk will announce whether the matter passed or failed.

Section 2. Repeal of Conflicting Provisions. To the extent any provisions of the Code conflict with this Chapter, those provisions are repealed in its entirety.

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Code. It is the intention of the Village Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the Village of Biscayne Park, Florida; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date. This Ordinance shall be effective upon adoption on second reading.

The foregoing Ordinance was offered by Commissioner _____, who moved its adoption. The motion was seconded by _____ and upon being put to a vote, the vote was as follows:

The foregoing ordinance upon being put to a vote, the vote was as follows:

Mayor Ross _____

Roxanna Ross, Mayor

Vice Mayor Childress _____
Commissioner Anderson _____
Commissioner Bernard _____
Commission Cooper _____

Attest:

Village Clerk

Approved as to form:

John J. Hearn, Village Attorney



Village of Biscayne Park

640 NE 114th Street

Biscayne Park, FL 33161

Tel: 305 899 8000

Fax: 305 891 7241

The following is a red-lined version of
Ordinance No. 2010-5 with all
changes incorporated from first
reading.

ORDINANCE NO. 2010-5

**AN ORDINANCE OF THE VILLAGE COMMISSION OF
THE VILLAGE OF BISCAYNE PARK, FLORIDA,
AMENDING THE MUNICIPAL CODE OF THE VILLAGE
BY ADOPTING COMPREHENSIVE PROCEDURES
GOVERNING COMMISSION MEETINGS; PROVIDING
FOR CONFLICT; PROVIDING FOR SEVERABILITY;
PROVIDING FOR INCLUSION; PROVIDING FOR AN
EFFECTIVE DATE**

WHEREAS, the Village Commission of the Village of Biscayne Park finds it to be in the best interests of its citizenry to adopt comprehensive procedures governing Commission meetings;

BE IT ORDAINED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AS FOLLOWS:

Section 1. The Municipal Code of the Village of Biscayne Park is hereby amended by adopting comprehensive procedures governing Village Commission meetings as follows:

Sec. 2-18. Comprehensive procedures for Village Commission meetings.

(a) This section shall govern the procedures for meetings of the Village Commission.

(b) Definitions. References in this article to the Florida Statutes shall be interpreted as meaning Florida Statutes as amended from time to time.

(1) Chair means the presiding officer of the Village Commission. The Mayor is the presiding officer, under the Charter, when present. In the absence of the Mayor, the Vice-Mayor shall become the presiding officer. In the absence of both the Mayor and Vice-Mayor, the remaining Village Commission members shall elect a chair for the meeting.

(2) Journal of proceedings means that an account of all proceedings of the Village Commission shall be kept by the Village Clerk and shall be the official record of the Village Commission.

(3) Meeting shall mean any regular, special or workshop meeting of the Village Commission.

(4) Quorum shall mean a majority of the members of the Village Commission.

(c) Village Commission meeting procedures. Section 4.01 of the Charter of the Village of Biscayne Park authorizes the Village Commission to determine and adopt its own rules of procedure for Village Commission meetings. Except as otherwise provided by Village Charter, Village Code or laws of the State of Florida, the functioning and proceedings of the Commission shall be governed by these Commission rules of procedures.

(d) Rules of procedure for Village Commission meetings.

(1) On matters involving parliamentary procedure not provided for in these Commission rules of procedure, the Village Attorney's latest revised edition of Robert's Rules of Order shall be referenced by the Mayor as persuasive rather than binding, and the Mayor's determination shall be final.

(2) The Village Attorney shall act as parliamentarian and, when applicable, shall interpret Robert's Rules of Order for the Commission.

(3) These rules of procedure shall not be altered except by an amending ordinance. These rules of procedure may be suspended, when appropriate, by a majority vote of the Commission.

(e) Village Commission meeting agenda.

(1) The Village Manager shall be responsible for preparing the agenda for all Village Commission meetings. ~~The Charter officials shall meet with the Mayor to finalize the agenda.~~ Village staff may request that a matter of business be placed on the agenda provided sufficient notice is provided to the Village Commission and the Village Manager. Items previously brought before the Village Commission for consideration or for an expression of interest on three (3) occasions, may not be brought forward for reconsideration or expression of interest again before six (6) months have lapsed from the last consideration or expression of interest pertaining to said item, unless a super majority four-fifths (4/5) of the Village Commission agrees to reconsider the item. All proposed agenda items shall be delivered to the Village Clerk's office at a minimum of ~~ten (10)~~ **eleven (11)** days prior to a regular Village Commission meeting.

(2) Members of the Village Commission may submit items for placement on the agenda. All proposed agenda items shall be delivered to the Village Clerk's office at a minimum of ten (10) days prior to a regular Village Commission meeting. These items shall be part of the meeting notice and part of the meeting agenda. No member of the Village Commission may present more than three (3) items at any meeting.

(3) Except for emergency matters or other special matters requiring the immediate attention of the Village Commission, a listing of business to be considered by the Village Commission shall be prepared by the Village Manager. The Village Manager shall attempt to deliver the listing of business to each member at least ~~seventy-two (72) hours~~ **six (6) days** prior to each regular Village Commission meeting.

(4) It is the responsibility of the Village Clerk to compile and deliver the agenda and all supporting documentation under the general supervision and direction of the Village Manager. All members of the Village organization are encouraged to cooperate with the Clerk in making the agenda complete and accurate. Additional items may only be added to the agenda ~~under exigent circumstances to protect the life, health, safety and welfare of the citizens and residents of the Village~~ by the Village Manager or the Mayor, upon a finding that failure to consider the item would negatively impact the Village. The Village Manager may request additional time to study an item not included on the agenda but presented for action at the meeting.

(5) The Village Commission may, upon a majority vote of its members, modify the contents of the agenda at a Village Commission meeting.

(6) Any member of the Village Commission may pull an item off of the consent agenda for discussion and a separate vote on that item. No vote of the Village Commission is required to pull the item off the consent agenda.

(7) Village Commission workshops may be held from time to time for the special purpose of affording the Village Commission an opportunity to discuss items that may be considered at a future Village Commission meeting. Only items on a workshop agenda may be discussed at a Village Commission workshop. Additional items may only be added to the agenda ~~under exigent circumstances to protect the life, health, safety and welfare of the citizens and residents of the Village~~ by the Village Manager or the Mayor, upon a finding that failure to consider the item would negatively impact the Village.

(f) Notice of meetings.

(1) Public notice and posting: The Village Clerk shall ~~publish monthly in a newspaper of general circulation in the Village and~~ post a statement in at least two (2) locations of the dates, times and places (subject to change) of the Village Commission meetings regularly scheduled for the upcoming month. Said ~~publication posting~~ shall occur no later than the day preceding the first regular meeting of the month. The Village Clerk may use any other medium appropriate for notice of public meetings.

~~(2) The Village Clerk shall also post a notice of the date, time, and place of each Commission meeting, regular or otherwise, a minimum of twenty-four (24) hours prior to the meeting.~~

(g) Order of business.

(1) The Mayor shall take the chair at the hour appointed for the meeting of Village Commission and shall call the meeting to order and direct the Clerk to call roll. In the absence of the Mayor, the Vice-Mayor shall preside. If a quorum is present, the meeting shall continue.

(2) The general order of any regular or alternate meeting, which any member of the Village Commission can alter upon request and acceptance, should be as follows. This order and content may vary in consideration of time constraints and/or actual items being considered:

- a. Call to order
- b. Roll call of members
- c. Pledge of Allegiance
- d. Additions, deletions or withdrawals to agenda
- de. Public comments related to agenda
- ef. Presentation
- f. Additions, deletions or withdrawals to agenda
- g. Consent agenda
- h. Public hearings
- i. Ordinances
- j. Resolutions
- k. Old business
- l. New business
- m. Good and welfare
- n. Reports
- o. Announcements

(h) Rules for conduct of business.

(1) Village Commission's duties.

a. Recognition shall be given only by the presiding officer. Upon being recognized the member may proceed.

b. ~~No member may filibuster.~~ No member may speak more than ten (10) minutes continuously, except by leave of the Mayor. The decision of the Mayor is final, unless a majority of the Village Commission votes to the contrary.

Deleted: five (5)

c. A member may speak a second time on any one (1) question only after all members have been given an opportunity to speak.

d. The Mayor shall regulate debate in any other manner that she/he deems necessary, provided that the rights of all persons to express their views are respected.

e. Questions and comments by members of the Village Commission should be reserved insofar as possible for the end of a presentation to avoid interrupting the speaker, disrupting the time-keeping process and duplicating ground the speaker may cover. All members of the Village Commission shall be permitted to speak on any matter and shall not be ruled out of order by the presiding officer unless the member has made abusive, derogatory or rude remarks. No member of the Village Commission shall be limited in his or her debate on any issue, except as otherwise provided herein, unless the member engages in abusive, derogatory or rude comment.

f. All members of the Village Commission shall accord the utmost courtesy to each other, to Village employees, and to public members appearing before the Village Commission, and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities.

g. The Village Manager may speak to any matter on which he or she has information for the Village Commission.

h. It shall be unlawful for any individual or member of the Village Commission to disturb or disrupt a meeting of the Village Commission or refuse to obey the orders of the Mayor or presiding officer in the conduct of the meeting. Any individual or member of the Village Commission who causes a disruption or disturbance of the meeting shall be warned by the Mayor or presiding officer that the conduct is interfering or disturbing the order of the meeting and shall be given the opportunity to cease the conduct constituting an interruption or disturbance. If the individual or member of the Village Commission fails to cease the offending conduct and continues to interrupt or disturb the meeting, the individual or member of the Village Commission shall be removed from the meeting by the Police Chief or his authorized agent in attendance at the meeting if so directed by the Mayor or presiding officer. Once removed, the individual or member of the Village Commission shall be barred from further audience for the remainder of the meeting.

i. In the event that the Mayor or presiding officer fails to act, any member of the Village Commission may move to require the presiding officer to act to enforce the rules, and the affirmative vote of the majority of the Village Commission members present at that time shall require the presiding officer to act.

~~j. Any individual or Village Commission member who, at a Village Commission or board meeting, willfully interrupts or disturbs such meeting in violation of Section 871.01, Florida Statutes, entitled "Disturbing Schools and Religious and Other Assemblies," is subject to arrest by those law enforcement officers present. No action by the presiding officer is required for a law enforcement officer to enforce Section 871.01, Florida Statutes, as may be amended from time to time.~~

~~k. Each public officer serving on the Village Commission or an advisory board of the Village, when appearing before any other governmental body or within the contents of any written communication, pledges to inform the recipient of the oral or written communication that the issue before such governmental body or in writing has or has not been addressed officially by the Village Commission or the advisory board of which he or she is a member; and further pledges to inform the recipient(s) of the oral or written communication of any official position taken by the Village Commission or an advisory board and indicate that his or her appearance or written correspondence is or is not authorized by the Village Commission or an advisory board. When a member of the Village Commission is representing the Village Commission before another governmental body, said member of the Village Commission shall, at a minimum, update the other members of the Village Commission and the Village Manager at the next scheduled Village Commission meeting.~~

(2) Residents/Interested parties' duties.

a. Members of the public may speak only at times designated by the Mayor or presiding officer

b. The member of the public shall step to the floor microphone and state her/his name and address in an audible tone for the Clerk's record.

c. Remarks shall be limited to the question(s) under discussion, unless such remarks come during the public participation section of the meeting.

d. During public participation any member of the public may speak to any issue that is not on the agenda for public hearing during the Village Commission meeting. Speakers will be limited to three (3) minutes during this time. Additional time may be added by the Village Commission. ~~There will be a thirty-minute aggregate time limit for this item, and speakers are encouraged to sign up in advance with the Village Clerk prior to their participation.~~

e. All remarks shall be addressed to the Village Commission as a body through the Mayor, and not to any member thereof.

f. Cumulative and repetitive testimony should be avoided on any matter. Persons of the same position as the previous speaker may simply state their names, address and the positions with which they agree.

g. Any person making disruptive, impertinent or slanderous remarks, or who shall become boisterous while addressing the Village Commission and refuses to stop may be requested to leave the meeting by the Mayor, pursuant to subsections(h)(1)h. and (h)(1)i.

h. Persons whose allotted time to speak has expired shall be so advised by the Village Clerk to conclude. Public hearings consist of those agenda items where the public may participate. The public shall speak only on the agenda subject. Speaking time for members of the public is limited to three (3) minutes for any particular topic. Additional time may be added by the Village Commission. Members of the public shall not delegate or give their time, or any portion thereof, to another party. ~~For a public hearing, the Village Commission may set an aggregate time limit for public comment.~~ When an issue has been designated as quasi-judicial, public remarks shall only be heard during a quasi-judicial hearing that has been properly noticed for that matter.

(i) Enforcement.

(1) During Village Commission meetings, Village Commission members shall preserve order and decorum and shall neither by conversation nor otherwise delay or interrupt the proceedings or the peace of the Village Commission nor refuse to obey the rules of the Village Commission.

(2) Anyone in the audience creating an atmosphere detrimental or disturbing to the conduct of the meeting will be asked to leave by the Mayor, pursuant to subsections (h)(1)h and (h)(1)i.

(3) The order, if not heeded, will then cause the police to eject the person from the Commission Chambers upon instruction from the Mayor, pursuant to subsections (h)(1)h and (h)(1)i.

(j) Procedure for Village Commission actions.

(1) A member may speak on any item to be considered by the Village Commission; call for the question (for the question to be called, requires a 2/3 vote of the Village Commission); ask for a statement of the question (which the Mayor or Clerk shall render); call for a division of the questions (the Mayor shall render a decision regarding the divisibility of any question and said decision shall be subject to appeal as is a question of order); and question the Village Manager or Village Attorney.

(2) Pursuant to subsection (e), any member may introduce items to be considered by the Village Commission, such as the member deems appropriate. It is preferred that it be submitted to the Village Manager to be included on an appropriate agenda.

(3) The Village Commission may consider and act upon such other business as may come before it. When new business is offered as a motion and seconded, it shall be written and read to the Village Commission by the Village Clerk before debate. After a motion has been read by the Village Clerk, it shall be deemed to be in the Village Commission's possession and may be withdrawn only by leave of the Village Commission.

(4) Form of ordinances/resolutions shall contain not more than one (1) subject, which shall be fully described in the title in easily understood terms.

(5) Motion to reconsider: Any member who voted on the prevailing side may move a reconsideration of any action of the Village Commission, provided that the motion be made not later than the next regular meeting after such action was taken. A motion to reconsider shall be in order at any time, except when a motion on some other subject is pending. A motion to reconsider being laid upon the table may be taken up and acted upon at any time.

(6) Motion made and additional proper motions: When a question is before Village Commission or under debate, or a motion has been made, no other motion shall be proper, except the following and these take precedence according to the order listed:

- a. To adjourn;
- b. To table until future stated time;
- c. Requested cessation of debate and vote are taken;
- d. To refer to a standing or ad hoc committee;
- e. To amend the matter under discussion;
- f. To postpone action for an indefinite time or to a certain date.

(7) Questions without debate: The following questions shall be considered without debate:

- a. To adjourn;

- b. To lie on the table;
- c. To take from the table;
- d. All questions relating to priority.

(8) Motion to postpone – Adjourn.

a. A motion to postpone (to a day certain or indefinitely) shall not again be allowed at the same reading of the ordinance or resolution under consideration.

b. A motion to adjourn shall always be in order, but if decided in the negative, it shall not be entertained again until some motion, order, or decision has taken place.

(9) Motion to take from the table: A motion to remove any matter from the table shall be in order after consideration of one (1) question succeeding the tabling. This item may be overturned by a majority vote of the Village Commission.

(10) Motion to amend or revise: A motion to amend or revise shall be divisible into two (2) separate motions: a motion to strike and a motion to insert. A refusal to strike is equivalent to agreeing to the matter in the form. However, this does not preclude further amendment by way of addition.

(11) Appeal decision of the chair: On appeal from the decision of the chair, no member shall speak more than once, and the chair shall have preference.

(12) Call to order: Can be made at any time when the order of business is being varied from. It requires no second, and is in order when another has the floor, even though it interrupts a speech, as a single member has a right to demand that the order of business be conformed to.

(k) Voting procedures.

(1) Every member present, when a question is put, shall vote unless the member has a conflict of interest. Any member abstaining from voting must make a brief statement for such request and will fill out all appropriate paperwork to be filed with the Village Clerk at the meeting where the conflict is announced, pursuant to Chapter 112, Florida Statutes, as amended from time to time. The question shall then be immediately taken without further debate.

(2) Voting on all legislation shall be oral and in open Village Commission meetings. No proxy votes are permitted. When the Village Clerk calls the roll, each member shall respond "yes," "no," "aye," or "nay." No other comment is permitted during voting. The order of voting shall rotate in a random manner except the Mayor votes last.

(3) The Village Clerk will announce whether the matter passed or failed.

Section 2. Repeal of Conflicting Provisions. To the extent any provisions of the Code conflict with this Chapter, those provisions are repealed in its entirety.

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Code. It is the intention of the Village Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the Village of Biscayne Park, Florida; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date. This Ordinance shall be effective upon adoption on second reading.

The foregoing Ordinance was offered by Commissioner _____, who moved its adoption. The motion was seconded by _____ and upon being put to a vote, the vote was as follows:

The foregoing ordinance upon being put to a vote, the vote was as follows:

Roxanna Ross, Mayor

Attest:

Mayor Ross _____
Vice Mayor Childress _____
Commissioner Anderson _____
Commissioner Bernard _____
Commissioner Cooper _____

Village Clerk

Approved as to form:



Village of Biscayne Park

640 NE 114th Street
Biscayne Park, FL 33161

Tel: 305 899 8000
Fax: 305 891 7241

Mayor and Commission

Roxanna Ross
Mayor

Bryan Cooper
Vice Mayor

Robert "Bob" Anderson
Commissioner

Steve Bernard
Commissioner

Albert Childress
Commissioner

Ana Garcia
Village Manager

John J. Hearn
Village Attorney

Maria Camara
Village Clerk

July 7, 2010

To: Mayor Roxana Ross
Vice Mayor Bryan Cooper
Commission Bob Anderson
Commissioner Steve Bernard
Commissioner Bryan Cooper

From: Ana Garcia, Village Manager

Re: Ordinance 2010-9 – Garbage Containers

Background Analysis:

Working with Public Works and during my observations of the garbage and trash pick ups staff is picking up garbage containers that are bigger than what is allowed by our code which is 30 gallons. Many residences are utilizing the larger 96 gallon containers which when full, can weigh in excess of 350 lbs. This requires the driver to step out of the truck to assist the loader which decreases the level of performance of the team, the efficiency of the operation, and most important it can cause injuries.

In looking at the standard size trash containers available, a 36 gallon size is more suitable for our staff to pick up and is readily available to our residents. It will not only lessen the likelihood of injuries, but will improve efficiencies in their workflow.

We have also started the process of communicating this to our residents through the Summer 2010 newsletter.

Through this ordinance our code is being changed to define approved containers not to exceed 36 gallons.

Fiscal/ Budgetary Impact:

Minimize injuries to our staff which can result in potential worker's compensation claims.
Increase efficiency in the performance of the team for increased time management.

Recommendation:

Manager recommends approval at second reading.

1 **Section 3. Severability.** The provisions of this Ordinance are declared to be
2 severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be
3 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining
4 sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it
5 being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any
6 part.

7 **Section 4. Inclusion in the Code.** It is the intention of the Village Commission, and
8 it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the
9 Code of the Village of Biscayne Park, Florida; that the sections of this Ordinance may be
10 renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be
11 changed to "Section" or other appropriate word.

12 **Section 5. Effective Date.** This Ordinance shall be effective upon adoption on
13 second reading.

14 The foregoing Ordinance was offered by Commissioner _____, who moved its
15 adoption. The motion was seconded by _____ and upon being put to a vote,
16 the vote was as follows:

**The foregoing ordinance upon being put
to a vote, the vote was as follows:**

17
18
19
20
21 _____
22 Roxanna Ross, Mayor

Mayor Ross _____
Vice Mayor Childress _____
Commissioner Anderson _____
Commissioner Bernard _____
Commission Cooper _____

23 Attest:
24
25
26
27
28 _____
29 Village Clerk

30 Approved as to form:
31
32 _____
33

1 John J. Hearn, Village Attorney

2

3



Village of Biscayne Park

640 NE 114th Street
Biscayne Park, FL 33161

Tel: 305 899 8000
Fax: 305 891 7241

Mayor and Commission

Roxanna Ross
Mayor

Bryan Cooper
Vice Mayor

Robert "Bob" Anderson
Commissioner

Steve Bernard
Commissioner

Albert Childress
Commissioner

Ana Garcia
Village Manager

John J. Hearn
Village Attorney

Maria Camara
Village Clerk

July 7, 2010

To: Mayor Roxana Ross
Vice Mayor Bryan Cooper
Commission Bob Anderson
Commissioner Steve Bernard
Commissioner Bryan Cooper

From: Ana Garcia, Village Manager

Re: Ordinance 2010-10 Municipal Public Service Tax (Utility Tax)

Background Analysis:

The following two pages are the Mayor's overview and background of this ordinance which was provided at the first reading.

Fiscal/ Budgetary Impact:

With the property appraiser's confirmed decrease of 22% in property values it will result in an estimated \$320,000 in revenue loss to our Village.

The utilization of the utility tax will provide an estimated revenue to the Village of \$45,980 to make up a portion of that shortfall.

Recommendation:

Manager recommends approval at second reading.



Village of Biscayne Park

640 NE 114th Street
Biscayne Park, FL 33161

Tel: 305 899 8000

Fax: 305 891 7241

June 2, 2010

To: Ana Garcia, Village Manager
From: Mayor Roxanna Ross

Re: Ordinance 2010-10 – Municipal Public Service Tax (Utility Tax)

Background Analysis:

The workshops held in April, 2010 explored sources of revenue available the Village, included the Municipal Public Service Tax authorized by Fla. Stat. 166.231, *et seq.*, which authorizes the levy of a tax, not to exceed 10%, ". . . on the purchase of electricity, metered natural gas, liquefied petroleum gas either metered or bottled, manufactured gas either metered or bottled, and water service."

Presently, Village Code Sec. 16-16 authorizes a levy to be imposed on the purchase of electricity, metered gas and bottled gas only, not to exceed 10%, with the current rate set at 8%, and thereafter set by commission after a public hearing.

Miami Dade County Property Appraiser's official June 1st estimates of taxable value report a decline in residential real property values for the Village of 22.3%. At our current millage rate of 0.89%, this decline in taxable values represents an estimated loss of ad valorem tax revenue to the Village exceeding \$300,000.

Increasing the levy rate for the Municipal Public Service Tax on electricity from 8% to 10%, plus expanding its application to include water service would provide the Village with additional needed revenue to recover from the loss of ad valorem tax which support funding operations and the services that our residents have grown to expect.

Fiscal/ Budgetary Impact: (see attached detail)

An increase in the Municipal Public Service Tax for electricity from the current of 8% to 10% will result in average annual increased expenditure per household of \$19, and estimated annual revenue to the Village of \$24,710.

Extended the Municipal Public Service Tax to water service at the rate of 10% represents an annual increased expenditure on basic usage of \$16 per household, and estimated annual revenue to the Village of \$21,270.

Recommendation:

In order to mitigate the projected revenue losses caused by continued declining taxable values and ad valorem revenue (as well as trending declines in non ad valorem revenues), I propose that this Commission approve Ordinance 2010-10 on first reading.

**BISCAYNE PARK ELECTRIC UTILITY TAX
ESTIMATED ANNUAL REVENUE**

ACTUAL REVENUES YE 9/30/09 @ 8%	\$	98,841
Estimate additional 2% to Annual Revenues	\$	24,710
Average annual Impact per Household	\$	19
Average Monthly Impact per Household	\$	1.58

**BISCAYNE PARK WATER UTILITY TAX
ESTIMATED ANNUAL REVENUE**

	Units	Quarterly Min Chg	Min chg X Units
Total Units	1305	\$ 41.48	\$ 54,131
Foreclosure Units	23		
Net Units	<u>1282</u>	\$ 41.48	\$ 53,177
Utilities Svc Chg			<u>10.00%</u>
Quarterly revenue			\$ 5,318
Billing cycle			<u>4</u>
Est Annual Revenue			<u>\$ 21,271</u>

BREAKDOWN OF MINIMUM MONTHLY WATER BILL:

min fee	30.58
surcharge	7.65
Cnty Svc fee	<u>3.25</u>
Total	<u><u>41.48</u></u>

1 **Section 1.** Chapter 16, Division 2 entitled "Electricity, Metered and Bottled Gas",
2 Sections 16-16 through 16-24 of the Municipal Code of the Village of Biscayne Park are hereby
3 repealed in their entirety.

4 **Section 2.** Chapter 16, Division 3 entitled "Telecommunications", Sections 16-31
5 through 16-36 of the Municipal Code of the Village of Biscayne Park are hereby repealed in their
6 entirety.

7 **Section 3.** The reference to Chapter 16, Article 1 entitled "Generally" of the
8 Municipal Code of the Village of Biscayne Park is hereby deleted.

9 **Section 4.** New Section 16-12 of Chapter 16 of the Municipal Code of the Village of
10 Biscayne Park is hereby created to read as follows:

11 **Sec. 16-12. Definitions Applicable to Sections 16-12 through 16-19.**

12 (1) A "Seller" is a person, firm, corporation, or other legal entity who sells a service
13 that is subject to a levy.

14
15 (2) The term "electronic transfer means the use of the Automated Clearing House (the
16 "ACH"), or other electronic transfer system approved by the Village Manager or his/her designee
17 on a case by case basis, by the Seller, to send the taxes collected directly from the Seller's bank
18 to the Village's primary bank.

19
20 (3) "Fuel oil" shall include fuel oil grades Nos. 1, 2, 3, 4, 5, and 6, kerosene and coal
21 oil.

22
23 (4) The terms "remit," "remittance" and "remitting", for the purposes of the tax
24 imposed by this Chapter, mean the sending by the Seller and the receipt by the Village of all
25 taxes levied and collected pursuant to Chapter 16. The date of receipt of such taxes by the
26 Village will be the date of postmark, or if by electronic transfer, the date received by the
27 Village's primary bank as indicated on the Village's bank statement.

28
29 (5) The term "return" means the supporting documentation submitted periodically in
30 accordance with the provisions of this Chapter, and to be accompanied by the tax remittance, if
31 any for that period, to the Village Manager or his/her designee, which at a minimum shall
32 indicate:

33
34 (a) the name and address of the Seller; and

35
36 (b) the time period covered with respect to the particular return being filed; and
37

1 (c) the amount (in U.S. Dollars) of the revenue collected from the sale of the taxable
2 service; and

3
4 (d) the amount (in U.S. Dollars) of any collection allowance taken in accordance with
5 Florida law; and

6
7 (e) the amount (in U.S. Dollars) of tax being remitted to the Village, or having been
8 sent by electronic transfer to the Village's bank, which is the subject of the particular return being
9 filed; and

10
11 (f) the name and telephone number of a person authorized by the Seller to respond to
12 inquiries from the Village concerning how the Seller is administering and collecting the tax.

13
14 Those Sellers remitting the tax by electronic transfer must nevertheless send periodic returns to
15 the Village Manager or his/her designee.

16
17 (6) The term "tax" or "taxes" means the municipal public service tax authorized
18 pursuant to Section 166.231, Florida Statutes or Section 166.232, Florida Statutes, and this
19 Chapter.

20
21 (7) The term "levy" means and includes the imposition of the tax under Sections
22 166.231 and 166.232, Florida Statutes, all changes in the rate of the tax imposed under either of
23 those Sections, and all changes of election under Section 166.231(9)(a), Florida Statutes.

24
25 **Section 5.** New Section 16-13 of Chapter 16, of the Municipal Code of the Village of
26 Biscayne Park is hereby created to read as follows:

27 **Sec. 16-13. Purchase of Electricity, Gas, Fuel Oil, and Water Service – Levy of**
28 **Tax; Amount; Payment Generally of Tax.**

29
30 (1) Except as provided below or as otherwise exempted by Section 16-15, there is
31 hereby levied and imposed by the Village on each and every purchase of electricity, metered or
32 bottled gas (natural liquefied petroleum gas or manufactured gas), fuel oil, and water service,
33 within the corporate limits of the Village, a tax at the rate of ten percent (10%) of the total
34 amount charged for such utility service or commodity. For purposes of calculating the tax, the
35 amount charged for the taxable service shall be deemed to include any gross receipts taxes and
36 franchise fees separately stated on the customer's bill.

37
38 (2) The tax imposed by this section shall not be applied against any fuel adjustment
39 charge, and such charge shall be separately stated on each bill. "Fuel adjustment charge" shall
40 mean all increases in the cost of utility services to the ultimate consumer resulting from an
41 increase in the cost of fuel to the utility subsequent to October 1, 1973.

42
43 (3) Subject to the provisions of Section 16-16, such tax shall in every case be paid by
44 the purchaser for the use of the Village to the Seller of such electricity, metered or bottled gas,
45 fuel oil or water service at the time of paying the charge therefor.

1 **Section 6.** New Section 16-14 of Chapter 16 of the Municipal Code of the Village of

2 Biscayne Park is hereby created to read as follows:

3 **Sec. 16-14. Collection Generally and Disposition of Tax; Discontinuance of**
4 **Service Upon Failure of Purchaser to Pay Tax and Seller's Charge.**

5
6 (1) It shall be the duty of every Seller of electricity, metered or bottled gas (natural or
7 manufactured), fuel oil or water service to collect from the purchaser for the use of the Village
8 the tax levied by the preceding section, at the time of collecting the selling price charged for each
9 transaction and to file a return and remit on or before the twentieth (20th) day of each calendar
10 month, or if the twentieth day is either a legal holiday or is not a Village business day, then on or
11 before the first Village business day, that is not also a legal holiday, following the twentieth day
12 of the month, unto the Village Manager or his/her designee all such taxes levied and collected
13 during the preceding calendar month. It shall be unlawful for any Seller to collect the price of
14 any sale of electricity, metered or bottled gas (natural or manufactured), fuel oil or water service
15 without, at the same time, collecting the tax hereby levied in respect to such sales, unless such
16 Seller shall elect to assume and pay such tax without collecting the same from the purchaser.
17 Any Seller failing to collect such tax at the time of collecting the price of any sale where the
18 Seller has not elected to assume and pay such tax shall be liable to the Village for the amount of
19 such tax in like manner as if the same had actually been paid to the Seller, and the Village shall
20 cause to be brought all suit actions and to take all proceedings as may be necessary for the
21 recovery of such tax; provided, however, that the Seller shall not be liable for the payment of
22 such tax upon uncollected charges. If any purchaser shall fail, neglect or refuse to pay to the
23 Seller the Seller's charge and the tax hereby imposed and as hereby required on account of the
24 sale for which such charge is made, or either, the Seller shall have and is hereby vested with the
25 right, power and authority to immediately discontinue further service to such purchaser until the
26 tax and the Seller's bill shall have been paid in full.

27
28 (2) All Sellers may remit by hand-delivery, postal service or electronic transfer.
29 However, if a Seller elects to remit by electronic transfer, that Seller shall thereafter always remit
30 by electronic transfer.

31
32 (3) Notwithstanding any other provision of this section, in the event the total amount
33 of tax anticipated to be collected within a calendar quarter does not exceed one hundred twenty
34 dollars (\$120), the Seller of such service may, with the written authorization of the Village, remit
35 the taxes collected during such calendar quarter to the Village quarterly. In such case, the tax
36 shall be due on or before the twentieth day of the month following the end of the calendar quarter
37 in which the taxes were collected.

38
39 **Section 7.** New Section 16-15 of Chapter 16 of the Municipal Code of the Village of

40 Biscayne Park is hereby created to read as follows:

41 **Sec. 16-15. Exemptions and Exclusions from Payment of Tax.**

42
43 (1) Purchases by the United States Government, this State, and all counties, school
44 districts, and municipalities of the State, and by public bodies exempted by law or court order,
45 are exempted from the tax authorized by Section 16-13. However, governmental bodies which

1 sell or resell taxable service to non-exempt end users must collect and remit the tax levied under
2 Section 16-13.

3
4 (2) The following purchases of bottled gas and/or fuel oil are hereby excluded from
5 the tax levied by Section 16-13:

6
7 (a) Purchases of special fuels as defined in Section 206.86(1), Florida Statutes, to be
8 used in an internal combustion engine or motor to propel any form of vehicle.

9
10 (b) Purchases of fuel oil for use as an aircraft engine fuel or propellant.

11
12 (c) Fuel oil to be used as a raw material in a manufacturing process or to be used as a
13 cleaning agent or solvent when certified by the purchaser that such fuel oil shall be used only as
14 a raw material or cleaning agent or solvent. Such purchases and certification shall be reflected
15 monthly on forms prescribed by the Treasurer.

16
17 (3) Purchases by any recognized church in the Village for use exclusively for church
18 purposes are hereby exempt from the tax authorized by Section 16-13.

19
20 **Section 8.** New Section 16-16 of Chapter 16 of the Municipal Code of the Village of

21 Biscayne Park is hereby created to read as follows:

22 **Sec. 16-16. Computation of Tax When Seller Collects the Price Thereof in**
23 **Monthly Periods.**

24
25 In all cases where the seller of electricity, metered or bottled gas (natural or
26 manufactured), fuel oil or water service collects the price thereof in monthly periods, the tax
27 hereby levied may be computed on the aggregate amount of sales during such period; provided,
28 that the amount of tax to be collected shall be to the nearest whole cent to the amount computed,
29 and shall not exceed the rates set forth in Section 16-13 for any monthly period on each separate
30 service. Such service shall be classified as a separate service in case of metered electricity, gas
31 or water, whenever an individual meter is used for the measuring thereof.

32
33 **Section 9.** New Section 16-17 of Chapter 16 of the Municipal Code of the Village of

34 Biscayne Park is hereby created to read as follows:

35 **Sec. 16-17. Records to be Kept by Seller; General Administrative Audit Plan for**
36 **Enforcement of Ordinance; authority of Village to Audit Such**
37 **Records.**

38
39 (1) Each and every Seller of electricity, metered or bottled gas (natural or
40 manufactured), fuel oil, or water service shall keep at its principal place of business complete
41 records showing all sales in the Village of such commodities or service, which records shall
42 show the price charged upon such sale, the amount of taxes charged upon each sale, the date of
43 the sale, the date of payment thereof, the date such tax was remitted to the Village, the period of
44 time covered by such remittance and other related information that may be required to verify
45 proper collection and remittance of said taxes.

1
2 (2) To assure proper administration of the provisions of this Chapter, the Village
3 may, where possible and practical, conduct a periodic audit of such sales records of all
4 businesses in connection with which the tax is imposed under this Chapter. Failure to conduct
5 such an audit will not eliminate the liability of the Seller for collection and remittance of such
6 tax.

7
8 (3) Pursuant to Section 166.234, Florida Statutes, the Village may, during the Seller's
9 normal business hours at the official location of the Seller's books and records, audit the records
10 of any Seller of a service that is taxable by the Village under Section 166.231, Florida Statutes or
11 Section 166.232, Florida Statutes, for the purpose of ascertaining whether taxable services have
12 been provided or the correctness of any return that has been filed or payment that has been made,
13 if the Village's power to assess tax or grant a refund is not barred by the applicable limitations
14 period. Each such Seller must provide to the Village, upon sixty (60) days' written notice of
15 intent to audit form the Village, access to applicable records for such service, except an
16 extension of this sixty (60) day period must be granted if reasonably requested by the Seller. The
17 Seller may at its option waive the sixty (60) day notice requirement. If either the Village or the
18 Seller requires an additional extension, it must give notice to the other no less than thirty (30)
19 days before the existing extension expires, except in cases of bona fide emergency or waiver of
20 the notice requirement by the other party. In an audit, the Seller is liable only for its taxable
21 accounts collected which correspond to the information provided to it by the Village under
22 Section 166.233(3), Florida Statutes. As used in this section, "applicable records" means records
23 kept in the ordinary course of business which establish the collection and remittance of taxes
24 due. Such applicable records may be provided to the Village on an electronic medium if agreed
25 to by the Seller and the Village. In accordance with Section 166.231(9)(c), Florida Statutes, any
26 information received by the Village or its agent in connection with such audit is confidential and
27 exempt from the provisions of Section 119.07(1), Florida Statutes.

28
29 **Section 10.** New Section 16-18 of Chapter 16, Article II, of the Municipal Code of the
30 Village of Biscayne Park is hereby created to read as follows:

31 **Sec. 16-18. Interest and Penalties for Late Payments and Late Returns.**

32
33 Any Seller of electricity, metered or bottled gas (manufactured or natural), fuel oil or
34 water service failing to remit to the Village on or before the twentieth day of each calendar
35 month or quarter, as applicable, or if the twentieth day is either a legal holiday or is not a Village
36 business day, then on or before the first Village business day, that is not also a legal holiday,
37 following the twentieth day of the month or quarter, as applicable, all such taxes levied and
38 collected during the preceding tax period shall be liable for interest on the unpaid amount of tax
39 at the rate of one percent (1%) per month from the date the tax was due until paid. In addition,
40 penalties will be assessed at a rate of five percent (5% per month of the delinquent tax, not to
41 exceed a total penalty of twenty five percent (25%), except that in no event will the penalty for
42 failure to file a return be less than fifteen dollars (\$15.00). In the case of a fraudulent return or a
43 willful intent to evade payment of the tax, the Seller making such fraudulent return or willfully
44 attempting to evade payment of the tax, shall be liable for a specific penalty of one hundred
45 percent (100%) of the tax. Interest and penalties shall be computed on the net tax due after
46 application of any overpayments. The interest and penalties shall accrue from the due date until

1 the date such taxes are paid, provided however, that the Treasurer may settle or compromise any
2 interest due pursuant to this section as is reasonable under the circumstances.

3
4 **Section 11.** New Section 16-19 of Chapter 16 of the Municipal Code of the Village of
5 Biscayne Park is hereby created to read as follows:

6 **Sec. 16-19. Costs Incurred in Pursuit of Tax or Information as a Result of a**
7 **Violation of any of Sections 16-12 through 16-18.**
8

9 The Village is entitled to and may assess against Sellers not complying with any
10 provision of this Chapter, a fee being based upon the actual costs incurred by the Village in
11 collecting the tax or information due.

12
13 **Section 12. Repeal of Conflicting Provisions.** To the extent any provisions of the
14 Code conflict with this Chapter, those provisions are repealed in its entirety.

15 **Section 13. Severability.** The provisions of this Ordinance are declared to be
16 severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be
17 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining
18 sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it
19 being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any
20 part.

21 **Section 14. Inclusion in the Code.** It is the intention of the Village Commission, and
22 it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the
23 Code of the Village of Biscayne Park, Florida; that the sections of this Ordinance may be
24 renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be
25 changed to "Section" or other appropriate word.

26 **Section 15. Effective Date.** This Ordinance shall be effective upon adoption on
27 second reading.

28 The foregoing Ordinance was offered by Commissioner _____, who moved its
29 adoption. The motion was seconded by _____ and upon being put to a vote,
30 the vote was as follows:

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**The foregoing ordinance upon being put
to a vote, the vote was as follows:**

Roxanna Ross, Mayor

Attest:

Village Clerk

Approved as to form:

John J. Hearn, Village Attorney

Mayor Ross _____
Vice Mayor Childress _____
Commissioner Anderson _____
Commissioner Bernard _____
Commission Cooper _____

MEMORANDUM

TO: Honorable Village Commission
Ana M. Garcia, Village Manager
Maria Camara, Village Clerk

FROM: John J. Hearn, Village Attorney

RE: Biscayne Park Foundation, Inc.

DATE: July 1, 2010

BACKGROUND:

The Biscayne Park Foundation, Inc., incorporated in 2007, was formed exclusively for charitable, educational and scientific purposes. At the time of incorporation, the Village Commission elected to have the Foundation's Board of Directors be one and the same as the members of the Village Commission. However, at its meeting of February 2, 2010, the Foundation's Board of Directors agreed to restructure the Foundation to have a minimum of three and a maximum of five residents nominated and appointed to the Board to serve for five year terms. At its meeting of February 2, 2010, the Village Commission agreed to place this item on a future agenda in order to provide further direction. As a result of that direction, please find attached Amended By-Laws and a proposed Resolution approving same, which are being provided for your review and determination.

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2
3 **RESOLUTION NO. 2010-22**
4

5 **A RESOLUTION OF THE VILLAGE COMMISSION OF THE**
6 **VILLAGE OF BISCAYNE PARK, FLORIDA, APPROVING**
7 **THE AMENDMENT TO THE BY-LAWS OF THE BISCAYNE**
8 **PARK FOUNDATION, INC.; PROVIDING FOR AN**
9 **EFFECTIVE DATE**

10
11 WHEREAS, the Biscayne Park Foundation, Inc., incorporated in 2007, was formed
12 exclusively for charitable, educational and scientific purposes; and

13 WHEREAS, at the time of incorporation, the Village Commission elected to have the
14 Foundation's Board of Directors be one and the same as the members of the Village
15 Commission; and

16 WHEREAS, at its meeting of February 2, 2010, the Foundation's Board of Directors
17 agreed to restructure the Foundation to have a minimum of three and a maximum of five
18 residents nominated and appointed to the Board of Directors to serve five year terms; and

19 WHEREAS, the Village Commission deems it to be in the best interests of its citizenry to
20 authorize the amendment of the current By-Laws of the Biscayne Park Foundation; now,
21 therefore

22 **BE IT RESOLVED BY THE COMMISISON OF THE VILLAGE OF BISCAYNE**
23 **PARK, FLORIDA, THAT:**

24 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being
25 true and correct and hereby made a specific part of this Resolution upon adoption hereof.

26 **Section 2.** The amendment to the Biscayne Park Foundation, Inc.'s By-Laws are hereby
27 approved.

28 **Section 3.** This Resolution shall become effective upon adoption.
29

30 PASSED AND ADOPTED this _____ day of _____, 2010.

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**The foregoing resolution upon being
Put to a vote, the vote was as follows:**

Roxanna Ross, Mayor

Attest:

Village Clerk

Approved as to form:

John J. Hearn, Village Attorney

Mayor Ross _____
Vice Mayor Childress _____
Commissioner Anderson _____
Commission Bernard _____
Commissioner Cooper _____

**AMENDED BYLAWS
OF
BISCAYNE PARK FOUNDATION, INC.**

INTRODUCTION

These bylaws constitute the code of rules adopted by Biscayne Park Foundation, Inc., Biscayne Park, Florida, for the regulation and management of its affairs.

BYLAW I: MEMBERSHIP

There shall be one "member" of this Corporation. The one member is the Village of Biscayne Park Village Commission.

BYLAW II: BOARD OF DIRECTORS

Definition of the Governing Board of Directors: The Governing Board of Directors is that group of persons vested with the management of the business and affairs of this Corporation subject to the law, the Articles of Incorporation, and these bylaws.

Section 1. *Composition:* The Board of Directors of the Governing Board of the Biscayne Park Foundation shall consist of a minimum of three (3) and a maximum of five (5) residents of the Village of Biscayne Park, nominated and appointed to the Governing Board by the Village Commission. ~~be one and the same as the members of the Village Commission of the Village of Biscayne Park, Florida, with officers and committees selected as specified herein.~~

Section 2. *Terms:* Each member of the Governing Board shall serve a term of five (5) years. ~~equal to his or her term as a member of the Village Commission.~~

Section 3. *Qualifications:* The qualifications for membership on the Governing Board are ~~simply election (or appointment) to~~ nomination and appointment by the Village Commission. Membership on this Board shall not be denied to any person on the basis of race, creed, sex, religion, or national origin.

Section 4. *Vacancies:* Vacancies occurring on the Board prior to expiration of any term will be filled by the Village Commission. ~~in accordance with the provisions for filling vacancies on the Village Commission as provided by Village Charter.~~

Section 5. *Period of Service:* All members of the Governing Board shall serve according to their terms until their respective successors have been duly elected, unless otherwise unable to fulfill their duties.

Section 6. *Compensation:* Members of the Governing Board shall serve without compensation in their capacities as members.

Section 7. *Quorum:* A majority of the incumbent directors (not counting vacancies) shall constitute a quorum for the conduct of business. At Board meetings where a quorum is present, a majority vote of the Directors attending shall constitute an act of the Board unless a greater number is required by the Articles of Incorporation or any provision of these bylaws.

Section 8. *Officers:* The Corporation shall have three officers, who collectively shall also comprise the Executive Committee of the Board, including a President, a Vice President, and a Secretary/Treasurer. Each officer shall be nominated annually and approved by a majority vote of the Board at its annual

meeting, and shall serve a one year term (or as many successive terms as nominated and approved). Duties of each officer are provided for in bylaw number III entitled Officers.

Section 9. *Additional Boards:* At their discretion, the Board of Directors may create two non-voting boards as follows:

a. Honorary Board: The members of the Governing Board shall nominate, and approve by majority vote, 5 persons willing to lend their names to the Corporation as an Honorary Board of Directors. Such persons shall include, but not be limited to, persons of prominence in business development and management, community development, government, banking, public and private fundraising, not-for-profit corporations, general community leadership, and other areas.

Persons nominated for this Honorary Board, approved by majority vote by the members of the Governing Board present at a duly convened meeting at which a quorum is present, and consenting to serving in this manner, may have their names listed in printed material by the Corporation, and/or used in other manners satisfactory to the members of the Honorary Board. Terms of service for the Honorary Board shall be two years, or as otherwise fixed from time to time by the Governing Board.

Meetings of members of the Honorary Board shall be at the discretion of its members, as needed. The key purpose of the Honorary Board is to facilitate the establishment of effective contacts among the myriad of public and private funding agencies.

Members of the Honorary Board may attend regular meetings of the Governing Board, but are not empowered to vote on Corporation business. Quorum shall consist of 3 members.

b. Advisory Board: The members of the Governing Board shall nominate and approve by majority vote present at a duly convened meeting at which

a quorum is present, up to 7 individuals having special technical skills to serve as the Advisory Board, the purpose of which shall be to review the annual programs, activities, and operations of the Corporation, to make suggestions for improvements and/or solution to problems, to make suggestions regarding modifications or additions to programmatic activities and/or capital facilities which might be beneficial to the general public and/or for the purposes of the Corporation, and to undertake any and all related work as may be appropriate. The Advisory Board shall convey these suggestions and the results of their reviews to the Governing Board in an annual written report, and intermittently during the year as warranted by circumstance.

The Advisory Board may call meetings at their own discretion, and will serve terms for a period of two (2) years each, or as otherwise set from time to time by the Board of Directors. Members of the Advisory Board shall be encouraged to attend the annual meeting of the Governing Board, and others as warranted, but are not empowered to vote on Corporation business.

BYLAW III: OFFICERS

Section 1. *Number:* The officers of the Corporation shall be as follows: President, Vice President, Secretary, and Treasurer. The officers shall serve at the will of the Board of Directors. Officers shall be nominated by the members of the Governing Board at their annual meeting in October, or as soon thereafter as practical. The nominated persons are to be approved by a majority vote of a quorum present at the meeting. The Governing Board may elect or appoint other such officers, including one or more assistant secretaries, one or more assistant treasurers, and others, as may be deemed necessary to carry out the purposes of the Corporation, each with the authority to perform duties as prescribed by the Governing Board. A person may hold more than one position, except that one person may not be both President and Secretary.

Section 2. *Removal:* Any officer elected or appointed by the members of the Governing Board may be removed by a majority vote of the Governing Board present at a meeting whenever, in its judgment, the best interests of the Corporation may be served thereby, but such removal shall be without prejudice to contract or other rights of any of the officers so removed.

Section 3. *Vacancies:* A vacancy in any office because of death, resignation, removal, disqualification, or otherwise, may be filled by appointment of the President with concurrence of the majority of the members of the Governing Board present at a meeting, for the un-expired portion of the term. A vacancy in the office of President shall be filled for the remainder of the un-expired term by nomination of the Governing Board and a majority vote of approval from the members thereof.

Section 4. *President:* The President shall be the principal executive officer of the Corporation, and shall supervise and control all of the business and affairs of the Corporation. S/he shall preside at all meetings of the Governing Board and Executive Committee. S/he shall execute any deeds, mortgages, bonds, contracts, checks, or other instruments that the Governing Board have authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Governing Board or by these bylaws or by statutes to some other officer or agent of the Corporation. In general s/he shall perform all duties incident to the office of President and such other duties as may be prescribed by the Governing Board from time to time. The President shall preside at all board meetings and shall exercise parliamentary control in accordance with Roberts Rules of Order.

Section 5. *Vice President:* In the absence of the President, or in the event of his/her inability or refusal to act, the Vice President shall perform the duties of the

President, and when so acting shall have all the powers of, and be subject to, all restrictions upon the President. The Vice President shall be responsible for the assembly and preparation of the Annual Report, providing information on the status of all activities, to be distributed to the members of the Governing Board at the annual meeting. And Vice President shall perform such other duties as may from time to time be assigned to him by the President or by the Governing Board.

Section 6. *Treasurer:* The Treasurer shall have charge and custody of, and be responsible for, all funds and securities of the Corporation, including receiving and giving receipts for monies due and payable to the Corporation from any source whatsoever, and depositing all such monies in the name of the Corporation in such banks, companies, or other depositories as shall be selected by the Governing Board.

The Treasurer shall coordinate the development and implementation of fiscal and management policies of high standards in conjunction with professional advice from a Certified Public Accountant selected and retained by the Governing Board, including the maintenance of records to facilitate an annual audit, monitoring and supervision of the annual budget and expenditures there under, monitoring and supervision of the receipt and expenditure of grant funds and donations, and so forth. The Treasurer shall prepare and distribute financial status reports of all receipts and expenditures for each meeting of the Governing Board, and as otherwise requested by the President. Further, the Treasurer shall coordinate with the designated Certified Public Accountant in the preparation of the annual IRS 990 Form, and in the preparation of the financial section of the Annual Report.

The Treasurer shall in general perform all duties incident to the office of Treasurer and such other duties as may from time to time be assigned to him by the President, or by the Governing Board. The Treasurer may be required to give bond for the faithful discharge of his duties in such sum and with such surety or sureties as the Governing Board shall determine to be appropriate.

The Treasurer will have charge and custody of all funds of this corporation, will oversee and supervise the financial business of the corporation, will render reports and accountings to the Directors as required by the Board of Directors, and will perform in general all duties incident to the office of Treasurer and such other duties as may be required by law, by the Articles of Incorporation, or by these bylaws or which may be assigned from time to time by the Board of Directors.

Section 7. *Secretary:* The Secretary shall keep the minutes of the meetings of the Governing Board in one or more books provided for that purpose, shall see that all notices are given in accordance with the provisions of these bylaws, or as required by law, be custodian of the corporate records, shall keep a register of the post office address of each member of the Governing Board (which shall be furnished to the Secretary by such member), and in general shall perform all duties incident to the office of the Secretary and other such duties as from time to time may be assigned to him/her by the President or by the Governing Board.

Section 8. *Assistant Treasurers and Assistant Secretaries:* If required by the Governing Board, assistants for the offices of Secretary and Treasurer may be appointed by the President, with the majority approval of the Governing Board present at a meeting, to help with those positions; these positions, if created, need not be filled by members of the Governing Board. If created, persons appointed to perform in these duties may be required to give bond for the faithful performance of their duties in such sums and with such sureties as the Governing Board shall determine to be appropriate. If not members of the Board of Directors, holders of these positions may not vote on Corporation business.

BYLAW IV: MEETINGS

Section 1. *Place of Director's Meetings:* Meetings of the Governing Board of Directors, regular or special, will be held at the primary place of business for this Corporation or at any other place within or without the State of Florida as provided or such place or places as the board of directors may designate by resolution duly adopted.

Meetings of other non-voting boards may be convened at such time and place as is convenient and set by consensus.

Section 2. *Frequency of Meetings:* The Governing Board shall meet at least four times a year. One of these meetings shall be held concurrent with the annual meeting of the Board of Directors in the month of October, on the second Tuesday occurring therein. Additional meetings may be called by majority vote of the members of the Governing Board, or by the President.

Meetings of the Governing Board may be called by:

1. The Board of Directors;
2. The President;
3. The Secretary upon the written request of at least two of the Directors.

Notice of meetings shall be made by the Secretary by mail or by fax to each member, with an agenda prepared by or at the direction of the President, at least one week prior to the date of the meeting, and to members of the Honorary and Advisory Boards (if established), and to other such persons as may request notification. Business for inclusion in the agenda may be submitted to the President at any time prior to this one-week period.

Section 3. *Waiver of Notice:* Attendance by a Director at any meeting of the Board of Directors will constitute a waiver of notice of such meeting except where such Director attends the meeting for the express purpose of objecting, at the beginning of the meeting, to the transaction of business because the meeting is not lawfully called or convened.

Whenever any notice whatever is required to be given under the provisions of law, the Articles of Incorporation, or these bylaws, a waiver of such notice in writing signed by the person or persons entitled to notice, whether before or after the time stated in such waiver, will be deemed equivalent to the giving of such notice. Such waiver must, in the case of a special meeting of members, specify the general nature of the business to be transacted.

Section 4. *Self Dealing:* No director shall use confidential information gained by reason of being a member of the board of directors for personal gain to the detriment of the corporation. Any director who so abuses confidential information shall be removed from the board by a vote of the board of directors at a meeting wherein prior notice of the nature of the proposed removal has been given to each director.

Section 5. *Action in Lieu of Meetings a/k/a "Action by Consent":* Any action required or permitted to be taken by the Governing Board under provision of law, the Articles of Incorporation, or these bylaws, may, if unable to be undertaken by the Executive Committee, be taken without a meeting of the Governing Board if all members of the Board shall individually or collectively consent to such action in writing. Such action by written consent shall have the same force and effect as the unanimous vote of such Board at a duly held meeting shall be filed with the secretary of the corporation.

BYLAW V: FISCAL YEAR

The fiscal year of the Corporation shall be from October 1 to September 30.

BYLAW VI: EXECUTIVE COMMITTEE

Section 1. *Authority:* The Executive Committee shall be vested with the powers permitted by Florida Statutes, consistent with following Sections.

Section 2. *Composition:* The Executive Committee shall consist of the officers of the Corporation, consisting of the President, Vice President, and the Secretary and Treasurer.

Section 3. *Other Committees:* The Executive Committee shall select and appoint the chairperson of any and all standing committees, and shall have the authority to create additional committees as may be determined to be necessary from time to time.

Section 4. *Meetings:* Executive Committee shall meet at least four times per year, exclusive of the meetings of the Board of Directors.

Section 5. *Terms:* Members of the Executive Committee shall serve for a term of one year, consistent with the nominations for and service as officers of the Corporation. Members of other committees shall serve terms as set by the Executive Committee.

Section 6. *Responsibility:* The Executive Committee shall have the authority to make decisions on day to day business, execute agreements and contracts, approve payment of bills, and undertake other action on behalf of the members of the Governing Board as may be warranted by circumstance, consistent

with the general policies of the Board, the annual budget, the annual plan, and other criteria as may be set forth by the Governing Board.

BYLAW VII: OTHER COMMITTEES

The Governing Board may form from amongst its members one or more committees, in addition to the Executive Committee, from time to time, to assist in the gathering of information, performance of tasks, or other duties related to the general performance and attainment of the purposes of the Corporation. Such committees may include, but not be limited to, such groups as: an Operations Committee, a Financial Affairs Committee, a Planning Committee, a Fund-raising and Grants Acquisition Committee, an Education Committee, a Program Committee, an Audit Committee, an Evaluation Committee, and others. If created, such committees would be subject to the form, responsibilities, duties, terms, and limitations set by the Governing Board.

BYLAW VIII: FISCAL AND MANAGEMENT POLICIES

Section 1. *Fiscal Management:* Until and unless procedures are enacted to establish an Audit Committee, the Governing Board shall retain a professional accounting firm, the purpose of which is to establish written fiscal and management policies for the Corporation, and to provide the Board with an annual audit and review of revenues and expenses. The Board shall also engage professional accounting or other appropriate assistance and advice in the preparation of the annual budget, and as appropriate to provide ongoing guidance during the year.

Additionally, the Governing Board shall have prepared an annual report including therein a summary of activities, income, and expenses during the prior year, to be distributed to interested parties at the annual meeting and/or upon request.

Section 2: *Books and Records:* Correct and complete records of all meetings of the Governing Board and the Executive Committee, and copies of all correspondence, resolutions, audits, reports, plans, printed materials, grants, income and expenditures, and any and all other documents pertaining to Corporation business, shall be maintained by the Secretary of the Corporation, and his/her successors, at the principal place of business of the Corporation, in a manner safe from theft, fire, water, or other damage, for a period of seven years, or as otherwise advised by legal counsel and approved by the Executive Committee. This Corporation will keep correct and complete books and records of account, and will also keep minutes of the proceedings of Board Member meetings, Executive Committee, sub-Committees. The Corporation will keep at its principal place of business a membership register giving the names, addresses, and showing classes and other details of the membership of each, and the original copy or a copy of its bylaws including amendments to date certified by the Secretary of the Corporation.

Such books and records shall be available for use and inspection by any member of the Governing Board, by agencies having an interest in Corporation business, and by the general public (although reasonable parameters may be enacted for access to contain excessive use of staff time, copying costs, and/or etc.) for any proper purpose at any reasonable time on written demand under oath stating such purpose.

Section 3: *Contracts, Checks, Deposits, and Funds:*

a. Contracts: The Executive Committee may authorize an agent or agents of the Corporation, in addition to the officers authorized by these bylaws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation, and such authority may be general or confined to specific instances.

b. Execution of Documents, Checks, Drafts, and Other Orders for Payment: Except as otherwise provided by law, all checks, drafts, and orders for

the payment of money of this Corporation shall be signed by at least two persons who have previously been designated by a Resolution of the board of directors. Contracts, promissory notes, leases, or other instruments executed in the name of and on behalf of the Corporation shall be signed by the agent designated by the board of directors. No contract shall be valid unless it is authorized or ratified by a properly adopted Resolution of the board of directors.

c. Deposits: All funds of the Corporation shall be deposited from time to time to the credit of the Corporation in such banks, trust companies, a community foundation, or other depositories as the Executive Committee may select.

d. Grants and Gifts: The Corporation and/or the Executive Committee on its behalf may accept any grant, contribution, gift, bequest, or devise for the general purposes or for any special purpose of the Corporation which furthers the purposes of the Corporation and is consistent with applicable policies and law.

Section 4: Indemnification: Any person (and the heirs, executors and administrators of such person) made or threatened to be made a party to any action, suit or proceeding by reason of the fact that he is or was a Director or Officer of the Corporation shall be indemnified by the Corporation against any and all liability and the reasonable expenses, including attorney's fees and disbursements, incurred by him (or by his heirs, executors or administrators) in connection with the defense or settlement of such action, suit or proceeding, or in connection with any appearance therein, except in relation to matters as to which it shall be adjudged in such action, suit or proceeding that such Director or Officer is liable for negligence or misconduct in the performance of his duties. Such right of indemnification shall not be deemed exclusive of any other rights to which such Director or Office (or such heirs, executors of administrators) may be entitled apart from this Article.

Section 5: *Evaluations:* Until and unless alternate procedures are enacted for an annual evaluation of programs, the members of the Governing Board shall conduct an annual evaluation of the activities of the Corporation for the prior year, and shall establish criteria and procedures for same, the results of which are to be reported at the annual meeting.

Section 6: *Review of Corporate Documents:* The members of the Governing Board shall annually review the Articles of Incorporation and Bylaws of the Corporation, and report the need for any modifications at its annual meeting; a letter certifying that this has been done, signed and dated by the President, shall be placed in the minute book of the Corporation.

Section 7: *Planning:* The Governing Board shall have prepared every five years a development plan, beginning in 2006, which shall provide an assessment and description of the status of the Corporation, as well as identification of long-term projects which the Corporation would like to undertake in furtherance of its purposes, the cost of those projects, timetables, sources of revenue to fund the projects, and so forth. The plan shall also provide information on projections of revenue and expenses, anticipated problems and probable solutions, time schedules for key events and activities and other relevant related information.

BYLAW IX: RULES OF ORDER

Roberts Rules of Order shall be the procedural format used for conducting and considering business in meetings of the Governing Board and the Executive Committee.

BYLAW X: CORPORATE SEAL

The Governing Board shall provide a corporate seal, which shall be in accepted, usual form, containing the exact name of the Corporation, the state of incorporation and the date of incorporation.

BYLAW XI: EQUAL OPPORTUNITY

The Governing Board shall ensure that a policy of nondiscrimination prevails in all corporate activities, programs, services to the public, and so forth. Such policy shall be consistent with generally accepted standards among public entities.

BYLAW XII: AMENDMENTS

The Board of Directors may adopt Articles of Amendment (amending the Articles of Incorporation). Articles of Amendment must be adopted in accordance with Florida Law. The bylaws may be amended at anytime by a vote of the majority of directors at a meeting where a quorum is present. All amendments to the bylaws and the Articles of Incorporation are not valid unless consented to in writing by the Members.

CERTIFICATION

I hereby certify that these amended bylaws were adopted by the
Incorporator on _____, 20__.

Ana M. Garcia



Manager Customer Services
North Miami Post Office
UNITED STATES
POSTAL SERVICE

June 3, 2010

Ana M Garcia
Village Manager
Village of Biscayne Park
640 NE 114th Street
Biscayne Park FL 33161

Dear Ms. Garcia:

This is in response to your letters dated April 7, 2010 and May 24, 2010 in reference to the removal of collection box on the SW corner of Ed Burke Park, NE 113th Street and 9th Avenue.

Please be informed that the number of collection boxes installed, their location, and the frequency of collection service depends primarily on the mailing patterns and the volume of mail generated by the individual community. As these and other local conditions change, collection service is modified and adapted accordingly.

Please be informed that the closest collection boxes to the location above are:

50 NE 115 St.
705 NE 125 St.

In addition, the North Miami Branch Post Office is located at 14311 Biscayne Blvd, the Miami Shores Post Office is located at 9825 NE 2 Ave, and the Little River Post Office is located at 140 NE 84 St.

Thank you for providing us the opportunity to address your concerns. If we could be of further assistance, please do not hesitate to let us know.

Sincerely,

Maria Cabarcos
Manager Customer Services
North Miami Post Office

village clerk

From: Arnelio Alfonso [AAlfonso@APCTE.com]
Sent: Monday, June 28, 2010 1:56 PM
To: villageclerk@biscayneparkfl.gov
Cc: agarcia@biscayneparkfl.gov; Lazaro Ferrero; Carlos Gil-Mera
Subject: RE: Phase II Stormwater Drainage Improvement Project

Maria,

The specs for this project are based on Miami Dade County Public Works SPECS for drainage systems as indicated in the plans.

As per your request, I'll prepare a set of plans for Site D (Phase III only) to be included as part of the Bid Package.

Attached is a letter to the Village requesting approval of our design fees for Post-Design services, similar to what we have done in the past.

If written SPECS are required, they could be provided at an additional cost of \$5,000.00.

If you need any additional assistance with this matter, please let me know.

Regards,

Arnelio Alfonso, P.E.

Senior Project Manager
A&P Consulting Transportation Engineers
 10305 NW 41st Street, Suite 115
 Doral, Florida 33178
 TEL: (305) 592-7283
 FAX: (305) 593-1594
AAlfonso@APCTE.com

This e-mail is intended to be delivered only to the named addressee(s) and may contain information that is confidential and proprietary. If this information is received by anyone other than the named addressee(s), the recipient(s) should immediately notify the sender by e-mail and promptly delete the transmitted material from your computer and server. In no event shall this material be read, used, stored, or retained by anyone other than the named addressee(s) without the express written consent of the sender or the named addressee(s).

From: village clerk [mailto:villageclerk@biscayneparkfl.gov]
Sent: Saturday, June 19, 2010 6:41 PM
To: Arnelio Alfonso
Cc: agarcia@biscayneparkfl.gov
Subject: FW: Phase II Stormwater Drainage Improvement Project
Importance: High

Mr. Alfonso, please advise. Thank you!

Maria C. Camara, Village Clerk
 Village of Biscayne Park
 640 NE 114th Street
 Biscayne Park, FL 33161
 Tel: 305 899 8000, Ext. 201
 email: villageclerk@biscayneparkfl.gov

From: village clerk [mailto:villageclerk@biscayneparkfl.gov]

Sent: Tuesday, June 15, 2010 8:57 AM

To: 'aalfonso@apcte.com'

Subject: Phase II Stormwater Drainage Improvement Project

Hello Mr. Alfonso.

Ana Garcia asked me to contact you on the following:

At our regular commission meeting last week, the Commission directed Ms. Garcia to proceed with a re-bid on Phase III. Since you provided the bid specifications on the original project that consisted of all three phases, we are looking to you to provide the bid specs for Phase III.

At this time, can you provide an estimated cost for your services to provide this and the timeframe when you would have this ready to start the bid process?

Thank you so much.

Maria C. Camara, Village Clerk

Village of Biscayne Park

640 NE 114th Street

Biscayne Park, FL 33161

Tel: 305 899 8000, Ext. 201

email: villageclerk@biscayneparkfl.gov

June 28, 2010

Ms. Ana Maria Garcia
Village Manager
Village of Biscayne Park
640 NE 114 Street
Biscayne Park, FL 33161

**Re: Village of Biscayne Park
Site D Agreement for Post-Design Services**

Dear Ms. Garcia

A&P Consulting Transportation Engineers (A&P) is requesting the approval of a fee proposal for post-design professional services for Site D, Phase III. The scope of work of the post-design services includes:

- Prepare a separate set of Plans for Phase III,
- Coordination with the Miami-Dade Department of Environmental Resources Management (DERM).
- Review shop drawings and field visit during construction.

The total amount for the additional professional services is:

Task	Basis of Estim.	No. of Units	Hours per Unit	Total Hours	Remarks
A- Prepare Bid Package	EA	1	24	24	
B- Coordination with DERM	EA	1	8	8	
C- Post-Design Services					
Shop Drawing Review	EA	3	4	12	
Field Visits and RFI	EA	3	8	24	
TOTAL				68	

Design Fee and Expenses

Total Hours x \$122.00/Hour (Updated salary and multiplier) = 68x122.00 = \$8296.00

Expenses (2%) = \$165.92

Total Design Fee = \$8,461.92

Prepared for APCTE by:



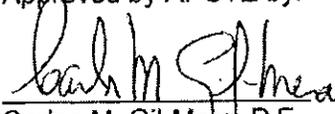
Arnelio Alfonso, P.E.
APCTE Project Manager

06/28/10
Date

Approved for Village of Biscayne Park by:

Date
Director of Public Work

Approved by APCTE by:



Carlos M. Gil-Mera, P.E.
Principal

06/28/10
Date



Mayor Rox Ross

From: rmparillajr [rmparillajr@aol.com]
Sent: Monday, June 07, 2010 2:15 PM
To: Mayor Rox Ross
Subject: Re: Strategic Planning
Attachments: Biscayne Park.doc

Hi Mayor Ross,

Attached is a proposal for three items: a Team Building session for the elected officials and the Village Manager; an Open Forum for Village Boards and other interested citizens to provide input for the strategic planning process; and the strategic planning session and report. The proposal should be considered an initial submission, subject to revision. We can make changes to the elements of the proposal to better meet the Village's needs.

Please let me know if you have any questions about anything in the proposal. Thanks.

Ralph

Ralph M. Parilla, Jr.
Parilla & Associates
P.O. Box 15670
Plantation, FL 33318
(954) 587-7431 Office (954) 802-6695 Mobile
RMParillaJr@aol.com

In a message dated 06/02/10 16:46:20 Eastern Daylight Time, ross@biscayneparkfl.gov writes:

Ralph,

Thanks very much for your prompt response. I would appreciate your proposal for a strategic planning session, including pre-session interviews as you describe.

I envisioned holding a separate open forum for public comment (as we have 5 active Village boards and several members of our community who are regular contributors at our Commission Meetings) and a separate team building session with our elected officials and manager, prior to the actual strategic planning session. Although I am not sure that our bank account can stretch far enough to cover the expense of all of these activities, I would appreciate it if you could address these possibilities in your proposal as well.

You might check our Village website for some background information. If you have any questions that I may be able to answer, please do not hesitate to ask. The best way to reach me is by email or cell phone -- 305.710.0620. I look forward to hearing further from you. Thank you. Rox

Roxanna Ross, Mayor

Village of Biscayne Park

640 NE 114 Street

Biscayne Park, FL 33161

Village Hall - 305-899-8000

Cell Phone -- 305-710-0620

From: rmparillajr <rmparillajr@aol.com>
To: rross@biscayneparkfl.gov
Cc: sshannon@fau.edu
Sent: Wed, June 2, 2010 10:28:30 AM
Subject: Strategic Planning

Good Morning Mayor,

I am taking the liberty of emailing you regarding the referral from Sarah Shannon at the FAU Institute of Government. For the last three years, I have facilitated strategic planning sessions for the Town of Juno Beach. They are about the same size as Biscayne Park and also have to operate while surrounded by much larger municipalities.

Over the years, I have also facilitated strategic planning sessions for Boca Raton, Lauderhill, Belle Glade, Homestead and numerous other organizations.

The process would be to conduct interviews with you, the Commissioners and the Village Manager to determine the items that each would like to have on the strategic planning agenda. The planning session itself typically lasts five to seven hours, and the group discusses the priorities for the Village and sets goals for the next one to three years. After the session, I prepare a report on the outcomes of the meeting.

If desired, I could also work with Village staff to help flesh out the goals, including due dates and deliverables.

Please let me know if you are interested, and I will submit a proposal to you.

Thank you.

Ralph Parilla

Ralph M. Parilla, Jr.
Parilla & Associates
P.O. Box 15670
Plantation, FL 33318
(954) 587-7431 Office (954) 802-6695 Mobile
RMParillaJr@aol.com

PARILLA & ASSOCIATES
P.O. Box 15670
Plantation, FL 33318
(954) 587-7431 • (954) 587-3844 Fax
RMParillaJr@Aol.com

June 7, 2010

Ms. Roxanna Ross, Mayor
Village of Biscayne Park
640 NE 114th Street
Biscayne Park, FL 33161

Dear Mayor Ross,

Thank you for your email detailing your ideas for strategic planning. I like the idea holding a public forum to gather public input prior to the planning session. I propose the following sequence of events:

Team Building Session for Elected Officials and the Village Manager

I will conduct a one half-day teambuilding program for the elected officials and the Village Manager. The contents of the program would include the administration of personality profiles (DISC) to all of the participants and a discussion of how to better understand and communicate with different personality types. I have found that this is a good way of starting the discussion about the Mayor/Commission/Manager interrelationships. Following the personality profile, we would discuss how the Mayor/Commission/Manager work together and how to function more effectively in the future.

Open Forum to Solicit Input from Village Boards and Village Citizens

I will facilitate an open forum of community stakeholders to solicit their input prior to conducting the strategic planning session. In the past I have use a technique that poses the following questions:

- What are we doing well that we should continue doing?
- What are we doing that we should stop doing?
- What aren't we doing that we should start doing?
- What are we doing that we need to change?
- What changes are going on in the community that we need to consider?

As a rule, these types of meetings can be conducted in a session lasting three or four hours. Following the session, I would compile a report summarizing the issues and ideas that came out of the meeting.

Strategic Planning Session

I will facilitate a Strategic Planning workshop which is a meeting with the Village's leadership to help plot directions and a long term plan for the Village. We first conduct an environmental scan. This is to determine changes in the environment that need to be addressed in the future. Following the environmental scan, we focus on organizational strengths, weaknesses and opportunities.

This background work is then used as the basis for forming organizational objectives. These objectives serve as the organization's action plan for the next 12-36 months to achieve its mission.

The program relies heavily on group discussion and consensus building to achieve its purposes. We will establish ground rules for the session and ensure that all of the attendees participate in the process. The objective for the session is to have a fully developed set of objectives and goals for the organization.

Prior to the group meeting, the facilitator will contact each of the elected officials and the Village Manager to discuss items that should be placed on the meeting agenda. Additional items may also be raised at the meeting.

Following the facilitated workshop, the consultant will compile the results of the discussions and will submit a report with the conclusions, goals and objectives that were decided in the workshop. This report will be delivered within ten days of the workshop.

Cost

Team Building Session - \$600.00

Open Forum and Report - \$1,250.00

Strategic Planning Session (including preparation and report) - \$2,750.00

Total - \$4,600.00

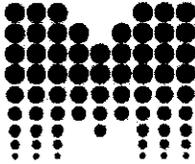
The details of each of the components of this proposal can be modified to better fit the needs of the Village. Please let me know if you have any questions about the proposal.

Sincerely,

Ralph M. Parilla, Jr.
President
Parilla & Associates

Strategic Planning & Team Building Session:

Village of Biscayne Park



THE METROPOLITAN CENTER
AN URBAN THOUGHT COLLECTIVE

Prepared for:
Village of Biscayne Park

Project Team:
The Metropolitan Center
Florida International University

ABOUT THE FIU METROPOLITAN CENTER

Established in 1997, the Florida International University Metropolitan Center is an urban think-tank and applied research center committed to providing reliable, accurate and timely information to local decision makers as they seek to forge solutions to urban problems. Located in Downtown Miami, the Metropolitan Center frequently partners with government agencies, private firms, and non-profit organizations to build avenues for positive growth. The center raises professionalism and competence in government through a variety of training modules. Workshops and seminars are tailored to meet clients' specific needs and have included such topics as human resources management, performance measurement, public financial management, strategic planning, and organizational design and development.

TRAINING DIVISION MISSION STATEMENT

The mission of the Metropolitan Center at Florida International University (FIU) is to promote good governance practices through training programs, technical assistance and applied research to state and local governments.

ABOUT THE FIU METROPOLITAN CENTER TRAINING DIVISION

The Metropolitan Center at FIU is a member of a consortium of universities and community colleges created by the state legislature in 1981 throughout the State of Florida that provides training, technical assistance, and applied research to state and local governments. As part of the consortium, the FIU Metropolitan Center has played a role in policy research and improving management capacity within government, non-profit and community-based organizations. The Metropolitan Center (the Center) has produced critical studies for county and municipal governments regarding diverse topical policy issues such as incorporation, economic development and transportation. The Center's staff includes many outstanding trainers, and prominent community, university and government leaders.

SCOPE OF SERVICES

This program has been designed for the Village of Biscayne Park and its employees. This proposal encompasses the logistics and cost to facilitate "Strategic Planning and Management Retreat".

Agenda

The Metropolitan Center at Florida International University will conduct a strategic planning and team building session. The purpose of this session is to create a 3-year strategic plan and to establish a professional working culture of trust, cooperation, and collaboration in which to carry out the business of the Village.

Based on the purpose stated above, this proposal recommends the following approach.

Strategic Planning Session

This session will focus on creating a mission and vision for the Village on either July 17th or 24th from 8:30am - 5:00pm. The deliverables at the end of this session will be:

- a) an updated vision and mission statement and a set of values
- b) a strategy document which will include operating principles

Client Responsibilities

This session will be conducted on site and the Village of Biscayne Park.

Metropolitan Center/FIU Responsibilities

The Center (Donna Ginn, facilitator) will design all content, analyze the data from interviews and create a document with key themes, and facilitate the process associated with execution of team building and development of the strategic plan.

KEY STAFF & BACKGROUND

The Metropolitan Center
An Urban Thought Collective
Florida International University

Donna L. Ginn - will facilitate the sessions listed in the scope of services. Ms. Ginn provides consulting and education services in organization and leadership development to corporate, government, and non-profit organizations in the US and internationally. She has expertise in the following areas to build leaders and organizations.

- Leadership and team development
- Executive Coaching
- Organization Culture Change
- Strategic planning
- Business process redesign
- M&A organization assessment and integration
- Diversity

She led an international consulting practice and the organization development and human resource departments of Procter & Gamble's Latin American Division, and the R&D, Information Systems, and Product Development functions. Her clients included the CEO, President, executive leaders, and others in the organization. Additionally, she served as an executive on loan to the Cincinnati Public School System to lead their organization development department.

Currently Ms. Ginn is an instructor at the Academy for Strategic Management through the Metropolitan Center at Florida International University.

She received her Masters in Organization Development at American University and completed her undergraduate studies in zoology and psychology at Miami University. She is certified as an OD specialist and practitioner of the Tavistock Group Development methodology. She is also certified to administer the Myers Briggs Type Inventory and other C level assessment instruments.

Speaking Engagements and Papers Presented have included:

- Leadership in the 21st Century - The Batten Fellows Program
- The Pinball Model of Organization Change - Organization Development Network
- The History of Diversity in Corporate America - Florida International University
- Black Women In Corporate America - Alpha Kappa Alpha Midwest Regional Meeting

Jeanette Kerland Jacques - is the Training Coordinator at the Metropolitan Center. She has completed her B.A. in Education and is currently pursuing her Masters degree in Human Resources. Ms. Jacques has been part of the Center's staff for 8 years and she oversees all of the Training Departments Administrative issues. She has experience in coordination of public relations and marketing functions dealing with educational and training programs.

BUDGET

The Metropolitan Center
An Urban Thought Collective
Florida International University

Strategic Planning Session Saturday, July 17 th or 24 th 8:30am - 5:00pm	\$1,500.00
<i>Total</i>	\$1,500.00

The proposed amount is based on facilitating the program outlined in the scope of services for the Village of Biscayne Park.

The Center will provide the Facilitator (Donna L. Ginn) and the materials necessary for the training session.

If this contract is deemed acceptable, please have the authorized person sign on behalf of the Village of Biscayne Park.

Roxanna "Rox" Ross
Mayor
Village of Biscayne Park

Jeanette K. Jacques
Jeanette K. Jacques
Training Coordinator
Metropolitan Center, FIU

TIMELINE

The Metropolitan Center
An Urban Thought Collective
Florida International University

As stated in the scope of services, either Saturday, July 7th or 24th upon agreement.

PROJECT CONTACT

Village of Biscayne Park
Roxanna "Rox" Ross
Mayor
640 NE 114th Street,
Biscayne Park, FL 33161
Phone#: 305 899 8000
Fax#: 305 891 7241
E-mail: rross@biscayneparkfl.gov

FIU's Metropolitan Center
Jeanette K. Jacques
Training Coordinator
150 SE 2nd Ave, Suite 500
Miami, FL 33131
Phone #: 305.349.1442
Fax #: 305.577.6338
E-mail: jacquesk@fiu.edu

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ATTACHMENT 1

The Metropolitan Center
An Urban Thought Collective
Florida International University

Code of Conduct

- Beepers and Cell phones must be turned off while in class.
- Any personal issues should be handled outside of the classroom.
- The facilitator(s) or trainer(s) is in charge of the classroom. Any problems should be communicated to him/her.
- The facilitator has the right to ask you to leave the classroom with legitimate reasons, which shall be given at time of expulsion.
- The Center reserves the right to dismiss any student from the training/session who does not comply with the student code of conduct.



PAST EXPERIENCE

Services completed

Ann Stork Center
Camillus House
Centro Campesino
City of Coral Gables
City of Doral
City of Hialeah
City of Homestead
City of Lauderhill
City of Miami
City of Miami Police Department
City of Miramar
City of Opa-Locka
City of Pembroke Pines
City of South Miami
City of Tamarac
Greater Miami Conven. Visitors Bureau
Juvenile Assessment Center
Local Initiatives Support Coalition
Miami-Dade County
Miami-Dade Housing Agency
Miami-Dade Water & Sewer
Town of Cutler Bay
Village of Miami Shores
Village of Biscayne Park
Village of Pinecrest

Seminars -

Advanced Arcview (GIS software)
Basic Accounting
Bench Marking
Bridging the Gender Gap
Business Writing
Conflict Resolution
Coping Skills
Creating a Web page on the Internet
Cultural Diversity
Customer Service
Employee Performance Appraisals
Fire Prevention
Grantsmanship
Head Start Training
Introduction to Arcview (GIS software)
Introduction to Grant-writing
Introduction to Microsoft Windows
Microsoft Access

Microsoft PowerPoint
Negotiating Skills
Performance Measurements
Police and the Internet
Problem Solving and Decision Making
Professionalism and Ethics
Public Speaking
Records Management
Revenue Sharing
Sexual Harassment
Strategic Grant-Seeking and Development
Supervisory Management
Time and Stress Management
Workforce Diversity
Workplace Violence

Certificate Programs -

Academy for Strategic Management
Administrative Support Staff
Community Oriented Policing
Dealing with Information Technology
Concerns in Governmental Offices
Essentials of Leadership
Executive Development and Leadership
Finance Issues for Non-Finance Personnel
Introduction to Supervising
Metric Training
NOAA Certification Program
Read Quick Training
Technology Management
Board Member Basic Training

Conferences -

Women's Executive Retreat
Florida Personnel Public Association (FPPA)
National Forum for Black Public Administration
Civil Rights Conference
Florida Women in Government
Dewey Knight for Public Services Conference
Martin Luther King, Jr. Breakfast

From: Kerland Jacques (jacquesk@fiu.edu)
To: ross@biscayneparkfl.gov;
Date: Wed, June 23, 2010 12:27:18 PM
Cc: dlj@earthlink.net; vobparchives@biscayneparkfl.gov;
Subject: RE: Strategic Planning & Team Building Session Proposal

Hello Honorable Mayor Ross,

Attached is the revised proposal to conduct the "Strategic Planning" Session for the Village of Key Biscayne Park.

If there are any questions, please let me know.

Donna and I look forward to working with your organization!!

Thank you,
Jeanette Kerland Jacques
Training Coordinator/Office Liaison

Metropolitan Center
150 South East 2nd Avenue
Suite 500
Miami, Fl 33131
(P) 305.349.1442/1439
(F) 305.577.6338
(C) 305.725.5994
metropolitan.fiu.edu/training.htm

From: Mayor Rox Ross [rross@biscayneparkfl.gov]
Sent: Saturday, June 05, 2010 12:01 AM
To: Kerland Jacques
Cc: dlj@earthlink.net; Village Archive
Subject: RE: Strategic Planning & Team Building Session Proposal

Thank you for provided us with your proposal for strategic planning and team building sessions. Although I am committed to bringing the benefit of these processes to our Village, I am saddened to say that budgetary constraints preclude us from allocating \$5,000 for the services. The process will necessarily be delayed while we search for funding sources. Any consideration or guidance you can provide will be most appreciated. Thank you. Rox

Roxanna Ross, Mayor
Village of Biscayne Park
640 NE 114 Street
Biscayne Park, FL 33161
Village Hall - 305-899-8000
Cell Phone - 305-710-0620

-----Original Message-----

From: Kerland Jacques [<mailto:jacquesk@fiu.edu>]
Sent: Tuesday, May 25, 2010 1:57 PM

To: rross@biscayneparkfl.gov

Cc: dlgi@earthlink.net

Subject: Strategic Planning & Team Building Session Proposal

Hello Honorable Mayor Ross,

It was a pleasure speaking with you in orientation to providing the Strategic Planning & Team Building session for the Village of Biscayne Park. We discussed some of the objectives and deliverables for the sessions which are acknowledged in the attached proposal.

If there are any questions, please do not hesitate to reach me at 305.349.1442 or 305.725.5994 (cell).

We look forward to working with the Village of Biscayne Park.

Regards,

Jeanette K. Jacques, Training Coordinator Metropolitan Center, FIU 150 S.E.

2nd Avenue, Suite 500 Miami, Fl 33131

Phone: 305.349.1442/1439

Fax: 305.577.6338

A Strategic Planning Workshop for the Village of Biscayne Park

Introduction:

There is no responsibility more important and more daunting in today's difficult fiscal city governmental environment than to prepare a strategic plan to guide the business operations of the city. Many times, cities think of their planning function as solely one of development and land use planning, and leave their business planning to an unspoken or forgotten aspect of the annual budget. The city budget is a shortsighted policy document that only addresses a limited set of issues for the next 12 months. And, given that most city budgets are "continuation budgets" which assume that the last year will be just like the next, times like these where fiscal change is constantly with us, one thing is for sure. The upcoming fiscal year will be different, and provide new challenges. The Village of Biscayne Park is to be congratulated for recognizing the need for strategic planning to compliment their program planning and budgeting efforts. The proposal outlined below is designed to provide the Village with assistance in successfully completing a one-day workshop to begin the process of setting new management priorities.

Biscayne Park's Strategic Planning Workshop

The workshop will be managed by B. Jack Osterholt, the present of Osterholt Consulting. Mr. Osterholt has successfully designed and conducted similar strategic workshops at the State, regional, county and city levels over the past 20 years. The workshop will involve the following steps:

- Setting an agenda. Prior to the workshop, Mr. Osterholt will meet with the Mayor and Council members, and work with the Village Manager to outline the process, which will be followed during the workshop, and the roles and responsibilities of those who will attend. This set of discussions will result in a detailed agenda laying out the efforts of the day.

- **The Workshop.** Strategic planning workshops focus on defining the policies that are most important to the Mayor and City Council members, and describing them in such a way that all participating know what they entail. The process used is one that has been well researched, and proven to maximize equal participation by all, and reach agreement on key priorities during the day. It will involve a beginning session of having each participant suggest issues that are most important within pre-determined broad issue areas. This is a challenging and lively process aimed at participation within a productive set of guidelines. After all participants have raised the issues within the set of broad policy guidelines provided by the facilitator, the group will answer any specific questions about proposed priorities, and combine any that are agreed to be duplicates. The final set of activities of the day is to put the proposed priorities in order of importance. This is the portion of the process that stimulates agreement on the key priorities.

Preparing and Presenting the Final Report

An important part of the overall process is the facilitator’s presentation of the results of the workshop and the agreement and priorities that have been set. This is most effectively done as part of a regularly scheduled Village meeting with any interested public attending. The final report will serve as a listing of policy priorities to assist the staff and the Mayor and Council in making decisions on programs and budgets during the upcoming year.

Project Budget

<u>Setting the agenda:</u>	\$2,060.00
<u>Preparing for and Conducting the workshop:</u>	\$2,500.00
<u>Drafting and presenting the workshop report:</u>	\$2,730.00
<u>Total:</u>	\$7,280.00
<u>Discount:</u>	- \$5,780.00
<u>Proposed Fee/Expenses:</u>	\$1,500.00

Experience and Expertise:

Osterholt Consulting, Inc. is a small, highly focused company aimed at providing very personalized strategic planning and policy services to local and state governments, and corporations. The result of our efforts have provided both public and private decisions makers with better and more forward looking choices to meet their challenges in ever more complex operating environments.

During the last six years, Osterholt Consulting, Inc. has had the privilege of working with many governments and key public agencies in South Florida, to develop plans and policies to guide decisions in the short and long run. A few examples of our work are briefly defined below:

- **State of Florida Executive Office of the Governor:** Working with the Governor, Speaker of the House and President of the Senate, Mr. Osterholt facilitated a two day workshop to set priorities for the expenditure of a newly passed state-wide increase in the gasoline tax.
- **City of Doral:** Over the last four years, Mr. Osterholt has designed and implemented a strategic planning and policy workshop designed to provide clear and thoughtful direction to the staff in preparation for the development of the City's Annual Budget. He also designed and implemented a performance based program budgeting system to complement the City's traditional budget.
- **City of Miramar Economic Development Advisory Committee:** Assisted the Committee members in developing an organizational mission statement and set of strategic goals and policies to guide their work as they worked to attract major national corporations to Miramar. This engagement included working with the Committee to reach consensus on a mission statement, a set of emerging issues that would affect the City's economic and employment

future, developing a strategic plan to address those issues, and drafting a set of operating policies that were adopted by the City Commission that dictate how potential employers would be recruited into the City. Both the policies and the decision process skill building were key products for the Committee.

- City of Miramar's Visioning Session: Mr. Osterholt designed and implemented an all day session that put over 65 key private, public and no – profit stake holders together to set the policy course for the City for the next seven to ten years.
- City of Miami: As a consultant to the City Manager, Mr. Osterholt worked with the top management staff and the Budget Office to prepare a set of polices and priorities that the Manager used to guide City Departments in preparing their budgets. This guidance was highly focused and strategic in that it hit the major issues that the Manager and his staff wanted the Departments to focus on.
- City of Miami: For several years, working with the Mayor and City Commissioners in a series of policy workshops, we were able to reach a consensus on the five major issue areas that both the Mayor and Commission wanted to focus on during the review of the annual budget. Starting with broad issue areas that had a five to seven year horizon, the Mayor and Commission were able to discuss, further elaborate and eventually narrow the discussion to five key policy areas upon which all members had total agreement. The product was an agreement of budget priorities that set the agenda for making difficult budgetary decisions among qualified competing programs.
- Model Cities Trust: Mr. Osterholt was a consultant to the President of the Model Cities Trust. Along with being the development advisor to the President, he was instrumental to defining the work program for the Trust,

its mission statement and operating policies, and drafting elements of the documents that lead to the Trust's creation. He also assisted the President and staff in conducting several workshops with Trust members and community leaders to come to agreement on elements, timing and scheduling of the Trust's current work program.

- South Florida Regional Planning Council: Working with Council staff, Mr. Osterholt assisted in setting the priorities for the development and the update of the Regional Comprehensive Policy Plan. This plan is a state mandated set of policies that drives Council decisions on such subjects as Developments of Regional Impact, and important regional policy development.
- North Florida Regional Planning Council: Among other assignments, we assisted the Executive Director in developing a strategic vision for the North Florida Region by training the staff in issue identification and long range issue scanning, as well as strategic planning and policy development.
- Florida Regional Council Association: Worked with the Chairman and the Board of Directors for the FRCA in setting annual goals and objectives for the organization through a series of workshops.

These are a few of the most relevant examples of our work and expertise in assisting organizations in resolving issues and addressing opportunities with a more expanded perspective of the future. We think that these are good examples of our practical experience and recent involvement in assisting clients, and that they clearly show that we possess extensive experience and expertise in assisting government agencies of all types in the preparation of strategic and long-range plans. Mr. Osterholt's resume showing his planning and management experience at the local, regional and state as well as his education and training is attached and is further evidence of his expertise and experience in this area.

Qualifications:

B. Jack Osterholt

Mr. Osterholt is the president of Osterholt Consulting, Inc. which is targeted at providing his skills in strategic planning and management, governmental operations, economic development, growth management, public budgeting and finance, and issues management to a full range of clients from both the private and public sectors. His client list includes multi-national corporations, medium and small businesses, and progressive and dynamic governments and public agencies.

Prior to founding his company, Mr. Osterholt served as the County Administrator for Broward County, Florida. As the County's chief executive officer, Mr. Osterholt was responsible to seven locally elected officials for the day to day management of the County government that included over 7,000 employees, an annual budget of over \$1.9Billion, and assets of over \$600Billion. During his six years as the County Administrator, Mr. Osterholt was responsible for the development and financing of the Home of the Florida Panthers, the BankAtlantic Center; 110 bed homeless assistance Center; the planning for a \$1.0Billion dollar expansion of Ft. Lauderdale/Hollywood International Airport; and a expansion of Port Everglades which will increase its cargo handling ability by over 100%.

Before becoming Broward's County Administrator, Mr. Osterholt was the Executive Director of the South Florida Regional Planning Council a publicly funded planning and research agency with responsibilities in Broward, Dade and Monroe Counties. And prior to returning to South Florida, Mr. Osterholt was Deputy State Budget Director and head of policy and planning for then-Governor Bob Graham.

Mr. Osterholt holds a Masters degree from Georgia Tech, and an undergraduate degree from the University of Louisville.

Resume:

B. JACK OSTERHOLT, President

Osterholt Consulting, Inc.

1909 Harrison Street
Suite 110
Hollywood FL 33020
954.925.3828 (Office)
954.925.3829 (Fax)
954.610.78(Cellular)

Professional Experience:

**Osterholt Consulting, Inc.
November 1997 to Present**

President

Mr. Osterholt formed a company to provide his skills in strategic planning, governmental operations, finance, program design and implementation, growth management, public budgeting, and issue management to a range of public and private clients. He has a balanced client list of both public agencies, and private corporations.

**Broward County
August 1991 to October 1997**

County Administrator

As County Administrator of Broward County, Mr. Osterholt served as chief executive officer of the second largest County in Florida. He was responsible to an elected board of seven County Commissioners for the day-to-day operations of the County including the staff of nearly 6,700 and an annual budget of over \$1.8 billion. During his tenure as the County's CEO, Mr. Osterholt was responsible for a variety of projects such as overseeing the planning and preparation for, and early implementation of the \$1 billion expansion of the International Airport; the largest expansion of Port Everglades since its inception; the creation of two innovative public-private partnerships. The first was working with the business and arts communities to find innovative funding strategies to construct and operate the

Broward Performing Arts Center, and the second was between the County and the Florida Panthers Hockey Club leading to the funding of and design for the Broward County Arena; and creating the programs and vision that lead to the funding, design and future operation of the Broward County Homeless Assistance Center.

**South Florida Regional Planning Council
April 1986 to August 1991**

Executive Director

As Executive Director of the South Florida Regional Planning Council, a planning and public policy agency serving Broward, Dade, and Monroe counties, Mr. Osterholt was responsible to a 19-member board for the operation of the Council staff. The Council's responsibilities include developing and implementing a regional plan, operating the Development of Regional Impact process, and research and coordination on a broad range of regional issues and policies.

**Executive Office of the Governor, Office of Planning and Budgeting
July 1979 to April 1986**

Head of Strategic Planning Unit

Policy Coordinator

Deputy Director

Mr. Osterholt held several positions while a member of Senator, then-Governor Bob Graham's staff beginning in 1979. He headed the team of staff that was responsible for redesigning Florida's planning, policy, budgeting, and evaluation processes. This included being the principal architect of Florida's State Plan, which was passed by the Legislature during the 1985 session. The State Plan, the first of its type in the country to be adopted into law, now serves as one of the guiding principles used to direct the State's budget. Serving as Deputy Director of the Office of Planning and Budgeting, Mr. Osterholt had managerial responsibility for a staff of over 130, and was responsible to the Director for a full range of planning, policy, budgeting, and evaluation activities.

**St. Matthews Dodge, Inc.
December 1977 to July 1979**

President

After the death of his father, Mr. Osterholt assumed the role of Chief Executive Officer of an automobile dealership in the Louisville, Kentucky metropolitan area. He operated the corporation with assets totaling over \$1.1 million and seventy employees until he sold the business as part of an overall trust development plan.

**South Florida Regional Planning Council
February 1974 to December 1977**

Senior Regional Planner
Director of Information and Research

Mr. Osterholt served as a member of the staff to the Regional Planning Council in several capacities, including Senior Regional Planner and Manager of the Council's Coastal Zone Management Program. As Director for Information Research, Mr. Osterholt was responsible to the Executive Director for a staff of ten professionals and part of a two-person team that managed and operated the agency on a daily basis.

**Louisville and Jefferson County Planning Commission
September 1970 to September 1972**

Planning Specialist

As a member of the planning staff of this combined city-county planning, building, and zoning agency, Mr. Osterholt was involved in a broad range of planning activities. He participated in the development of the first adopted Comprehensive Plan for the area.

EDUCATION:

Georgia Institute of Technology, Masters in City Planning

University of Louisville, BA

ESTIMATES FOR BISCAYNE PARK SUPERCENTER

Scenarios	1	2	3	4	5	6	Totals
Registered Voter -1890 Supercenter	Stand Alone	Stand Alone- Run Off	Piggyback- Big 4-11/4/09	Run-Off with Miami	Piggyback- CW-08/2010	Piggyback- CW-11/2010	
Personnel Costs	\$ 5,245.09	\$ 4,674.97	\$ 4,586.12	\$ 3,685.58			\$ 18,191.76
Trucks & Vehicles	\$ 678.70	\$ 660.00	\$ 381.70	\$ 356.00			\$ 2,076.40
Polling Place Activation	\$ 175.00	\$ 175.00	\$ 175.00	\$ 175.00			\$ 700.00
Printing	\$ 1,228.00	\$ 1,228.00	\$ 1,228.00	\$ 1,228.00			
Postage	\$ 87.48	\$ 82.32	\$ 72.00	\$ 81.32			\$ 323.12
Ballot Creation	\$ 2,510.00	\$ 2,510.00	\$ 2,510.00	\$ 2,510.00	\$ 2,510.00	\$ 2,510.00	\$ 15,060.00
	\$ 9,924.27	\$ 9,330.29	\$ 8,952.82	\$ 8,035.90	\$ 2,510.00	\$ 2,510.00	\$ 36,351.28
Administrative Overhead	\$ 992.43	\$ 933.03	\$ 895.28	\$ 803.59	\$ 251.00	\$ 251.00	
Post Election Audit Fee	\$ 945.00	\$ 945.00	\$ 945.00	\$ 945.00	\$ -	\$ -	\$ 3,780.00
Totals	\$ 11,861.70	\$ 11,208.32	\$ 10,793.10	\$ 9,784.49	\$ 2,761.00	\$ 2,761.00	\$ 40,131.28

Scenarios (5) & (6) If municipal questions/candidates require an additional page on the ballot, the price is .44 per page.
 Scenarios (1) (2) (3) (4) Estimates do not include Early Voting which is approximately \$2,000 per site, per day.

village clerk

From: Smith, Tara C. (Elections) [TASMITH@miamidade.gov]
Sent: Friday, April 09, 2010 4:08 PM
To: villageclerk@biscayneparkfl.gov
Cc: Prochnicki, Patricia (Elections); Mendez, John (Elections)
Subject: Biscayne Park - Cost Estimate for Piggyback Election

Good afternoon Maria,

I understand you requested a cost estimate for a municipal election that piggybacks on a countywide. The attached comparison that was provided previously is still a valid estimate for your purposes, as it includes estimates for August or November 2010. As you can see, there are substantial cost savings for piggybacking as opposed to stand-alone elections.

If you need further information you may contact me or Patricia Prochnicki, Elections Budget & Finance Chief, at 305-499-8568.

Thank you,

Tara C. Smith
Chief Deputy Supervisor of Elections
Miami-Dade County Elections Department
305-499-8509
www.miamidade.gov/elections

Delivering Excellence Every Day !

June 28, 2010

Re: Elections Timetable

**For: To add a charter amendment question to the November 2010 county wide election:
*Changing our election year to coincide with the county wide elections (even year)***

Requirements:

- 1 **Between now and July 19, 2010:** Submit to the Supervisor of Elections our request to add language to the November 2nd ballot and request and obtain their approval. Also provide them the opportunity to review the language of the resolution to verify compliance with election laws before it goes before the Commission for approval.
- 2 **August 3, 2010:** Resolution brought forward to the Commission for approval at the regular Commission meeting.
- 3 Submit BEFORE **August 20, 2010**, the approved resolution to the Elections Department.

SPECIAL ELECTIONS 2010 BALLOT ISSUES DEADLINES

If a municipality wishes to conduct a **special election** along with one of the countywide elections listed below, a Resolution or Ordinance to call a Special Election must be passed no less than 60, no more than 120 days prior to the date of the election. **However, in order to meet State-mandated deadlines for the State Write-in ballot and to mail absentee ballots to overseas voters, the deadline to submit a resolution/ordinance to the Elections Department must follow the revised dates listed below.** Please notify the Supervisor of Elections for approval prior to passing a resolution or ordinance calling for a special election.

The following schedule deadlines must be followed:

2010 ELECTIONS	CHARTER AMENDMENTS BOND QUESTIONS, STRAW BALLOT QUESTIONS, OTHER PROPOSALS, OR SPECIAL CANDIDATE* ELECTIONS (Deadline to pass Resolution or Ordinance)	DEADLINE TO SUBMIT RESOLUTION/ ORDINANCE TO THE ELECTIONS DEPARTMENT
PRIMARY ELECTION August 24, 2010	No later than June 18, 2010	No later than June 18, 2010
GENERAL ELECTION November 2, 2010	No later than August 20, 2010	No later than August 20, 2010

* Qualifying dates must not exceed the June 18, 2010, and August 20, 2010 deadlines as listed above.

Should you have any questions or need additional information, please contact Zeida Reyes, Elections Coordination Manager, at 305-499-8405 or e-mail: zeidar@miamidade.gov

Election Date	Registered Voters	Ballots Cast	Voter Turnout
12/6/83	1579	855	54.1%
12/3/85	1644	548	33.3%
12/5/89	1580	634	40.1%
12/3/91	1337	602	45.0%
12/7/93	1498	520	34.7%
12/5/95	1464	406	27.7%
12/2/97	1497	456	30.5%
12/7/99	1411	441	31.3%
12/4/01	1568	362	23.1%
12/2/03	1601	695	43.4%
12/6/05	1808	683	37.8%
12/4/07	1760	460	26.1%
12/1/09	1909	632	33.1%

Above is a review of the voter turnout for the last 13 elections in the Village of Biscayne Park.

Lester Sola

Supervisor of Elections

Miami-Dade County, FL

Date 1/7/2009

Time 10:12 AM

District Voter Turnout Analysis for 2008 General Election
Nov/04/2008

Includes absentee voters whose ballots were rejected as invalid by canvassing board

District	Total	DEM	REP	NPA	Other	White	Black	Hispanic	Other	Male	Female	Unkwn
Community Council 16												
Eligible	410	125	162	101	22	335	13	40	22	211	195	4
Voted at Polls	102	33	33	30	6	85	7	7	3	53	49	0
Absentee Voted	121	34	53	30	4	104	0	13	4	60	60	1
Early Voted	93	33	35	18	7	78	5	9	1	49	43	1
Total Voted	316	100	121	78	17	267	12	29	8	162	152	2
% Turnout	77.1	80.0	74.7	77.2	77.3	79.7	92.3	72.5	36.4	76.8	77.9	50.0
Countywide												
Eligible	1,253,428	558,975	384,469	247,559	62,425	281,685	255,382	629,117	87,244	548,314	674,080	31,034
Voted at Polls	372,244	154,510	122,865	77,439	17,430	88,055	60,312	200,096	23,781	164,826	199,081	8,337
Absentee Voted	177,492	58,510	86,106	27,361	5,515	48,800	17,179	103,400	8,113	70,962	104,428	2,102
Early Voted	325,903	179,008	80,975	54,061	11,859	64,433	97,302	144,479	19,689	135,416	184,318	6,169
Total Voted	875,639	392,028	289,946	158,861	34,804	201,288	174,793	447,975	51,583	371,204	487,827	16,608
% Turnout	69.9	70.1	75.4	64.2	55.8	71.5	68.4	71.2	59.1	67.7	72.4	53.5
City:Aventura												
Eligible	18,487	9,647	3,789	4,004	1,047	13,085	594	3,501	1,307	7,749	10,377	361
Voted at Polls	4,808	2,333	1,039	1,152	284	3,208	107	1,118	375	2,025	2,676	107
Absentee Voted	3,392	1,904	784	568	136	2,806	52	381	153	1,343	2,011	38
Early Voted	4,953	2,860	895	979	219	3,326	286	1,010	331	2,051	2,816	86
Total Voted	13,153	7,097	2,718	2,699	639	9,340	445	2,509	859	5,419	7,503	231
% Turnout	71.1	73.6	71.7	67.4	61.0	71.4	74.9	71.7	65.7	69.9	72.3	64.0
City:Bal Harbour												
Eligible	1,673	635	557	388	93	1,276	18	268	111	688	950	35
Voted at Polls	575	206	197	146	26	468	0	69	38	247	319	9
Absentee Voted	323	118	133	60	12	260	3	49	11	137	182	4
Early Voted	319	154	78	66	21	218	7	69	25	125	185	9
Total Voted	1,217	478	408	272	59	946	10	187	74	509	686	22
% Turnout	72.7	75.3	73.2	70.1	63.4	74.1	55.6	69.8	66.7	74.0	72.2	62.9
City:Bay Harbor Islands												
Eligible	2,923	1,472	625	686	140	1,769	63	888	203	1,238	1,626	59
Voted at Polls	1,163	516	276	309	62	694	23	362	84	505	637	21
Absentee Voted	419	222	116	70	11	303	3	98	15	167	248	4
Early Voted	619	386	77	135	21	346	20	208	45	250	352	17
Total Voted	2,201	1,124	469	514	94	1,343	46	668	144	922	1,237	42
% Turnout	75.3	76.4	75.0	74.9	67.1	75.9	73.0	75.2	70.9	74.5	76.1	71.2
City:Biscayne Park												
Eligible	1,878	981	377	418	102	1,038	217	484	139	871	970	37
Voted at Polls	879	432	203	203	41	528	63	233	55	413	452	14
Absentee Voted	160	78	44	33	5	105	11	34	10	70	88	2
Early Voted	368	242	45	62	19	168	89	80	31	153	208	7
Total Voted	1,407	752	292	298	65	801	163	347	96	636	748	23
% Turnout	74.9	76.7	77.5	71.3	63.7	77.2	75.1	71.7	69.1	73.0	77.1	62.2



Village of Biscayne Park

640 NE 114th Street
Biscayne Park, FL 33161

Tel: 305 899 8000
Fax: 305 891 7241

Mayor and Commission

Roxanna Ross
Mayor

Bryan Cooper
Vice Mayor

Robert "Bob" Anderson
Commissioner

Steve Bernard
Commissioner

Albert Childress
Commissioner

Ana Garcia
Village Manager

John J. Hearn
Village Attorney

Maria Camara
Village Clerk

July 6, 2010

To: Mayor Roxana Ross
Vice Mayor Bryan Cooper
Commission Bob Anderson
Commissioner Steve Bernard
Commissioner Bryan Cooper

From: Ana Garcia, Village Manager

Re: Inter-Local Agreement with the Village of El Portal

Background Analysis:

The Village of Biscayne Park always seeks to establish good relationships with other municipalities and to strengthen existing relationships especially with our neighboring cities. There is much to gain from these relationships such as opportunities to save on training initiatives, back up for our Police Departments and other services that can be provided or delivered thru inter-local agreements.

The Village of El Portal does not have a Public Works Department and they have been contracting out for certain services such as dead animal pick ups and random pick ups of items such as mattresses and appliances that get put out by their residents. They have met with us and are looking to enter into an inter local agreement so we may provide certain services for them. We are looking to see the feasibility to assist the Village of El Portal and at the same time generate additional revenue to our Village, a mutually beneficial initiative.

We seek to further explore this possibility based on the opportunity to deliver a much needed service to El Portal and generate dollars to our Village, without affecting the daily services we deliver our residents.

Fiscal/ Budgetary Impact:

Additional revenue to the Village.