



**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

Maria Camara  
Village Clerk

**AGENDA**  
**REGULAR COMMISSION MEETING**  
Church of the Resurrection - 11173 Griffing Blvd  
Biscayne Park, FL 33161  
Tuesday, October 5, 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 Introduction of Daphne Campbell, newly elected Representative to the Florida House in Tallahassee.

**5 Additions, Deletions or Withdrawals to Agenda**

**6 Public Comments Related to Agenda Items / Good & Welfare**

**7 Consent Agenda**

 **7.a Approval of Minutes:**

- > June 22, 2010 Special Commission Meeting
- > September 14, 2010 Regular Commission Meeting
- > September 21, 2010 2nd Public Hearing FY 2010-11 Budget

 **7.b Resolution 2010-27**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK **RECOGNIZING CITY GOVERNMENT WEEK, OCTOBER 17-23, 2010, AND ENCOURAGING ALL CITIZENS TO SUPPORT THE CELEBRATION AND CORRESPONDING ACTIVITIES; PROVIDING FOR AN EFFECTIVE DATE** *(Sponsored by Mayor Roxanna Ross)*



7.c **Resolution 2010-28**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK RELATING TO **THE NATIONAL LET'S MOVE CAMPAIGN**; PROVIDING FOR AN EFFECTIVE DATE  
*(Sponsored by Mayor Roxanna Ross)*

**8 Public Hearings**

**9 Ordinances - FIRST READING**



9.a **Ordinance 2010-13**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, RELATING TO THE PROVISION OF SOLID WASTE MANAGEMENT FEE ASSESSMENTS IN THE VILLAGE OF BISCAYNE PARK, FLORIDA; **APPROVING THE SCHEDULE FOR SOLID WASTE COLLECTION** AGAINST ASSESSED PROPERTY LOCATED WITHIN THE VILLAGE OF BISCAYNE PARK FOR THE CALENDAR YEAR BEGINNING ON JANUARY 1, 2011; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE

**Ordinances - SECOND READING**



9.b **Ordinance 2010-3**

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 *(Adopted at first reading on March 16, 2010)*



9.c **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 *(Adopted at first reading on 3/16/10; Second reading moved to date certain 10/5/10)*



9.d **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 *(Adopted at first reading on 6/8/10; Second reading moved to date certain 10/5/10)*

**10 Resolutions**

< None >

**11 Old Business**



11.a Biscayne Park Foundation: Approval of updated by-laws; selection of board members. *(Moved from the 8/3/10 meeting.)*



11.b Village Commission: Village Manager Contract *(Moved from the 8/31/10 meeting.)*



11.c Commissioner Bernard: A discussion to create written certain specific policies and procedures. *(Moved from the 9/14/10 meeting by Commissioner Bernard.)*



11.d Commissioner Bernard - selection of Parks & Parkway Advisory Board member; Vice Mayor Cooper - selection of Code Enforcement Board member. *(Parks & Parkway selection moved from the 9/14/10 meeting; Code Enforcement selection is new.)*

**12 New Business**



12.a Mayor Ross: Draft legislation: Establishing procedures by which the Village Manager may authorize amendments within department budgets.



12.b Mayor Ross: Miami Dade County League of Cities Request



12.c Manager Garcia: Memorandum to the Village Commission reaffirming our commitment to our own Village circulator.

**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

- > Code Review Board's draft of code changes.
- > Lawsuit update.

13.c Village Manager

- > Update on Recreation Center hardening and improvements project.
- > Update on Public Works building.

13.d Commissioner Comments

- > Vice Mayor Bryan Cooper
- > Commissioner Bob Anderson
- > Commissioner Steve Bernard
- > Commissioner Al Childress
- > Mayor Roxanna Ross

**14 Final Public Comments**

**15 Announcements**

Due to the on-going construction and renovations at the Ed Burke Recreation Center, meetings have been re-located.

Tuesday, October 12th - Code Review at 7:00PM at Village Hall

Wednesday, October 13th - Recreation Advisory Board at 6:30PM at Village Hall

Wednesday, October 13th - Special Meeting of the Parks & Parkway Advisory Board at 5:00PM at Village Hall

Monday, October 18th - Planning & Zoning at 6:30PM at Village Hall.

Tuesday, October 19th - Code Enforcement at 7:00PM at the Church of the Resurrection

Wednesday, October 20th - Parks & Parkway Advisory Board at 6:00PM at Village Hall

Thursday, October 21st - Ecology Board at 6:30PM at Village Hall

Tuesday, October 26th - Code Review at 7:00PM at Village Hall

Sunday, October 31st - Halloween Fest at 6:30PM at the newly renovated Ed Burke Recreation Center

Tuesday, November 2nd - General Election starting at 7:00AM to 7:00PM at the Ed Burke Recreation Center.

The next Regular Commission meeting is Thursday, November 4th at 7:00PM.

Please visit our website regularly at [biscayneparkfl.gov](http://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 accommodation 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.



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Village Manager

John J. Hearn  
Village Attorney

Maria Camara  
Village Clerk

**MINUTES**  
**SPECIAL COMMISSION MEETING**  
Ed Burke Recreation Center 11400 NE 9th Ct  
Biscayne Park, FL 33161  
**Tuesday, June 22, 2010 7:00PM**

**1 Call to Order**

**2 Roll Call**

Mayor Roxanna Ross called the meeting to order at 7:08PM. In addition to Mayor Ross, present were:

Vice Mayor Bryan Cooper  
Commissioner Bob Anderson  
Commissioner Steve Bernard  
Commissioner Al Childress

Present from staff were:

Village Manager Ana Garcia  
Code Enforcement Officer Sira Ramos (acting Village Clerk)  
Police Chief Mitchell Glansberg  
Public Works Director Bernard Pratt  
Parks & Recreation Director Issa Thornell

**3 Pledge of Allegiance and Moment of Silence**

**4 Additions, Deletions or Withdrawals to the Agenda**

Mayor Ross adds Resolution 2010-20 regarding Newsletter content under New Business

**6 Public Comments Related to Agenda Items / Good Welfare**

Public Comments on Resolution 2010-19 Art Sculpture:

Christine Montorri  
Andrew Olis  
Barbara Kuhl  
Fred Jonas  
Karen Cohen

Chester Morris  
Gary Kuhl  
Chuck Ross  
Susan Weiss  
Barbara Watts  
Linda Dillon  
Doug Tannehil

Public Comments on Resolution 2010-20 Newsletter:

Karen Cohen  
Chester Morris  
Barbara Watts

**7 New Business**

**7.a Resolution 2010-19**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; **ACCEPTING DONATION OF ARTWORK TO THE VILLAGE; PROVIDING FOR AN EFFECTIVE DATE**

After discussion, motion made by Commissioner Childress to adopt Resolution 2010-19, accepting the Art Donation, with direction to the Manager to determine the location and installation in consultation with residents and advisory boards, and report back to the Commission. It was seconded by Commissioner Anderson.

The motion was called to a vote:

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

All opposed: Vice Mayor Cooper and Commissioner Bernard

Motion carries: 3/2

**7.b Resolution 2010-20**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **STATING GUIDELINES FOR THE VILLAGE NEWSLETTER; PROVIDING FOR AN EFFECTIVE DATE**

A motion made by Commissioner Bernard to disregard this entire resolution until the public is made aware of it, and we proceed with the draft of the current newsletter. It was seconded by Commissioner Cooper.

The motion was called to a vote:

All in favor: Vice Mayor Cooper and Commissioner Bernard.

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

Motion dies: 2/3

A motion made by Commissioner Bernard directing the Clerk to come up with a word count so that the Commissioners can reduce their articles, maintain the 8-page size format, and get the current newsletter out. It was seconded by Commissioner Cooper.

The motion was called to a vote:

All in favor: Vice Mayor Cooper and Commissioner Bernard.

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

Motion dies: 2/3

A motion made by Commissioner Childress to adopt resolution 2010-20 as amended. It was seconded by Commissioner Anderson.

The motion was called to a vote:

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

All opposed: Vice Mayor Cooper and Commissioner Bernard.

Motion carries: 3/2

**8 Adjournment.**

Motion made by Commissioner Bernard to adjourn and seconded by Commissioner Childress.

The meeting was adjourned at 8:55PM

Commission approved on \_\_\_\_\_.

Attest:

\_\_\_\_\_  
Roxanna Ross, Mayor

\_\_\_\_\_  
Maria Camara, Village Clerk



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Ana Garcia  
Village Manager

John J. Hearn  
Village Attorney

Maria Camara  
Village Clerk

**MINUTES**  
**REGULAR COMMISSION MEETING**  
**Church of the Resurrection - 11173 Griffing Blvd**  
**Biscayne Park, FL 33161**  
**Tuesday, September 14, 2010 7:00PM**

**1 Call to Order**

**2 Roll Call**

Mayor Roxanna Ross called the meeting to order at 7:19PM. In addition to Mayor Ross, present were:

Vice Mayor Bryan Cooper  
Commissioner Bob Anderson  
Commissioner Steve Bernard  
Commissioner Al Childress

Present from staff were:

Village Manager Ana Garcia  
Village Clerk Maria Camara  
Village Attorney Hearn  
Finance Director Michael Arciola  
Police Chief Mitchell Glansberg  
Public Works Director Bernard Pratt  
Parks & Recreation Director Issa Thornell

**3 Pledge of Allegiance and Moment of Silence**

**4 Presentations**

4.a Presentation to Father Alberto Cutie in recognition of being the newly appointed Pastor of the Church of the Resurrection. Presented to Charlotte Floyd in Father Cutie's absence.

4.b Presentation given by Charlotte Floyd on the Church of the Resurrection Festival scheduled for October 9th and 10th, 2010.

4.c Proclamation for Constitution Week, celebrating the 223rd anniversary of the Constitution of the United States. Presented to B.B. Gould, resident and member of the Daughters of the Revolution.

**5 Additions, Deletions or Withdrawals to the Agenda**

Manager Garcia requests that Resolution 2010-24 is added to the agenda under Old Business, 11.a.

Commissioner Bernard requests that item 12.b, selection of Parks & Parkway Advisor Board member, is moved to the October 5, 2010 meeting.

**6 Public Comments Related to Agenda Items / Good Welfare**

Barbara Kuhl - 1st Public Hearing FY 2010-11 Budget, comments from Commissioner Bernard and Vice Mayor Cooper on the maintenance of the field at Ed Burke Park.

**7 Consent Agenda**

Motion made by Commissioner Childress to approve the consent agenda.  
Seconded by Commissioner Anderson.

Vice Mayor Cooper pulls items 7b, Expenditure of forfeiture funds on rental fees, and 7c, Expenditure of forfeiture funds for labor costs.

Commissioner Bernard pulls the minutes for July 13, 2010, and August 31, 2010, for discussion.

Balance of items left on the consent agenda:

7.a > July 27, 2010 Special Commission Meeting

> July 27, 2010 1st Budget Workshop FY 2010-11 Budget

> August 3, 2010 Regular Commission Meeting

> August 17, 2010 2nd Budget Workshop FY 2010-11 Budget

> September 9, 2010 1st Public Hearing FY 2010-11 Budget

7.d Expenditure of forfeiture funds for overtime on specific police cases.

7.e Expenditure of forfeiture funds for purchase of a defibrillator.

The motion was called to a vote:

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

Motion carries: 5/0

Commissioner Bernard makes a motion to amend the minutes for July 13, 2010 to add the written statement he provided for the July 13, 2010 meeting in which he was absent. Seconded by Vice Mayor Cooper

The motion was called to a vote:

All in favor: Vice Mayor Cooper and Commissioner Bernard

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

Motion dies: 2/3

Commissioner Anderson makes a motion to accept the minutes as submitted by the Clerk for July 13, 2010, with the addition of the subject for each speaker at Public Comments. It was seconded by Commissioner Childress.

The motion was called to a vote:

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

All opposed: Vice Mayor Cooper and Commissioner Bernard

Motion carries: 3/2

Commissioner Bernard makes a motion to correct the Manager's opening statement of the August 31, 2010 minutes to only reflect "additional compensation". After discussion, a new motion made by Commissioner Anderson to approve the minutes submitted by the Clerk for August 31, 2010, and changing the Manager's opening statement to state "she would be pulling any items that would have a fiscal impact on the Village due to the economic status". It was seconded by Vice Mayor Cooper.

The motion was called to a vote:

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

Motion carries: 5/0

Item 7b, Expenditure of forfeiture funds on rental fees:

After discussion, motion made by Commissioner Anderson to approve the expenditure of forfeiture funds on the rental fees for 12 months. Seconded by Commissioner Childress.

The motion was called to a vote:

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

All opposed: Vice Mayor Cooper and Commissioner Bernard

Motion carries: 3/2

Item 7c, Expenditure of forfeiture funds for labor costs:

After discussion, motion made by Commissioner Anderson to approve the expenditure of forfeiture funds for labor costs. Seconded by Commissioner Bernard.

The motion was called to a vote:

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

Motion carries: 5/0

**8 Public Hearings**

< None >

**9 Ordinances - First Reading**

< None >

**Ordinances - Second Reading**

< None >

10      **Resolutions**

11      **Old Business**

11.a **Resolution 2010-24**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **DIRECTING THE VILLAGE CLERK TO PREPARE SUMMARY MINUTES OF ALL VILLAGE COMMISSION MEETINGS;** AUTHORIZING THE MINUTES TO INCLUDE THE TOPIC UPON WHICH A SPEAKER IS ADDRESSING; LIMITING CHANGES TO THE MINUTES BASED ON FACTUAL ERRORS OF WHAT IS CONTAINED IN THE MINUTES; PROVIDING FOR AN EFFECTIVE DATE

Motion made by Commissioner Anderson to approve. It was seconded by Commissioner Childress.

After discussion, an amendment is requested by Commissioner Childress to amend the resolution to state, "factual errors which must be corrected". The amendment was accepted by Commissioner Anderson.

The motion was called to a vote:

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

All opposed: Commissioner Bernard

Motion carries: 4/1

12      **New Business**

12.a Commissioner Bernard: Discussion to create written certain specific policies and procedures. This item was moved to the next regular meeting on October 5, 2010, by Commissioner Bernard.

12.b Commissioner Bernard: Selection of Parks & Parkway Advisory Board. This item was moved to the next regular meeting on October 5, 2010, by Commissioner Bernard.

12.c Mayor Ross: Discussion on ordinances related to the budget on sanitation fees and appointment of a budget officer.

On the ordinance to set the sanitation fees, Attorney Hearn was directed to review if and when a similar ordinance had been done before, and to provide an ordinance for first reading at the next regular commission meeting on October 5, 2010.

On the proposed ordinance to appoint a budget officer, consensus was reached (by a show of hands, Mayor Ross, Commissioner Childress and Commissioner Anderson), directing Attorney Hearn to draft an ordinance for first reading at the next regular commission meeting on October 5, 2010.

### 13 Reports

13.a < No committee reports.>

13.b **Village Attorney:** The executive session that took place prior to this meeting regarding the police union contracts was not finalized and will continue next week immediately following the 2nd Public Hearing on FY 2010-11 Budget on Tuesday, September 21, 2010.

Prior to the 2nd Public Hearing, there will be an in-the-shade meeting of the Commission to discuss litigation on a worker's compensation case. This meeting will begin at 6:00AM on Tuesday, September 21, 2010, and will be attended by the entire Commission, Manager Garcia, Attorney Hearn and the attorney from Miami Dade County. A court reporter will also be in attendance and full transcripts of this meeting will be made available to the public after settlement is reached.

Attorney Hearn will get an update from Mr. Soloff on his investigation and will advise if any additional charges will be charge with the addition of the information brought forward by Vice Mayor Cooper at the August 31, 2010, special commission meeting.

Consensus was reached by the entire Commission requesting that Attorney Hearn specify the person he speaks with and the general topic of discussion when he submits his hours for payment.

13.c **Village Manager Garcia:** Requested that the Commission confirm the date of Saturday, October 23, 2010 as the date for the Strategic Planning session. Commission to provide confirmation by Friday, September 17, 2010.

The first Tuesday of November is the same day as the General Election. Manager Garcia asked for consensus to change to Thursday, November 4, 2010. All agreed.

13.d Vice Mayor Cooper provided an answer to resident Barbara Kuhl's question during first public comments; length of the meeting agenda.

Commissioner Anderson commended the Mayor on her handling of the meetings.

Commissioner Bernard provided an answer to resident Barbara Kuhl's question during first public comments; agenda items added at the last minute; resident attendance at meetings is low; summary minutes.

Commissioner Childress commended the Commission and Staff on the budget that resulted in no increase to the millage and no layoffs.

Mayor Ross encourages residents to submit applications for the Biscayne Park Foundation; encourages Commissioners to meet and speak with Manager on a regular basis; balanced budget with no tax increase; information on agenda packets.

### 14 Final Public Comments

< None >

**15 Announcements**

Due to the on-going construction and renovations at the Ed Burke Recreation Center, meetings have been re-located.

Wed. September 15, 2010 - Parks & Parkway Advisory Board at 6:00PM at Village Hall

Mon. September 20, 2010 - Planning & Zoning at 6:30PM at Village Hall

Tue. September 21, 2010 - 2nd Public Hearing FY 2010-2011 Budget at 6:30PM at the Church of the Resurrection

Tue. September 21, 2010 - Code Enforcement at 7:00PM at the Church of the Resurrection

Wed. September 22, 2010 - Ecology Board at 7:00PM at Village Hall

Tue. September 28, 2010 - Code Review Board at 7:00PM at Village Hall

Tue. October 5, 2010 - Regular Commission Meeting at 7:00PM at the Church of the Resurrection

**16 Adjournment.**

Motion made by Commissioner Childress to adjourn and seconded by Commissioner Anderson.

The meeting was adjourned at 9:59PM

Commission approved on \_\_\_\_\_

Attest:

\_\_\_\_\_  
Roxanna Ross, Mayor

\_\_\_\_\_  
Maria Camara, Village Clerk



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Commissioner

Ana Garcia  
Village Manager

John J. Hearn  
Village Attorney

**MINUTES**

**2nd Public Hearing - FY 2010-11 Budget  
Church of the Resurrection - 11173 Griffing Blvd  
Biscayne Park, FL 33161  
Tuesday, September 21, 2010 at 6:30PM**

**1 Call to Order**

**2 Roll Call**

Mayor Roxanna Ross called the meeting to order at 7:14PM. In addition to Mayor Ross, present were:

Vice Mayor Bryan Cooper  
Commissioner Bob Anderson  
Commissioner Steve Bernard  
Commissioner Al Childress

Present from staff were:

Village Manager Ana Garcia  
Village Clerk Maria Camara  
Finance Director Michael Arciola  
Attorney John Hearn  
Police Chief Mitchell Glansberg  
Public Works Director Bernard Pratt  
Parks & Recreation Director Issa Thornell

**3 Pledge of Allegiance and Moment of Silence**

**4** Manager Garcia provided a review of the current fiscal year 2009-2010 status and of the upcoming fiscal year 2010-2011 budget. Manager recommends that the budget for fiscal year 2010-2011 be adopted as proposed.

Village Clerk Camara provided a review of the changes to the budget since the 1st Budget Hearing on September 9, 2010.

**5 a Ordinance No. 2010-11**

AN ORDINANCE OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **ESTABLISHING THE 2010-2011 MILLAGE RATE AT 8.9933 MILS** FOR EACH \$1,000 OF ASSESSED VALUATION UPON REAL AND PERSONAL PROPERTY WITHIN THE VILLAGE LIMITS OF THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title of the ordinance.

Mayor Ross opened public comment on the ordinance and there were none.

Motion made by Commissioner Anderson to approve the ordinance at first reading. It was seconded by Vice Mayor Cooper.

The motion was called to a vote:

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

All opposed: Commissioner Bernard

Motion carries: 4/1

**5 b Ordinance No. 2010-12**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **ADOPTING A BUDGET FOR FISCAL YEAR 2010-2011** FOR THE VILLAGE OF BISCAYNE PARK, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Attorney Piper read the title of the ordinance.

Mayor Ross opened public comment on the ordinance:

Debbie Feinberg, Executive Director of the North Miami Sr. Citizen Foundation.  
Chester Morris - North Miami Sr. Citizen Foundation

Motion made by Commissioner Childress to approve the ordinance at first reading. It was seconded by Commissioner Anderson.

After discussions were completed, the motion was called to a vote:

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

All opposed: Commissioner Bernard and Vice Mayor Cooper

Motion carries: 3/2

**6 Final Public Comments**

< None >

**7 Adjournment**

Motion to adjourn made by Commissioner Anderson and seconded by Commissioner Childress.

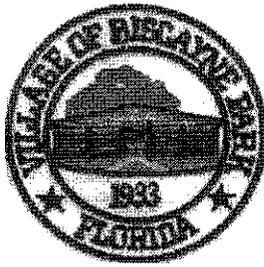
The meeting was adjourned at 8:44PM

Commission approved on \_\_\_\_\_.

Attest:

\_\_\_\_\_  
Roxanna Ross, Mayor

\_\_\_\_\_  
Maria Camara, Village Clerk



Date: 10/05/2010

To: Vice Mayor Bryan Cooper  
Commissioner Bob Anderson  
Commissioner Steve Bernard  
Commissioner Albert Childress

From: Mayor Roxanna Ross

Re: Resolution 2010 - 27 - Supporting City Government Week

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**REQUEST:**

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE  
PARK REGARDING CITY GOVERNMENT WEEK

**BACKGROUND AND ANALYSIS:**

The Florida League of Cities promotes awareness about the services cities perform and educates the public on who city government works during Florida City Government Week October 17-23.

**FISCAL/BUDGETARY IMPACT:**

Minimal impact caused by the transmittal of an adopted resolution to the appropriate governing bodies.

**RECOMMENDATION:**

Upon review for sufficiency by our Village Attorney, Mayor recommends approval.

1  
2  
3 **RESOLUTION 2010-27**  
4

5 **A RESOLUTION OF THE VILLAGE COMMISSION**  
6 **OF THE VILLAGE OF BISCAYNE PARK**  
7 **RECOGNIZING CITY GOVERNMENT WEEK,**  
8 **OCTOBER 17-23, 2010, AND ENCOURAGING ALL**  
9 **CITIZENS TO SUPPORT THE CELEBRATION AND**  
10 **CORRESPONDING ACTIVITIES; PROVIDING FOR**  
11 **AN EFFECTIVE DATE**  
12

13 WHEREAS, city government is the government closest to most citizens, and the one with  
14 the most direct daily impact upon its residents; and  
15

16 WHEREAS, city government is administered for and by its citizens, and is dependent upon  
17 public commitment to and understanding of its many responsibilities; and  
18

19 WHEREAS, city government officials and employees share the responsibility to pass along  
20 their understanding of public services and their benefits; and  
21

22 WHEREAS, Florida City Government Week is a very important time to recognize the  
23 important role played by city government in our lives; and  
24

25 WHEREAS, this week offers an important opportunity to spread the word to all the citizens  
26 of Florida that they can shape and influence this branch of government which is closest to the  
27 people; and  
28

29 WHEREAS, the Florida League of Cities and its member cities have joined together to  
30 teach students and other citizens about municipal government through a variety of different  
31 projects and information; and  
32

33 WHEREAS, Florida City Government Week offers an important opportunity to convey to  
34 all the citizens of Florida that they can shape and influence government through their civic  
35 involvement.  
36

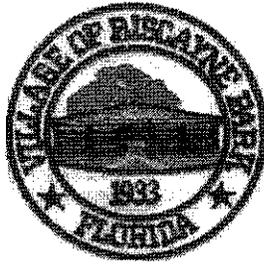
37 **NOW, THEREFORE BE IT RESOLVED BY THE VILLAGE COMMISSION OF**  
38 **THE VILLAGE OF BISCAYNE PARK AS FOLLOWS:**  
39

40 Section 1. That the Village of Biscayne Park does encourage all citizens, Village  
41 government officials and employees to do everything possible to ensure that this week is  
42 recognized and celebrated accordingly.  
43

44 Section 2. That the Village of Biscayne Park does encourage educational partnerships  
45 between city government and schools.  
46

47 Section 3. That the Village of Biscayne Park does support and encourage all city  
48 governments to actively promote and sponsor "Florida City Government Week."  
49





Date: 10/05/2010

To: Vice Mayor Bryan Cooper  
Commissioner Bob Anderson  
Commissioner Steve Bernard  
Commissioner Albert Childress

From: Mayor Roxanna Ross

Re: Resolution 2010 - 28 - Supporting the Let's Move Cities and Towns Campaign,  
to combat childhood obesity

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**REQUEST:**

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE  
PARK THE LET'S MOVE CITIES AND TOWNS CAMPAIGN

**BACKGROUND AND ANALYSIS:**

At this month's Florida League of Mayors Board of Directors meeting, the board voted to adopt a resolution supporting the Let's Move Cities & Towns Campaign. This is an initiative by First Lady Michelle Obama calling on mayors and elected officials across the country to help solve the problem of childhood obesity. Mrs. Obama's goal is to do what we can to reverse the nation's childhood obesity epidemic within a generation. Let's Move Cities and Towns targets one of America's gravest public health threats and emphasizes the critical leadership that city leaders can provide to spur local action. Participating cities and towns agree to take simple steps that promote healthy eating and physical activity, choosing strategies that make sense for their own communities. Let's Move Cities and Towns encourages municipal officials to adopt a long-term, sustainable and holistic approach to childhood obesity.

**FISCAL/BUDGETARY IMPACT:**

Minimal impact caused by the transmittal of an adopted resolution to the appropriate governing bodies.

**RECOMMENDATION:**

Upon review for sufficiency by our Village Attorney, Mayor recommends approval.

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**RESOLUTION 2010-28**

**A RESOLUTION OF THE VILLAGE COMMISSION  
OF THE VILLAGE OF BISCAYNE PARK RELATING  
TO THE NATIONAL LET'S MOVE CAMPAIGN;  
PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the Village of Biscayne Park supports policies that focus on health and wellness, continuing education, and healthier lifestyles in all communities; and

WHEREAS, many cities, counties, and schools have adopted policies, programs, and ordinances that promote healthy lifestyles by making their communities walkable, promoting youth and senior activities, eliminating the sale of junk food in city, county, or school facilities, providing incentives for stores that sell fresh produce to locate in depressed neighborhoods, and providing exercise opportunities for their residents; and

WHEREAS, city officials believe there are important, long-term community benefits to be gained by encouraging healthy lifestyles, including a decrease in the rate of childhood obesity and its negative health-related impacts; and

WHEREAS, cities and other community partners can work together to understand the relationship between obesity, land-use policies, redevelopment, and community planning; and

WHEREAS, cities and other community partners can work together to ensure that there are safe places for their residents to be active such as in parks, ball fields, pools, gyms, and recreation centers; and

WHEREAS, access to healthy foods has a direct impact on the overall health of our community and planning for fresh food, open space, sidewalks, and parks should be a priority; and

WHEREAS, the Florida League of Mayors has partnered with the Healthy Eating Active Living (HEAL) Cities Campaign to provide training and technical assistance to help city officials adopt policies that improve their communities' physical activity and retail food environments; and

WHEREAS, the Florida League of Mayors support the *Let's Move!* Campaign headed by the First Lady of the United States, the President's Task Force on Childhood Obesity and Secretary of Health and Human Services' in an effort to solve the challenge of childhood obesity within a generation.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMISSION OF THE VILLAGE OF BISCAYNE PARK, THAT:**

Section 1. The Village of Biscayne Park supports preventative measures to fight obesity as set forth by the First Lady of the United States of America in the *Let's Move* campaign;

Section 2: That the Village of Biscayne Park supports efforts to (1) help parents make healthy family choices, (2) create healthy schools, (3) provide access to healthy and affordable foods, and (4) promote physical activity.





# Village of Biscayne Park

640 NE 114<sup>th</sup> 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

September 28, 2010

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

From: Ana M. Garcia, Village Manager

**Re: Ordinance 2010-13 Provision of Solid Waste Management Fees**

### **Background Analysis:**

Section 17.4 of the Village's Land Development Code authorizes the imposition of solid waste management fees which funds the cost of providing solid waste services to the residents of the Village of Biscayne Park.

### **Fiscal/ Budgetary Impact:**

On May 25, 2010, the Village Commission approved the assessment fee of \$558.00 per assessed property. The total assessment from the solid waste management fee assessment through the Village is estimated to be \$727,074.00.

This item has been analyzed and discussed numerous times throughout the budget process.

### **Recommendation:**

Manager recommends approval at first reading.

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**ORDINANCE NO. 2010-13**

**AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, RELATING TO THE PROVISION OF SOLID WASTE MANAGEMENT FEE ASSESSMENTS IN THE VILLAGE OF BISCAYNE PARK, FLORIDA; APPROVING THE SCHEDULE FOR SOLID WASTE COLLECTION AGAINST ASSESSED PROPERTY LOCATED WITHIN THE VILLAGE OF BISCAYNE PARK FOR THE CALENDAR YEAR BEGINNING ON JANUARY 1, 2011; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE**

17           WHEREAS, Section 17.4 of the Village's Land Development Code authorizes the  
18 imposition of solid waste management fees; and

19           WHEREAS, the purpose of the solid waste management fee assessment is to fund the  
20 cost of providing solid waste services; and

21           WHEREAS, the imposition of a solid waste management fee assessment is an equitable  
22 and efficient method of allocating and apportioning solid waste collection assessed costs among  
23 parcels of assessed property; and

24           WHEREAS, consistent with Section 17.4 of the Village's Land Development Code, the  
25 Village Commission desires to impose a solid waste management fee assessment within the  
26 Village for the calendar year beginning on January 1, 2011, using the tax bill collection methods;  
27 and

28           WHEREAS, on May 25, 2010, the Village Commission approved the assessment fee of  
29 \$558.00 per assessed property; and

30           WHEREAS, the total assessment from the solid waste management fee assessment  
throughout the Village is estimated to be \$727,074.00; now, therefore

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

3 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as  
4 being true and correct and are hereby made a specific part of this Ordinance upon adoption  
5 hereof.

6 **Section 2.** Authority. This Ordinance is adopted pursuant to provisions of Section  
7 17.4 of the Land Development Code and Sections 166.021 and 166.041, Florida Statutes, and  
8 other applicable provisions of law.

9 **Section 3.** Imposition of Solid Waste Management Fee Assessment.

10 (A) The assessed properties are hereby found to be specially benefitted by the  
11 provision of the solid waste collection services in the amount of the solid waste management fee  
12 assessment of \$558.00 per assessed property and are determined to be fairly and reasonably  
13 apportioned.

14 (B) For the calendar year beginning January 1, 2011, the total solid waste  
15 management fee assessment throughout the Village is estimated to be \$727,074.00.

16 (C) The solid waste management fee assessment for solid waste collection services is  
17 hereby approved.

18 (D) The solid waste management fee assessment shall constitute a lien upon the  
19 assessed property, so assessed equal in rank and dignity with the liens of all state, county, district  
20 and municipal taxes and other non-ad valorem assessment.

21 **Section 4.** Effect and Adoption of Ordinance. The adoption of this Ordinance shall  
22 be the final adjudication of the issues presented unless proper steps shall be initiated in a court of  
23 competent jurisdiction to secure relief within twenty calendar days from the date of this  
24 assessment.

1           **Section 5. 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 6. Repeal of Conflicting Provisions.** To the extent any provisions of the  
8 Code conflict with this Chapter, those provisions are repealed in its entirety.

9           **Section 7. Effective Date.** This Ordinance shall be effective upon adoption on  
10 second reading.

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

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

14 \_\_\_\_\_  
15 Roxanna Ross, Mayor

Mayor Ross \_\_\_\_\_  
Vice Mayor Cooper \_\_\_\_\_  
Commissioner Anderson \_\_\_\_\_  
Commissioner Bernard \_\_\_\_\_  
Commission Childress \_\_\_\_\_

22 Attest:

25 \_\_\_\_\_  
26 Village Clerk

28 Approved as to form:

31 \_\_\_\_\_  
32 John J. Hearn, Village Attorney



# Village of Biscayne Park

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Village Manager

John J. Hearn  
Village Attorney

Maria Camara  
Village Clerk

September 28, 2010

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

From: Ana Garcia, Village Manager

**Re: Ordinance 2010-3 Adopting the Evaluation and Appraisal Report**

### **Background Analysis:**

On February 16, 2010, the Village of Biscayne Park Planning & Zoning Board, acting as the Local Planning Agency, reviewed the proposed Comprehensive Plan Evaluation and Appraisal Report-Based Amendments. The board voted to recommend that the Commission transmit the amendments to the State for preliminary sufficiency review.

On March 16, 2010, the Village Commission approved at first reading. All required documents were subsequently transmitted to the State by Bell David Planning Group on April 23, 2010.

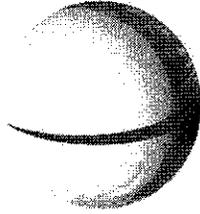
At the August 3, 2010 regular Commission meeting, Mr. Jerry Bell presented the Florida Department of Community affairs (DCA) objections, recommendations and comments (ORC) report. The issues that needed to be addressed are to update the maps to 2025 in color and more modern; update the water supply plan to correct '150' throughout, and corrections to the use of the word "shall". Direction given to Mr. Bell to make the corrections and bring back for adoption at second reading at the October 5, 2010 meeting, and to provide a red-line version beforehand which has been done.

### **Fiscal/ Budgetary Impact:**

As per budgetary appropriations and grants.

### **Recommendation:**

Based on the recommendation of our professional planners, Manager recommends approval at second reading.



**BELL DAVID PLANNING GROUP, INC.**  
Navigating Florida's Planning Requirements

## MEMORANDUM

TO: Village Commission, Village of Biscayne Park

FROM: Jerry H. Bell, AICP

DATE: October 5, 2010

RE: Response to July 2, 2010 Objections, Recommendations and Comments Report.

In the July 2, 2010 Objections, Recommendations and Comments (ORC) Report, the Florida Department of Community Affairs (DCA) provided objections, recommendations and comments regarding the Village of Biscayne Park's proposed 2010 Comprehensive Plan Evaluation and Appraisal Report (EAR)-based amendments (DCA No. 10-1ER). The Village's response and corrective actions are as follows:

**Objection 1:** The Village has not submitted updated Existing or Future Land Use maps, or the Existing and Future Transportation map series.

**Response:** The Village has prepared updated Land Use and Transportation maps for the long range planning timeframe of 2025 for inclusion in the amendment package and adoption into the Comprehensive Plan.

**Objection 2:** The potable water Level of Service Standard in Potable Water Subelement Objective 1, Policy 1.1, and Capital Improvement Element Policy 2.1 are internally inconsistent. Potable Water Subelement policies 2.1 and 2.2 do not include meaningful and predictable standards for achieving water conservation.

**Response:** Potable Water Subelement Objective 1 was revised to correctly reference the adopted potable water Level of Service Standard of 105 gallons per person per day, consistent with Policy 1.1 and Capital Improvements Element Policy 2.1. (Application 1., Amendment 1., P. 21). Potable Water Subelement policies 2.1 and 2.2 were revised to include more predictable standards through the use of the word "shall". (Application 1., amendments 6 and 7, P. 22).

**Objection 3:** The Village's proposed greenhouse gas reduction strategies do not include meaningful and predictable standards or guidelines.

**Response:** Policies addressing the proposed greenhouse gas reduction strategies were revised to include predictable standards through the use of the word shall. In some cases the words "to the extent feasible" were also added in order to avoid the creation of an unfunded and financially infeasible mandate as an unintended consequence.

The following new policies were revised: Future Land Use Element policies 5.2 through 5.12, pp. 5 – 6; Housing Element Policy 1.5, P. 8 (note that formerly proposed policies 1.6 and 1.7 were folded into Policy 1.5); Transportation Element Policy 5.5, P. 15, and; Conservation Element policies 4.2 and 4.3, pp. 30 – 31.

In addition, the South Florida Water Management District, in their June 1, 2010 letter, noted that the proposed water conservation and potable water policies in the Potable Water and Capital Improvements elements should be consistent with the policies adopted as a result of the Water Supply Facilities Work Plan. In response, Potable Water Subelement policies 1.2, 1.3 and 1.4 were revised to correctly reference the 17-year Water Supply Plan (P. 21). Formerly proposed Conservation Element Policy 1.4 and formerly proposed Capital Improvement policies 2.6, 2.7 and 2.8 were deleted as they are duplicative of and/or contradictory to policies adopted in the Water Supply Facilities Workplan.

#### Recommendation

To **Adopt** the 2010 Comprehensive Plan Evaluation and Appraisal Report-based amendments as revised to address the July 2, 2010 Objections, Recommendations and Comments Report.

**ORDINANCE NO. 2010-3**

**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**

WHEREAS, the Florida legislature intends that local planning be a continuous and ongoing process; and

WHEREAS, Section 163.3191, Florida Statutes, directs local governments to periodically assess the success or failure of the adopted plan to adequately address changing conditions and state policies and rules; and

WHEREAS, Section 163.3191, Florida Statutes, directs local governments to adopt needed amendments to ensure that the plan provides appropriate policy guidance for growth and development; and

WHEREAS, on August 5, 2008, the Village adopted its Evaluation and Appraisal Report by approving Ordinance 2008-2; and

WHEREAS, the Florida Department of Community Affairs found the adopted EAR sufficient; and

WHEREAS, the Village has completed its proposed Evaluation and Appraisal Report-based amendments consistent with the requirements of Chapter 163, Part II, F.S., and Rule 9J-5 and 9J-11, F.A.C.; and

WHEREAS, the Village Commission, upon first reading of this Ordinance, authorized transmittal of the EAR-Based Amendments to the Department of Community Affairs and review agencies for the purpose of a review in accordance with Sections 163.3184, 163.3187, 163.3189 and 163.3191, Florida Statutes;

**NOW, THEREFORE BE IT ORDAINED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA:**

**Section 1.** Each and all the foregoing Whereas clauses are true and correct and are incorporated herein.

**Section 2.** The 2010 Evaluation and Appraisal Report-Based Amendments to the Village of Biscayne Park Comprehensive Plan, attached as Exhibit "A" to this Ordinance and as revised to address any objections, recommendations and comments provided by the Department of Community Affairs and review agencies, are hereby adopted and transmitted to the Department of Community Affairs and review agencies.

**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.** **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:

FIRST READING: March 16, 2010

SECOND READING: October 5, 2010

**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 \_\_\_\_\_

In the July 2, 2010 Objections, Objectives, Recommendations and Comments (ORC) Report, the Florida Department of Community Affairs (DCA) provided objections, recommendations and comments regarding the Village of Biscayne Park's proposed 2010 Comprehensive Plan Evaluation and Appraisal Report (EAR)- based amendments (DCA No. 10-1ER). The Village's response and corrective actions are as follows:

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Response: Potable Water Subelement Objective 1 was revised to correctly reference the adopted potable water Level of Service Standard of 105 gallons per person per day, consistent with Policy 1.1 and Capital Improvements Element Policy 2.1. (Application 1., Amendment 1., P. 21). Potable Water Subelement policies 2.1 and 2.2 were revised to include more predictable standards through the use of the word "shall". (Application 1., amendments 6 and 7, P. 22).

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Response: Policies addressing the proposed greenhouse gas reduction strategies were revised to include predictable standards through the use of the word shall. In some cases the words "to the extent feasible" were also added in order to avoid the creation of an unfunded and financially unfeasible mandate as an unintended consequence. The following new policies were revised: Future Land Use Element policies 5.2 through 5.12, pp. 5 – 6; Housing Element Policy 1.5, P. 8 (note that formerly proposed policies 1.6 and 1.7 were folded into Policy 1.5); Transportation Element Policy 5.5, P. 15, and; Conservation Element policies 4.2 and 4.3, pp. 30 – 31.

In addition, the South Florida Water Management District, in their June 1, 2010 letter, noted that the proposed water conservation and potable water policies in the Potable Water and Capital Improvements elements should be consistent with the policies adopted as a result of the Water Supply Facilities Work Plan. In response, Potable Water Subelement policies 1.2, 1.3 and 1.4 were revised to correctly reference the 17 year Water Supply Plan (P. 21). Formerly proposed Conservation Element Policy 1.4 and formerly proposed Capital Improvement policies 2.6, 2.7 and 2.8 were deleted as they are duplicative of and/or contradictory to policies adopted in the Water Supply Facilities Workplan.

## INTRODUCTION AND EXECUTIVE SUMMARY

This report is comprised of 12 applications for amendments to the Village of Biscayne Park's Comprehensive Plan. The Village's Comprehensive Plan Evaluation and Appraisal Report was adopted by the Village and found sufficient in December 2008. These amendments are intended to: implement the recommendations contained in the Village's adopted Evaluation and Appraisal Report; generally update the Plan and its goals, objectives and policies, and; address subsequent changes in State growth management legislation. The proposed amendments are collectively referred to as Evaluation and Appraisal Report-based amendments. Only goals, objectives, policies and text for which amendments are recommended, or new goals, objectives and policies, are included. Additions are denoted by underline; deletions by ~~strikethrough~~.

The Village of Biscayne Park is a municipality of 3,328 residents<sup>1</sup> located in northeast Miami-Dade County. Arthur Mertlow Griffing initiated development of Griffing Biscayne Park Estates in the 1920s, imbuing the community with a lush tropical garden environment reflective of his background in the nursery industry. Mr. Griffing's development was incorporated as the Village of Biscayne Park in 1933, the same year that the federal Works Progress Administration constructed the Village Hall out of Dade County pine.<sup>2</sup> The distinctive log cabin, designated a historic structure by Miami-Dade County, continues to house the Village administration and Police Department.

The Village occupies 385 acres (.60 square miles) of land bounded by the City of North Miami to the north, Miami Shores Village to the south, and unincorporated Miami-Dade County to the east and west. There have been no increases in the Village's land area since the Comprehensive Plan was adopted in 1988. The western boundary is the Biscayne Canal and the eastern boundary is the Florida East Coast Railroad tracks, giving the Village a distinctive inverted triangle shape. Key access to the Village is provided via NE 6th Avenue to the south, the street grid network to the north, and NE 107 Street/Griffing Boulevard to the east.

The 12 applications contained in this report correspond to the Comprehensive Plan elements and subelements to which amendments are recommended. The Village's Comprehensive Plan was adopted in 1988, and has not been subject to a major amendment since that time. Many of the amendments are therefore targeted to updating dates and references and addressing changes in State growth management regulations.

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<sup>1</sup> University of Florida Shimberg Center for Affordable Housing, *Population Projections*, 2007

<sup>2</sup> Bramson, Seth H., *Boulevard of Dreams*, The History Press, 2007

**APPLICATION NO. 1**  
**VILLAGE OF BISCAYNE PARK COMPREHENSIVE PLAN**  
**FUTURE LAND USE ELEMENT AMENDMENTS**

1. Amend Objective 1 as follows:

Objective 1      To preserve the current livability and character of the Village as measured by the existing land use map and to review the situation every five seven years.

2. Amend Policy 1.1 as follows:

Policy 1.1      The Village ~~Commission is to~~ shall continue to enforce the land development regulations ~~so as in order~~ to maintain the current mix of living and recreational activities as reflected in the existing and future land use maps.

3. Amend Policy 1.2 as follows:

Policy 1.2      The Village ~~Commission is to initiate the evaluation of~~ shall evaluate the Future Land Use Map and Comprehensive Plan every five seven years to establish how any changes that have occurred have affected the livability and character of the Village.

4. Amend Policy 1.3 as follows:

Policy 1.3      The Village ~~Commission is to~~ shall continue ~~with its to maintain and management of the~~ drainage and stormwater, open space and traffic facilities that it ~~is responsible for~~ are under its jurisdiction.

5. Amend Objective 2 as follows:

Objective 2      To manage land uses through the ~~preparation, adoption, implementation, and enforcement of the~~ land development regulations ~~that are to be adopted one year after the adoption of the Comprehensive Plan.~~

6. Amend Policy 2.1 as follows:

Policy 2.1      The ~~Village Commission is to modify its~~ land development regulations ~~so that they are specific and detailed and that include provisions to~~ shall regulate the subdivision of land, ~~to~~ safeguard the compatibility of adjacent land uses and provide for open space, ~~to~~ regulate signage, and ~~to~~ provide that development orders and permits shall not be issued which result in a

reduction of the level of services for the affected public facilities below the level of service standards adopted in this Comprehensive Plan.

7. Amend Policy 2.2 as follows:

Policy 2.2 ~~The Village Commission is to modify its~~ land development regulations ~~to be based on and consistent with the following~~ shall be consistent with the following residential densities:

- a) Low density residential – less than 2.0 residential units per gross acre
- b) High density residential – 2.1 to 6.0 residential units per gross acre

8. Amend Policy 2.3 as follows:

Policy 2.3 ~~The Village Commission is to modify its~~ land development regulations ~~to address~~ shall regulate the location and extent of non-residential land uses ~~so as to be consistent in accordance~~ with the Future Land Use Map and the policies for land uses contained in this element.

9. Amend Policy 2.4 as follows:

Policy 2.4 ~~The Village Commission is to modify its~~ land development regulations ~~to~~ shall include a special residential category for use as a group homes.

10. Amend Policy 2.5 as follows:

Policy 2.5 ~~The Village Commission is to modify its~~ land development regulations ~~to contain~~ will include performance standards for open space requirements.

11. Delete Policy 2.6 as follows:

Policy 2.6 ~~Before adopting the land development regulations the Village Commission is to initiate the distribution of a draft copy of the proposed regulations for Biscayne Park to adjoining municipalities for comment on compatibility with their own regulations.~~

12. Add Policy 2.6 as follows:

Policy 2.6 The Village shall utilize the appropriate intergovernmental coordination and dispute resolution procedures to ensure that new development and redevelopment in adjacent jurisdictions does not create land use

conflicts or otherwise adversely impact quality of life or levels of service in the Village.

13. Add Policy 2.7 as follows:

Policy 2.7 Although there are currently no school sites within the Village of Biscayne Park, schools will be permitted in areas designated "Public Facilities" on the Future Land Use Plan Map, under the condition that the site otherwise meets the land requirements for the location of a school. [Chapter 163.3177 (6)(a), F.S.]

14. Add Policy 2.8 as follows:

Policy 2.8 Although there are no military installations within or proximate to the Village at present, the Village will adhere to State statutory requirements to ensure compatibility of new development and redevelopment with military operations if a military installation is located within or within one-half mile of its boundaries in the future.

15. Amend Objective 3 as follows:

Objective 3 To safeguard historic resources and to review every five years the status of the resources on an ongoing basis.

16. Amend Policy 3.1 as follows:

Policy 3.1 The Village Commission is to modify its land development regulations to contain performance standards for the historically significant property of the Village Hall, which merits protection, and review periodically the historical value of all the community's structures will coordinate with the Miami-Dade County Office of Historic Preservation and Florida Department of State in order to conduct an updated survey and inventory of historically, architecturally, or archaeologically-significant sites and buildings within its jurisdiction, and take timely and appropriate measures to preserve identified sites.

17. Amend Objective 4 as follows:

Objective 4 To coordinate future land uses with the availability, as measured in other elements of this Comprehensive Plan, of facilities and services, such as sanitary sewer, solid waste, drainage, and potable water, and multi-modal transportation facilities.

18. Amend Policy 4.1 as follows:

Policy 4.1      The Local Planning Agency is to Village shall evaluate applications to change amend the future land use map for consistency with the level of service standard of public facilities or services.

19. Add Policy 4.3 as follows:

Policy 4.3      The Village will implement land development regulations to accommodate, regulate, and protect existing and future energy efficient electric power generation and transmission systems, including right-of-way protection, allowing substations and transmission lines in Future Land Use and zoning districts.

20. Add Objective 5 as follows:

Objective 5      The Village will maintain and improve the built and natural environment in order to remain one of South Florida's most desirable residential communities.

21. Add Policy 5.1 as follows:

Policy 5.1      Signage within the Village shall utilize natural materials such as coral rock and keystone walls.

22. Add Policy 5.2 as follows:

Policy 5.2      The Village, to the extent feasible, shall provide for additional shade trees and understory trees and plantings on pedestrian ways.

23. Add Policy 5.3 as follows:

Policy 5.3      The Village, to the extent feasible, shall provide for increased tree plantings and landscaping in medians to define edges and discourage driving on grass.

24. Add Policy 5.4 as follows:

Policy 5.4      The Village, to the extent feasible, shall provide for understory plantings and landscaping in medians comprised of native plants that do not require extensive watering, and that attract butterflies and birds.

25. Add Policy 5.5 as follows:

Policy 5.5      The Village, to the extent feasible, shall seek to provide new medians in the few areas that do not provide this amenity.

26. Add Policy 5.6 as follows:

Policy 5.6      The Village, to the extent feasible, shall seek to reclaim and landscape the underutilized alleys.

27. Add Policy 5.7 as follows:

Policy 5.7      The Village, to the extent feasible, shall seek to provide increased security and sound abatement along the FEC railroad track.

28. Add Policy 5.8 as follows:

Policy 5.8      The Village, to the extent feasible, shall promote the use of landscape treatments that foster a consistent theme of natural plantings and materials.

29. Add Policy 5.9 as follows:

Policy 5.9      The Village, to the extent feasible, shall enhance the species diversity of the street tree population and understory trees and plantings with recommended native species.

30. Add Policy 5.10 as follows:

Policy 5.10     The Village, to the extent feasible, shall seek to decrease conflicts between overhead utility lines and street trees to the maximum extent feasible.

31. Add Policy 5.11 as follows:

Policy 5.11     The Village, to the extent feasible, shall seek to increase the age diversity of its urban forest by planting small quantities of new trees each year.

32. Add Policy 5.12 as follows:

Policy 5.12     The Village, to the extent feasible, shall seek to implement a regular urban tree maintenance schedule balancing young tree pruning, established tree maintenance, and the removal of trees in poor condition.

**APPLICATION NO. 2**  
**VILLAGE OF BISCAYNE PARK COMPREHENSIVE PLAN**  
**HOUSING ELEMENT AMENDMENTS**

1. Amend Objective 1 as follows:

Objective 1      ~~To continue to the useful life of existing affordable housing for residents by the recertification of each housing unit that reaches forty years of age ensure that the housing stock is maintained and improved in accordance with all current code and building requirements, and reflects the aesthetic quality and historic character of the community.~~

2. Amend Policy 1.1 as follows:

Policy 1.1      ~~The Village Clerk is to initiate the establishment and maintenance of a monitoring system and is to review and report annually to the Local Planning Agency the rate of house remodeling in the Village so that the Agency may recommend to the Village Commission any required steps, such as providing will provide information and technical assistance programs, to assist owners to maintain their houses in good repair, as appropriate, to property owners to ensure that they are fully apprised of building standards, property maintenance requirements, and programs that provide assistance to qualified households.~~

3. Amend Policy 1.2 as follows:

Policy 1.2      ~~The Village Clerk is to include in the monitoring system a record of trends in the Dade County Property Appraiser's valuations for the Village so as to ascertain that the will seek to ensure that its housing in Biscayne Park remains constantly within the financial capabilities of the owners, and indirectly, the renters stock continues to meets the housing needs of its residents.~~

4. Amend Policy 1.3 as follows:

Policy 1.3      ~~After adoption of the Comprehensive Plan the Local Planning Agency is to initiate a review of local land uses regulations and building codes to The Village should seek to eliminate unnecessary regulatory practices and reduce costs barriers to the provision of housing that meets the needs of its residents.~~

5. Amend Policy 1.4 as follows:

Policy 1.4        ~~The Village Commission is to appraise remodeling rates, valuation trends, and other data to establish a neighborhood stabilization standard for Biscayne Park~~ will utilize code enforcement, capital improvement programs, landscaping and building requirements, and other mechanisms to maintain and improve its neighborhoods on an ongoing basis.

6. Add Policy 1.5 as follows:

Policy 1.5        The Village shall develop and implement a green building certification program, with associated regulations, incentives and standards. The program shall require and/or provide incentives for the incorporation of energy saving design and construction features (i.e. adequate insulation, solar power, less heat-absorbent roofing materials, and increased tree canopies) and the use of renewable building materials in the construction of new or redevelopment of existing housing.

7. Amend Objective 2 as follows:

Objective 2        ~~To eliminate by 1993 the three existing~~ Utilize code enforcement procedures and building standards to eliminate substandard units identified in the 1980 Census and to maintain the structural and aesthetic standards of the remaining housing stock in the Village housing conditions that negatively impact the public health, safety and welfare, and/or degrade the historic and aesthetic quality of the built and natural environment.

8. Amend Policy 2.1 as follows:

Policy 2.1        ~~After the adoption of the Comprehensive Plan the Local Planning Agency is to initiate a survey of the substandard units to establish their actual condition and the steps necessary to improve the units, including assistance to owners to provide complete plumbing facilities for exclusive use and taking advantage of federal programs as appropriate~~ Monitor housing conditions on an ongoing basis in order to identify and address substandard units.

9. Amend Policy 2.2 as follows:

Policy 2.2        ~~The Local Planning Agency is to initiate the establishment of standards~~ Village will continue to maintain and enforce standards for visual harmony, environmental compatibility, and the housing quality of

housing as a modification to the current building permit process through the appropriate mechanisms.

10. Amend Policy 2.3 as follows:

Policy 2.3 By 2014, the Village Commission is to review every five years the value of all the Village's structures and recommend to the Metro-Dade County Historic Preservation Board any structures in Biscayne Park that are sites of major architectural, historical, or contextual significance that are to be so designated and protected will seek to coordinate with the Miami-Dade County Office of Historic Preservation and Florida Department of State in order to conduct an updated survey and inventory of historically, architecturally, or archaeologically-significant sites and buildings within its jurisdiction, and take timely and appropriate measures to preserve identified sites.

11. Amend Objective 3 as follows:

Objective 3 To review every five years ensure that the existing housing stock continues to provide housing that is affordable to and that meets the needs of its residents, affordable housing units for the elderly and low income households in Biscayne Park, and fair housing choice for all residents.

12. Amend Policy 3.1 as follows:

Policy 3.1 The Local Planning Agency is to initiate reviews of the requirements of elderly households and low income households, and to make recommendations to the Village Commission as appropriate Village will conduct an affordable housing needs assessment at the time that it conducts its Comprehensive Plan Evaluation and Appraisal Report, and may implement strategies, as appropriate, to address unmet housing needs identified in the assessment.

13. Amend Policy 3.2 as follows:

Policy 3.2 The Local Planning Agency is to initiate meetings, that are to be well advertised and to be held at least once a year, to draw attention to and discuss issues related to households with Village, in conducting its affordable housing needs assessment, will consider the housing needs of special needs groups, and may implement strategies, as appropriate, to address these needs.

14. Amend Policy 3.3 as follows:

Policy 3.3        ~~The Local Planning Agency is to initiate an annual review of options available to decrease the proportion that low income owners and renters pay in monthly costs or rent. Options could include a subsidy system to financially assist these households, or taking advantages of state “affordable housing” assistance loans and grants~~ Village, in conducting its affordable housing needs assessment, will evaluate the number of cost burdened households (households paying more than 30 percent of their income for housing) within its boundaries, and investigate strategies and programs that might be available to assist qualified households.

15. Amend Policy 4.1 as follows:

Policy 4.1        ~~The Village Commission is to include in its principles and criteria guiding~~ will prioritize the location of group homes and foster care facilities, on sites having a high level of accessibility to open space, community facilities, and public transportation.

16. Delete Policy 4.2 as follows:

Policy 4.2        ~~The Village Commission is to designate a site in the Future Land Use Plan for a group home and foster care facility on the vacant land on the north side of NE 113<sup>th</sup> Street and east of Griffing Boulevard, and to propose standards and principles for these.~~

**APPLICATION NO. 3  
VILLAGE OF BISCAYNE PARK COMPREHENSIVE PLAN  
TRANSPORTATION ELEMENT AMENDMENTS**

1. Amend Goal as follows:

GOAL

THE TRANSPORTATION CIRCULATION GOAL FOR THE VILLAGE OF BISCAYNE PARK IS TO MAKE AVAILABLE TO ALL CURRENT AND FUTURE RESIDENTS AND VISITORS A SAFE, CONVENIENT, AND EFFICIENT TRANSPORTATION SYSTEM.

2. Amend Objective 1 as follows:

Objective 1 To secure a safe, convenient and efficient local multi-modal transportation system for motor vehicles, mass transit, and buses, bicycles, and pedestrians, ~~as measured by LOS and accident rates, and to coordinate with county and all state agencies to improve existing conditions on the County Collector and the State Minor Arterial over the period of 1988-1993.~~

3. Amend Policy 1.1 as follows:

Policy 1.1 ~~The Village Commission is to initiate coordination efforts with State and County agencies to~~ will maintain a peak hour level of service standard "AB" for all local roads, and coordinate with the County and State to maintain a peak hour level of service standard "D" for county and state roads in Biscayne Park, NE 107<sup>th</sup> Street/Griffing Boulevard and State Road 915/NE 6<sup>th</sup> Avenue, ~~and to study measures to improve county and state roads to a level of service standard "C".~~

4. Delete Policy 1.2 as follows:

Policy 1.2 ~~The Village Commission is to request Metropolitan shall continue to encourage Dade County to initiate comprehensive traffic surveillance activity of the County Collector road, Griffing Boulevard, and to take into account local factors.~~

5. Amend and renumber Policy 1.3 as follows:

Policy 1.3~~2~~ The Village Commission ~~is to initiate a recommendation to the~~ should encourage the County to: maintain ~~the current~~ and improve levels of service

for mass transit; provide shelters, route information, and schedules to Village residents, and; continue to make fare systems easily understood.

6. Amend and renumber Policy 1.4 as follows:

Policy 1.43      The Village ~~Commission is to initiate a study of existing~~ may consider strategies to maintain and improve bicycle and pedestrian ways in Biscayne Park, particularly to and from the park and Ed Burke Rrecreation Ceenter, with a view to ~~proposing any improvements that may be required.~~

7. Amend and renumber Policy 1.5 as follows:

Policy 1.54      The Village ~~Chief of Police is to initiate an annual~~ will continue its review of accident data, and evaluate measures that can be taken to reduce incidents.

8. Amend Objective 2 as follows:

Objective 2      To coordinate the ~~traffic circulation~~ multi-modal transportation system with the future land uses shown on the future land use map and ~~review every five years~~ ensure that the current level of accessibility for residents, as measured by the existing direct access that each individual dwelling unit has with the Village road network, is maintained and that rights-of-way have been protected from encroachment.

9. Amend Policy 2.1 as follows:

Policy 2.1      The Village ~~Commission is to continue with its current activities for the~~ will seek to ensure that its road network in Biscayne Park so that it remains convenient to residents, and that control of the connections and access points of driveways and roads to roadways is maintained.

10. Amend Policy 2.2 as follows:

Policy 2.2      The Village ~~Commission is to continue with its current activities so that~~ the will coordinate with the appropriate agencies to ensure that the transportation disadvantaged will have the same level of access to public transit services as available to the general public, and private costs of accessibility are lowered.

11. Amend Objective 3 as follows:

Objective 3      To ~~measure the amount of through traffic in t~~The Village and to undertake efforts to see that the level is reduced by 1995, and that, at worst, does not increase above the current level so as to maintain the character of the

Village will seek to maintain safe and efficient transportation circulation through the regulation of through traffic, enforcement of traffic laws, and traffic calming and control techniques as appropriate.

12. Amend Policy 3.1 as follows:

Policy 3.1 The Village Commission is to initiate a recommendation to Dade County to undertake a study to identify the amount of will continue to regulate through traffic, in Biscayne Park and to establish ways of reducing the flow of this traffic, including the feasibility of a major east-west route between Biscayne Boulevard and NE 6<sup>th</sup> Avenue outside the Village of Biscayne Park and discourage excessive cut-through traffic on neighborhood streets, through traffic law enforcement, ample signage to deter motorists from violating traffic laws, and the continued implementation of traffic calming projects which might include traffic circles, raised intersections, road closures, and traffic pattern reconfigurations.

13. Add Policy 3.2 as follows:

Policy 3.2 The Village will maintain its traffic enforcement activities, and a visible police presence.

14. Add Policy 3.3 as follows:

Policy 3.3 The Village will seek to maintain ample signage, including electronic speed limit signs at key locations.

15. Add Policy 3.4 as follows:

Policy 3.4 The Village may seek to provide traffic circles with landscaping at key locations.

16. Add Policy 3.5 as follows:

Policy 3.5 The Village may seek to provide traffic tables to slow traffic at median crossings.

17. Add Policy 3.6 as follows:

Policy 3.6 The Village will consider the reconfiguration of streets with hazardous turning movements and substandard widths.

18. Add Policy 3.7 as follows:

Policy 3.7      The Village may consider designing a series of low stone walls to protect the curved ends of medians.

19. Add Policy 3.8 as follows:

Policy 3.8      The Village may consider designing and installing a series of entrance signs at primary locations where traffic enters the Village.

20. Add Policy 3.9 as follows:

Policy 3.9      The Village may consider the provision of increased car parking along NE 9 Court and NE 9 Avenue to control overflow parking.

21. Add Policy 3.10 as follows:

Policy 3.10      In addition to the strategies outlined in polices 3.1 to 3.9 above, the Village may consider the implementation of other traffic calming projects as appropriate and feasible.

22. Amend Objective 4 as follows:

Objective 4      To coordinate land uses and other developments that may affect transportation with the transportation plans and programs of Metropolitan Miami-Dade County, and the Florida Department of Transportation's 5-year transportation plan, and from adjoining municipalities, of proposed land use and other developments that may affect traffic circulation in Biscayne Park during the period 1988—1993.

23. Amend Policy 4.1 as follows:

Policy 4.1      The Local Planning Agency is to initiate a review every six months of will review any proposed changes to the Village's Future Land Use Map, and any adjoining areas, with a view to compatibility with the Biscayne Park's traffic circulation Transportation Element.

24. Add Objective 5 as follows:

Objective 5      The Village will maintain and improve of a safe, efficient and comprehensive multi-modal transportation system that includes automobiles, transit, bicycles, and pedestrian facilities.

25. Add Policy 5.1 as follows:

Policy 5.1      The Village will cooperate with other agencies to provide multimodal links between key areas.

26. Add Policy 5.2 as follows:

Policy 5.2      The Village may seek to designate an exercise route that connects existing medians, and jogging/pedestrian routes.

27. Add Policy 5.3 as follows:

Policy 5.3      The Village may seek to provide a demarcated bicycle route within the Village.

28. Add Policy 5.4 as follows:

Policy 5.4      The Village may seek to provide for benches, shelters and landscaping at bus stops.

29. Add Policy 5.5 as follows:

Policy 5.5      The Village shall limit greenhouse gas emissions through the implementation of strategies to reduce the number of vehicle miles travelled. These strategies may include but are not limited to the promotion of compact mixed use development that provides for a mixture of residential and non-residential land uses in a pedestrian friendly environment with multi-modal transportation connectivity to other areas; promoting the use of alternate transportation modes as specified herein, including mass transit, bicycles, and pedestrianism, and; requiring Transportation Demand Management Programs as a condition for development approvals.

**APPLICATION NO. 4  
VILLAGE OF BISCAYNE PARK COMPREHENSIVE PLAN  
PUBLIC FACILITIES ELEMENT  
SANITARY SEWER SUBELEMENT AMENDMENTS**

1. Amend Goal as follows:

GOAL- SANITARY SEWERS:

~~THE GOAL FOR SANITARY SEWERS IS FOR THE VILLAGE OF BISCAYNE PARK TO EVALUATE A WILL MAINTAIN THE EXISTING SYSTEM OF SEPTICS TANKS IN ACCORDANCE WITH ALL APPLICABLE STANDARDS UNTIL AND UNLESS A CENTRALIZED SEWERAGE SYSTEM WHEN A REGIONAL FACILITY IS PROVIDED BY DADE COUNTY IS PROVIDED.~~

The sanitary sewer objectives to achieve the goals and which address the requirements of paragraphs 163.3177 (6) (c), F.S., and 9J-5.011 (2) F.A.C. are as follows:

2. Amend Policy 1.1 as follows:

Policy 1.1      The Village Commission will continue to work closely with Miami Dade County in the inspection and permitting of septic tanks, so that tanks operate and are maintained in accordance with county and state rules and regulations, and will receive from the County annual reports on the condition of septic tanks.

3. Amend Policy 1.2 as follows:

Policy 1.2      The Village Commission is to ~~commission a review of compliance of local ordinances~~ will continue to comply with appropriate federal, state, and county regulatory requirements and water quality standards ~~and is to amend ordinances as necessary.~~

4. Amend Objective 2 as follows:

Objective 2      ~~To study the replacement of the existing septic tank system with a public sanitary sewer system to serve Biscayne Park after 1994~~ address sanitary sewer needs through septic tanks that are maintained in accordance with all applicable requirements. Include a new Policy under new Objective 2 stating that the Village's Level of Service Standard for sanitary sewer is septic tanks maintained in accordance with all applicable requirements.

5. Amend Policy 2.1 as follows:

Policy 2.1      The Village's Level of Service Standard for sanitary sewer is septic tanks maintained in accordance with all applicable requirements ~~Commission, in consultation with Dade County, is to initiate the appointment of engineering consultants in 1990 to undertake technical and financial analyses of the provision of a local sewerage collector system, that includes proposals for level of service standards, and average and peak flow design capacity.~~

6. Delete Policy 2.2 as follows:

~~Policy 2.2      The Village Commission is to request the engineering consultants to formulate draft design and review procedures so that all connections to the public system are compatible with system design.~~

DRAFT

**APPLICATION NO. 5**  
**VILLAGE OF BISCAYNE PARK COMPREHENSIVE PLAN**  
**PUBLIC FACILITIES ELEMENT**  
**SOLID WASTE SUBELEMENT AMENDMENTS**

1. Amend Objective 1 as follows:

Objective 1      To maximize the use of current facilities ~~by continuing to use existing equipment until 1990 when a new garbage/trash truck will be added, and thereafter equipment replaced every five years~~ by maintaining existing equipment while replacing equipment as necessary to meet the Level of Service Standard.

2. Amend Policy 1.1 as follows:

Policy 1.1      The Public Works Department of Biscayne Park is to continue to maintain the current solid waste collection service ~~of two garbage collections and one trash collection per week~~, and provide for a Village level of service standard solid waste generation rate not in excess of the ~~county average~~ of 7.0 pounds per person per day.

3. Amend Policy 1.2 as follows:

Policy 1.2      The Village Commission continues to support Miami-Dade County's goal to provide in providing for the safe disposal of solid waste in a manner that is efficient and compatible with environmental concerns.

4. Amend Objective 2 as follows:

Objective 2      To ~~formulate a Village resource recovery and recycling program, to assist the State objective in reducing the amount of solid waste disposed in landfills by 30% by 1994, in coordination with Metropolitan support~~ Miami- Dade County in its efforts to provide a balanced program of solid waste disposal which include recycling and resource recovery.

5. Amend Policy 2.1 as follows:

Policy 2.1      The ~~Public Works Department is to prepare a resource recovery and recycling program in accordance with the rules that are to be published to implement the Solid Waste Management Act of 1988 ( Chapter 403 F.S.)~~ Four local guidelines are to keep the program simple, run it

~~professionally, publicize it, and make it~~ Village will continue to collect recycling as well as solid waste on a regularly maintained and consistent schedule.

6. Delete Policy 2.2 as follows:

~~Policy 2.2 — The Village Commission is to coordinate with the policies of Metro-Dade County (4B and 4C) to reduce per capita solid waste and to establish complementary recycling systems and programs.~~

7. Delete Policy 2.3 as follows:

~~Policy 2.3 — The Village Commission is to apply for grant money to the Florida Department of Environmental Regulation under subsection 403.7095(1), F.S. to operate solid waste management recycling, especially the materials plastics, metals, paper and glass, and education programs.~~

DRAFT

**APPLICATION NO. 6  
VILLAGE OF BISCAYNE PARK COMPREHENSIVE PLAN  
PUBLIC FACILITIES ELEMENT  
DRAINAGE SUBELEMENT AMENDMENTS**

1. Amend Policy 1.1 as follows:

Policy 1.1        The Village Commission, ~~state and county,~~ are to will continue to comply with the 10 year design storm level of service standard for ~~local, county, and state~~ stormwater drainage systems.

2. Amend Policy 1.2 as follows:

Policy 1.2        The Village Commission ~~is to~~ will continue to maintain and monitor local drainage facilities, ~~the Florida Department of Environmental Regulation of the state roads, and Dade County Department of Environmental Resource Management the county roads.~~

DRAFT

**APPLICATION NO. 7**  
**VILLAGE OF BISCAYNE PARK COMPREHENSIVE PLAN**  
**PUBLIC FACILITIES ELEMENT**  
**POTABLE WATER SUBELEMENT AMENDMENTS**

1. Amend Objective 1 as follows:

Objective 1      To provide Biscayne Park residents with a range of 97 up to 1035 gallons of potable water per day, with a review of this range in 1993.

2. Amend Policy 1.1 as follows:

Policy 1.1      The Village Commission is to will continue to obtain potable water for Biscayne Park from the City of North Miami Utility Division, at a level of service standard of up to 105 gallons per person per day.

3. Amend Policy 1.2 as follows:

Policy 1.2      The Village Commission is to request the City of North Miami Utility Division to: identify any worn potable water distribution pipes in Biscayne Park; study the need and financial acceptability of reinforcing or replacing any worn pipes; and study the placement of a fire hydrant within five hundred feet of every house in the Village will coordinate with the City of North Miami and/or other agencies as appropriate to ensure that they consider the Village's potable water needs in developing the 17 Year Water Supply Plan.

4. Add Policy 1.3 as follows:

Policy 1.3      The Village will maintain and update its 17 Year Water Supply Plan that includes an assessment of current and future potable water source and supply alternatives in accordance with State requirements.

5. Add Policy 1.4 as follows:

Policy 1.4      The Village will incorporate any projects included in the Lower East Coast Water Supply Plan Update and/or the North Miami 17 Year Water Supply Plan that will impact its ability to achieve its potable water Level of Service Standard into the Capital Improvements Schedule.

6. Amend Policy 2.1 as follows:

Policy 2.1        ~~The Village Commission is to modify its building regulations so that new as well as replacement plumbing fixtures are of a low volume type in compliance with Chapter 553.14, F.S.~~ shall require the use of low volume water fixtures.

7. Amend Policy 2.2 as follows:

Policy 2.2        ~~The Village Commission is to modify its regulations to require that only~~ shall require the use of plant materials that require little or no irrigation are used, ~~and prepare a guide of plants that will result in an attractive landscape on the interests of water conservation.~~

8. Amend Policy 2.3 as follows:

Policy 2.3        The Village ~~Police~~ will enforce the provisions of the South Florida Water Management District's "Water Shortage Plan" during a water shortage or water shortage emergency.

**APPLICATION NO. 8  
VILLAGE OF BISCAYNE PARK COMPREHENSIVE PLAN  
PUBLIC FACILITIES ELEMENT  
AQUIFER SUBELEMENT AMENDMENTS**

1. Amend Objective 1 as follows:

Objective 1      To ~~maintain annual reports from the Department of Environmental Regulation,~~ coordinate with Miami-Dade County regarding aquifer protection and recharge activities relevant to Biscayne Park.

2. Amend Policy 1.1 as follows:

Policy 1.1      The Village ~~Commission is to initiate~~ will coordinate with Miami-Dade County to review area-wide aquifer protection and recharge objectives.

3. Amend Policy 1.2 as follows:

Policy 1.2      The Village, through Commission ~~is to review~~ its land development regulations, ~~and modify them as necessary, in order that the regulations~~ will maintain and protect the functions of the artificial drainage features and recharge areas.

**APPLICATION NO. 9**  
**VILLAGE OF BISCAYNE PARK COMPREHENSIVE PLAN**  
**RECREATION AND OPEN SPACE ELEMENT AMENDMENTS**

1. Amend and renumber Objective 2 as follows:

**Objective 21** To evaluate every ~~five~~ seven years that there is a continuation of existing public access to recreation sites and open spaces.

2. Amend and renumber Policy 2.1 as follows:

**Policy 21.1** The Village's ~~Public Works Department~~ is to continue to maintain vehicular, bicycle, and pedestrian access to parking spaces and bicycle racks at the existing park.

3. Amend and renumber Policy 2.2 as follows:

**Policy 21.2** The Village Commission is to continue to maintain current public rights-of-way to parkways, medians, and open spaces including but not limited to at the Biscayne Canal on NE 6<sup>th</sup> Avenue and NE 113<sup>th</sup> Street, and the open space north of the church on NE 113<sup>th</sup> Street.

4. Amend and renumber Policy 2.3 as follows:

**Policy 21.3** The Village Commission is to maintain access to all public recreational facilities for the elderly and continue to provide barrier-free access for the handicapped.

5. Add Policy 1.4 as follows:

**Policy 1.4** The Village will seek to increase parking facilities and bicycle racks at Ed Burke Recreation Center.

6. Add Policy 1.5 as follows:

**Policy 1.5** The Village will cooperate with other agencies to provide multimodal links between key areas.

7. Add Policy 1.6 as follows:

**Policy 1.6** The Village may seek to designate an exercise route that connects existing medians, jogging/pedestrian routes that start and end at Ed Burke Recreation Center and blueways in accordance with Resolution 2010-03.

8. Add Policy 1.7 as follows:

Policy 1.7            The Village may seek to provide a demarcated bicycle route on a loop.

9. Amend and renumber Objective 3 as follows:

Objective 3            To evaluate every ~~five~~ seven years that there is a continuation of pleasurable and safe use of the park and its recreational facilities, and that the facilities remain appropriate and efficient.

10. Amend and renumber Policy 3.1 as follows:

Policy 3.1            ~~The Village's Public Works Department~~ is to continue its programs to provide information, signage, lighting, rails and fences at its recreational facilities and programs.

11. Amend and renumber Policy 3.2 as follows:

Policy 3.2            ~~The Village's Public Works Department~~ is to continue to maintain separation of children's play areas from roads and vehicular access points by a suitable fence.

12. Amend and renumber Policy 3.3 as follows:

Policy 3.3            ~~The Village's Public Works Department~~ is to continue to provide safe sports fields and facilities when they become unsafe.

13. Renumber Objective 4 as follows:

Objective 4:            To review on an annual basis that cooperative efforts between the public and private sectors in the provision of recreational opportunities are coordinated.

14. Amend and renumber Policy 4.1 as follows:

Policy 4.1            The Village ~~Commission~~ is to continue to support the existing supervisory and coordinating role of the Recreation Director.

15. Amend and renumber Policy 4.2 as follows:

Policy 4.2            The Village ~~Commission~~ is to continue to promote private organizations use of their financial and other resources for the development of recreational opportunities. In particular, local

organizations that provide coaching and fund raising assistance to the Village sports program are to be used and supported.

16. Amend and renumber Objective 5 as follows:

Objective ~~54~~: To ~~provide additional recreational activities by 1993 to form a more~~ continue to provide a comprehensive recreation program that seeks to build a greater sense of community within Biscayne Park and which projects the image of a quality program to the greater South Florida community.

17. Amend and renumber Policy 5.1 as follows:

Policy ~~54.1~~ The Village Commission is to ~~initiate the provision of~~ may continue to provide a public managed sports program for children and adults and ~~one that responds to changes in the population age structure of Biscayne Park.~~

18. Delete Policy 5.2 as follows:

Policy 5.2 ~~the Village Commission is to initiate the provision of opportunities for spontaneous recreational sports activities for the Village population.~~

19. Amend and renumber Policy 5.3 as follows:

Policy ~~54.32~~ The Village Commission is to initiate an exploration of and provide means for Biscayne Park residents to use county-wide and regional recreational facilities and activities.

20. Amend Policy 5.4 as follows:

Policy 5.4 The Village Commission is to ~~initiate an~~ may exploration of the need for additional neighborhood based facilities such as tennis courts, indoor classrooms, and picnic shelters.

21. Add policy 4.3 as follows:

Policy 4.3 The Village may seek to provide improved water access to Biscayne Canal on the Village's western boundary.

22. Add Policy 4.4 s follows:

Policy 4.4 The Village may seek to improve Ed Burke Recreation Center through the improvement or expansion of classroom/meeting

spaces, an outdoor structure for parties/informal gatherings, a play fountain for children, and amenities for adults

23. Add Policy 4.5 as follows:

Policy 4.5            The Village may seek to expand the “butterfly park” theme to all green areas and medians through the planting of trees and flowers.

24. Add Objective 5 as follows:

Objective 5            The Village will maintain its existing recreation and open space acreage in accordance with the adopted Level of Service Standard.

25. Add Policy 5.1 as follows:

Policy 5.1            The Village’s Level of Service Standard for recreation and open space is 3.75 acres per 1,000 residents.

DRAFT

**APPLICATION NO. 10**  
**VILLAGE OF BISCAYNE PARK COMPREHENSIVE PLAN**  
**CONSERVATION ELEMENT AMENDMENTS**

1. Amend the Goal as follows:

GOAL

THE CONSERVATION GOAL FOR THE VILLAGE OF BISCAYNE PARK IS TO ASSIST IN CONSERVING AND PROTECTING METROPOLITAN MIAMI-DADE COUNTY'S NATURAL RESOURCES OF AIR, WATER AND TREES.

2. Amend Objective 1 as follows:

Objective 1 To endorse Miami-Dade County's objectives to preserve South Florida's invaluable water resources and natural resource of clean air and meet the air quality and water resource standards established by the Florida Department of Environmental Regulation and Miami-Dade County Department of Environmental Resource Management, and to annually review performance information from these agencies.

3. Amend Policy 1.1 as follows:

Policy 1.1 The Village Commission ~~is~~ will continue to support state and county laws and enforcement programs to minimize air pollution and protect water resources and the urban forest.

4. Amend Policy 1.2 as follows:

Policy 1.2 The Village Commission ~~is to adopt a landscape code~~ will continue to promote the utilization of native or indigenous species and drought tolerant landscape material and water conserving irrigation practices.

5. Amend Objective 2 as follows:

Objective 2 To obtain annual reports from Miami-Dade County DERM on the water quality of Biscayne Canal at site C-3 in the Village of Biscayne Park.

6. Amend Policy 2.1 as follows:

Policy 2.1 The Village Commission ~~is to monitor the annual reports for any change in any stormwater pollutants that may be discharged into the Biscayne Canal from the Village, and if there is any substantial increase, to seek a meeting with the State and Metropolitan Dade~~

County drainage departments to agree on actions that are to be taken to reduce the pollutants.

7. Amend Objective 3 as follows:

Objective 3 To endorse Miami-Dade County's tree protection ordinance and evaluate every five years that seek to ensure that the Village's current level of tree coverage has been maintained.

8. Amend Policy 3.1 as follows:

Policy 3.1 The Village Commission is to continue its program of using indigenous species in tree planting programs, as it does particularly in the replanting of parkways and medians, and to advocate residents use and preservation indigenous species as well.

9. Add Policy 3.2 as follows:

Policy 3.2 The Village may seek to provide additional shade trees, understory trees and plantings on pedestrian ways and medians.

10. Add Policy 3.3 as follows:

Policy 3.3 The Village may seek to provide increased tree plantings and landscaping in medians to define edges and discourage driving on grass.

11. Add Policy 3.4 as follows:

Policy 3.4 The Village may seek to enhance the species diversity of the street tree population over a ten year period with recommended native species.

12. Add Policy 3.5 as follows:

Policy 3.5 The Village will seek to minimize overhead utility conflicts with street trees where possible.

13. Add Policy 3.6 as follows:

Policy 3.6 The Village may seek to increase the age diversity of the urban forests by planting small quantities of new trees each year.

14. Add Policy 3.7 as follows:

Policy 3.7      The Village may maintain a regular urban tree maintenance schedule balancing young tree pruning, established tree maintenance, and the removal of trees in poor condition.

15. Add Objective 4 as follows:

Objective 4      The Village will seek to reduce greenhouse gas emissions and conserve energy resources.

16. Add Policy 4.1 as follows:

Policy 4.1      The Village will promote compact, mixed use development, defined as a mixture of residential and non-residential land uses in a design-unified, pedestrian friendly environment with multi-modal transportation connectivity to other areas, at appropriate locations. A major purpose of mixed-use development shall be to provide opportunities to live, work, shop and recreate in a walkable area, and to reduce automobile dependence and greenhouse gas emissions.

17. Add policy 4.2 as follows:

Policy 4.2      The Village shall encourage the implementation of low impact development techniques and green building standards that reduce the negative environmental impacts of development and redevelopment by: reducing building footprints to the maximum extent feasible, and locating building sites away from environmentally sensitive areas; promoting the preservation of natural resources; providing for on-site mitigation of impacts (i.e. retention and treatment of stormwater runoff, water reuse, Master Stormwater Management Systems); promoting energy conservation through design, landscaping and building techniques (i.e. solar power, increased tree canopies); promoting water conservation through landscaping and building design; ensuring environmentally friendly building practices (i.e. use of environmentally friendly building materials, recycled materials), and; considering the development of a and implementation of a green building certification program, with associated regulations, incentives and standards.

18. Add Policy 4.3 as follows:

Policy 4.3      The Village shall limit greenhouse gas emissions through the implementation of strategies to reduce the number of vehicle miles travelled. These strategies may include but are not limited to the promotion of compact mixed use development that provides for a

mixture of residential and non-residential land uses in a pedestrian friendly environment with multi-modal transportation connectivity to other areas; promoting the use of alternate transportation modes as specified herein, including mass transit, bicycles, and pedestrianism, and; requiring Transportation Demand Management Programs as a condition for development approvals.

**APPLICATION NO. 11**  
**VILLAGE OF BISCAYNE PARK COMPREHENSIVE PLAN**  
**INTERGOVERNMENTAL COORDINATION ELEMENT AMENDMENTS**

1. Amend the Goal as follows:

GOAL:

THE INTERGOVERNMENTAL COORDINATION GOAL FOR THE VILLAGE OF BISCAYNE PARK IS TO COORDINATE THE ADOPTED COMPREHENSIVE PLAN FOR THE VILLAGE WITH THE PLANS OF PUBLIC UNITS SERVING BISCAYNE PARK ADJACENT COMMUNITIES AND AGENCIES PROVIDING SERVICES TO OR HAVING JURISDICTION WITHIN THE VILLAGE LIMITS.

2. Amend Objective 1 as follows:

Objective 1 To coordinate ~~review on an annual ongoing basis actions that have taken place to coordinate that Comprehensive Plan of Biscayne Park with the plans of other units of government, the City of North Miami, the Village of Miami Shores, and Metropolitan Miami-Dade County plans, including the Comprehensive Plan, with the plans of other agencies and jurisdiction adjacent to or having jurisdiction within the Village.~~

3. Amend Policy 1.1 as follows:

Policy 1.1 The Local Planning Agency is to coordinate with the plans and programs of ~~Metropolitan Miami-Dade County and is to establish and maintain a process~~ will continue to compare the Future Land Use Maps, and Future Traffic Circulation Transportation Maps, as well as Comprehensive Plan goals, objectives, policies, and levels of standards of other units of government and adjacent Village and cooperatively resolve any differences that may directly effect Biscayne Park.

4. Delete Policy 1.2 as follows:

~~Policy 1.2 The Village Commission is to initiate a cooperative study with Dade County to determine the need for a public sewer system to serve Biscayne Park, level of service standards, service area boundaries, and phasing of sewer facilities. An ad hoc joint planning group is to be~~

~~established as a coordinating mechanism to identify and formulate solutions to major issues.~~

5. Amend and renumber Policy 1.3 as follows:

Policy 1.3~~2~~      ~~The Village Commission, if it is unable to resolve conflicts with other local governments, is to use~~ may utilize the South Florida's Regional Planning Council's ~~informal mediation process to mediate the resolution of conflicts with other local governments, Miami-Dade County and regional agencies.~~ The City may use alternative procedures whenever appropriate for the matter of imminent dispute, including agreements authorized by State statute or other non-judicial approaches.

6. Add Policy 1.3 as follows:

Policy 1.3      The Village will refer all new development or redevelopments, if any, which are over thresholds prescribed by County, regional, and State agencies to those agencies for review and approval.

7. Add Policy 1.4 as follows:

Policy 1.4      The Village will adopt any Land Development Regulations deemed necessary to implement the Intergovernmental Coordination Element or any interlocal agreements.

8. Add Policy 1.5 as follows:

Policy 1.5      Although the Village is exempt from the Public School Facilities Element requirement and is not required to enter into the "Interlocal Agreement for Public School Facility Planning in Miami-Dade County", it will coordinate with Miami-Dade County Public Schools, as appropriate, and will utilize the procedures outlined in Sections 1013.33, F.S., in order to evaluate the appropriateness of prospective public school sites within the Village.

9. Add Policy 1.6 as follows:

Policy 1.6      The Village will support, as appropriate, Miami-Dade County's development and implementation of the Water Supply Facilities Workplan required by Florida Statute, and the water conservation efforts of other agencies.

10. Add Policy 1.7 as follows:

Policy 1.7      The Village will coordinate with adjacent jurisdictions to address extra-jurisdictional impacts of development proposals, if any.

11. Add Policy 1.8 as follows:

Policy 1.8      The Village will enter into interlocal agreements, including service delivery agreements, as appropriate with other agencies and will identify joint planning areas as appropriate with adjacent jurisdictions to achieve shared planning goals.

12. Add Policy 1.9 as follows:

Policy 1.9      The Village may, extent feasible, coordinate with Miami-Dade County and other jurisdictions in order to evaluate the feasibility of annexing adjacent unincorporated areas, with the area bounded by NE 121 Street to the north, NE 107 Street to the south, Biscayne Boulevard to the east, and the East Coast Railroad to the west identified as the top priority and the area bounded by NE 121 Street to the north, NE 107 Street to the south, NE 2<sup>nd</sup> Avenue to the west, and Griffing Boulevard to the east identified as the second priority.

13. Add Policy 1.10 as follows:

Policy 1.10      The Village will coordinate with the South Florida Water Management District, Miami-Dade County, the City of North Miami, and other agencies as appropriate to support the implementation of the Lower East Coast Water Supply Plan, and other water plans and conservation efforts.

14. Amend Objective 2 as follows:

Objective 2      To coordinate with appropriate State, County, and local agencies, which have operational and maintenance responsibility for public facilities in Biscayne Park, ~~mutually agreed level of service standards before 1993.~~

15. Amend Policy 2.1 as follows:

Policy 2.1      The Village Commission is to continue with current local government coordination activities (~~Table 7A~~) and agreements (~~Table 7B~~) by mutual consent.

16. Amend Policy 2.2 as follows

Policy 2.2      The Village Commission ~~is to initiate~~ continue to coordinate with the Florida Department of Transportation to improve the current level of service standard for State Road 915 (NE 6<sup>th</sup> Avenue).

17. Amend Policy 2.3 as follows:

Policy 2.3      The Village Commission ~~is to approach~~ will continue to coordinate with Miami-Dade County Department of Transportation about improving to maintain and, if necessary, improve the current level of service standard for County Collector Griffing Boulevard/NE 107<sup>th</sup> Street, and at least maintain the current frequency of bus service.

18. Amend Policy 2.4 as follows:

Policy 2.4      The Village Commission ~~is to~~ will continue to maintain communication with Miami-Dade County Public Works Department on their level of service for solid waste disposal.

19. Amend Policy 2.5 as follows:

Policy 2.5      The Village Commission ~~is to continue to maintain communication~~ will continue to coordinate with the City of North Miami on their level of service standard for the supply of potable water to the Village of Biscayne Park.

20. Amend Policy 2.6 as follows:

Policy 2.6      The Village Commission ~~is to continue to~~ will maintain communication with the Florida Department of Transportation, Miami-Dade County, and the Village of Miami Shores so that there is compliance with agreed maintenance levels for the roads that each agency is responsible for in Biscayne Park; and with Miami-Dade County so that there is maintenance of mutually agreed service standards for fire and rescue, bus service, and traveling library.

21. Add Objective 3 as follows:

Objective 3      To coordination with the appropriate federal, State, regional and local agencies in the achievement of environmental protection and restoration goals, and preservation of the Village's natural environment.

22. Add Policy 3.1 as follows:

Policy 3.1      The Village will coordinate with the appropriate agencies in the implementation of strategies to protect air quality.

23. Add Policy 3.2 as follows:

Policy 3.2      The Village will coordinate with the appropriate agencies to protect water quality.

24. Add Policy 3.3 as follows:

Policy 3.3      The Village will coordinate with the appropriate agencies to protect water supply.

25. Add Policy 3.4 as follows:

Policy 3.4      The Village will coordinate with the appropriate agencies to protect natural areas.

26. Add Policy 3.5 as follows:

Policy 3.5      The Village will coordinate with the appropriate agencies to promote the use of native landscaping materials, and xeriscaping.

27. Add Policy 3.6 as follows:

Policy 3.6      The Village will coordinate with the appropriate agencies in the implementation of soil protection and conservation strategies.

28. Add Policy 3.7 as follows:

Policy 3.7      The Village will coordinate with the appropriate agencies to implement other environmental and resource protection goals.

**APPLICATION NO. 12**  
**VILLAGE OF BISCAYNE PARK COMPREHENSIVE PLAN**  
**CAPITAL IMPROVEMENTS ELEMENT AMENDMENTS**

1. Amend Objective 1 as follows:

**Objective 1**

To replace ~~worn-out solid waste~~ capital equipment, facilities and infrastructure after ~~every seven years of service~~ it reaches the end of its serviceable life.

2. Amend Policy 1.1 as follows:

**Policy 1.1**

The Village Commission ~~is to~~ will continue its practice of replacing each garbage/trash truck as it reaches the end of its serviceable life.

3. Amend Policy 1.2 as follows:

**Policy 1.2**

The Village Commission ~~is to monitor that the~~ will ensure that its program of replacing the garbage/trash truck meets ~~the standards~~ established solid waste collection needs and the adopted Level of Service Standard.

4. Add Policy 1.3 as follows:

**Policy 1.3**

The Village will monitor the existing public works yard on an ongoing basis to ensure its continued adequacy.

5. Add Policy 1.4 as follows:

**Policy 1.4**

The Village may consider collocating a fire station or a library with the new/expanded Village Hall.

6. Add Policy 1.5 as follows:

**Policy 1.5**

The opportunities for expanding the Village Hall complex should evaluate utilization of the property adjacent to the Village Hall complex, and ensure the protection of the historic Village Hall structure.

7. Amend Policy 2.1 as follows:

**Policy 2.1**

The Village Commission is to initiate the adoption of levels of service standards for public facilities which are within the jurisdiction of Biscayne Park; the standards are obtained from the other elements in this comprehensive plan and are summarized in ~~Table 8D~~ as follows:

- Transportation - A peak hour level of service standard "B" for all local roads, and coordinate with the County and State to maintain a peak hour level of service standard "D" for county and state roads in Biscayne Park, NE 107<sup>th</sup> Street/Griffing Boulevard and State Road 915/NE 6<sup>th</sup> Avenue;
- Sanitary Sewers - Septic tanks maintained in accordance with all applicable requirements;
- Solid Waste - 7.0 pounds per person per day;
- Drainage – Flood protection for a one in ten year storm event;
- Potable Water - 105 gallons per person per day, and;
- Recreation and Open Space - 3.75 acres per 1,000 residents.

8. Amend Policy 2.2 as follows:

Policy 2.2

~~The Village Commission is to modify the land development regulations, through its land development regulations, will evaluate so that any applications to rezone be evaluated amend the Future Land Use or Zoning Maps for impacts on level of service standards prior to the issuance of a development order or permit, and be denied will deny such applications if the rezoning decreases significantly the level of service standard of any public facility or service cannot be met in accordance with State requirements.~~

9. Amend Policy 2.3 as follows:

Policy 2.3

The Village Commission ~~is to~~ will continue to include in its annual budgeting process provisions for the adoption of a capital outlay sum for any public facility that Biscayne Park is fiscally responsible for.

10. Amend Policy 2.4 as follows:

Policy 2.4      ~~The Village Manager Public Works Department shall will continue to recommend to the Village Commission every five years financially achievable proposals for the replacement of garbage and trash trucks, as needed.~~

11. Amend Policy 2.5 as follows:

Policy 2.5      ~~The Village Commission is to modify its annual budget process to include in it a review of the Comprehensive Plan's Capital Improvement Element shall annually adopt a five year Capital Improvements Schedule as part of the Capital Improvements Element of the Comprehensive Plan, and uses its fiscal policies to direct expenditures so as to recognize the policies of the other in accordance with the goals, objectives and policies of the Comprehensive Plan elements.~~

12. Add Policy 2.10 as follows:

Policy 2.10      The Village may identify and implement strategies to maintain and increase its financial feasibility and supplement its tax base with grants and other funding sources that might be available in order to implement specific projects, increase levels of service, and provide an improved quality of life to existing and future residents, businesses, and visitors.

13. Add Policy 2.11 as follows:

Policy 2.11      The Village may evaluate the feasibility of annexing adjacent areas in order to increase its financial feasibility and improve service delivery.

14. Add Objective 3 as follows:

Objective 3      To implement the Public Facilities Plan recommended in the 2006 Visioning Plan, to the extent that it is financially feasible.

15. Add Policy 3.1 as follows:

Policy 3.1      To the extent that its financially feasible, the Village may consider the development of boat landings on the .75 vacant acres located along the Biscayne Canal on the Village's western boundary.

16. Add Policy 3.2 as follows:

Policy 3.2      The Village may consider the implementation of improvements to the Village Hall/Civic Center complex with a new building to house administrative offices, police headquarters, and other public facilities.

17. Add Policy 3.3 as follows:

Policy 3.3      The Village may consider improving Ed Burke Recreation Center through the improvement or expansion of classroom/meeting spaces, an outdoor structure for parties/informal gatherings, and a play fountain for children.

18. Add Policy 3.4 as follows:

Policy 3.4      The Village may consider improvements to expand the “butterfly park” theme to all green areas and medians through the planting of trees and flowers.

19. Add Objective 4 as follows:

Objective 4      To implement of capital projects to maintain and improve the built and natural environment on an on-going basis, to the extent that the implementation of these projects is financially feasible.

20. Add Policy 4.1 as follows:

Policy 4.1      The Village may seek to enhance the species diversity of the street tree population over a ten year period by planting recommended native species.

21. Add Policy 4.2 as follows:

Policy 4.2      The Village will seek to implement projects to decrease overhead utility conflicts with street trees, where possible.

22. Add Policy 4.3 as follows:

Policy 4.3      The Village may seek to increase the age diversity of the urban forests by planting small quantities of new trees each year.

23. Add Policy 4.4 as follows:

Policy 4.4      The Village may implement a regular urban tree maintenance schedule balancing young tree pruning, established tree maintenance, and the removal of trees in poor condition.

24. Add Policy 4.5 as follows:

Policy 4.5      The Village may seek to increase the annual budget for tree maintenance, replacement and planting.

25. Add Policy 4.6 as follows:

Policy 4.6      The Village may seek to provide a series of signs utilizing natural materials such as coral rock and keystone walls.

26. Add Policy 4.7 as follows:

Policy 4.7      The Village may seek to plant additional shade trees on pedestrian ways, and increased tree plantings in medians to define edges and discourage driving on grass.

27. Add Policy 4.8 as follows:

Policy 4.8      The Village may seek to provide for understory plantings and landscaping in medians comprised of native plants that do not require extensive watering, and that attract butterflies and birds.

28. Add Policy 4.9 as follows:

Policy 4.9      The Village may seek to provide for new medians at NE 115 Street, NE 117 Street, and NE 119 Street (east of existing medians).

29. Add Policy 4.10 as follows:

Policy 4.10      The Village may seek to provide for the reclamation and landscaping of alleys in the neighborhood between NE 6 Avenue, NE 117 Street, NE 8 Avenue, and NE 121 Street.

30. Add Policy 4.11 as follows:

Policy 4.11      The Village may seek to provide a sound abatement wall adjacent to the FEC railroad track.

31. Add Policy 4.12 as follows:

Policy 4.12      The Village may develop budgets for recommended projects and maintenance programs.

32. Add Policy 4.13 as follows:

Policy 4.13      The Village may use landscape treatments to foster a consistent theme of natural plantings and materials.

33. Insert a 5-Year Capital Improvements Schedule as follows:

CAPITAL IMPROVEMENTS - VILLAGE

Project Category	Project Name/Location	09/10	10/11	11/12	12/13	13/14	Total
4	Public Works Building	\$356,000	0	0	0	0	\$356,000
2, 4	Recreation Improvements	\$110,000	0	0	0	0	\$110,000
2, 4	NE 6 Avenue Improvements	\$110,073	0	0	0	0	\$110,073
2, 4	Recreation Building/EOC	\$60,000	0	0	0	0	\$60,000
4	MTA Sidewalk Project	\$34,500	0	0	0	0	\$34,500
2, 4	Stormwater Drainage	\$122,276	0	0	0	0	\$122,276
Total		\$792,849	0	0	0	0	\$792,849

Project Category Codes

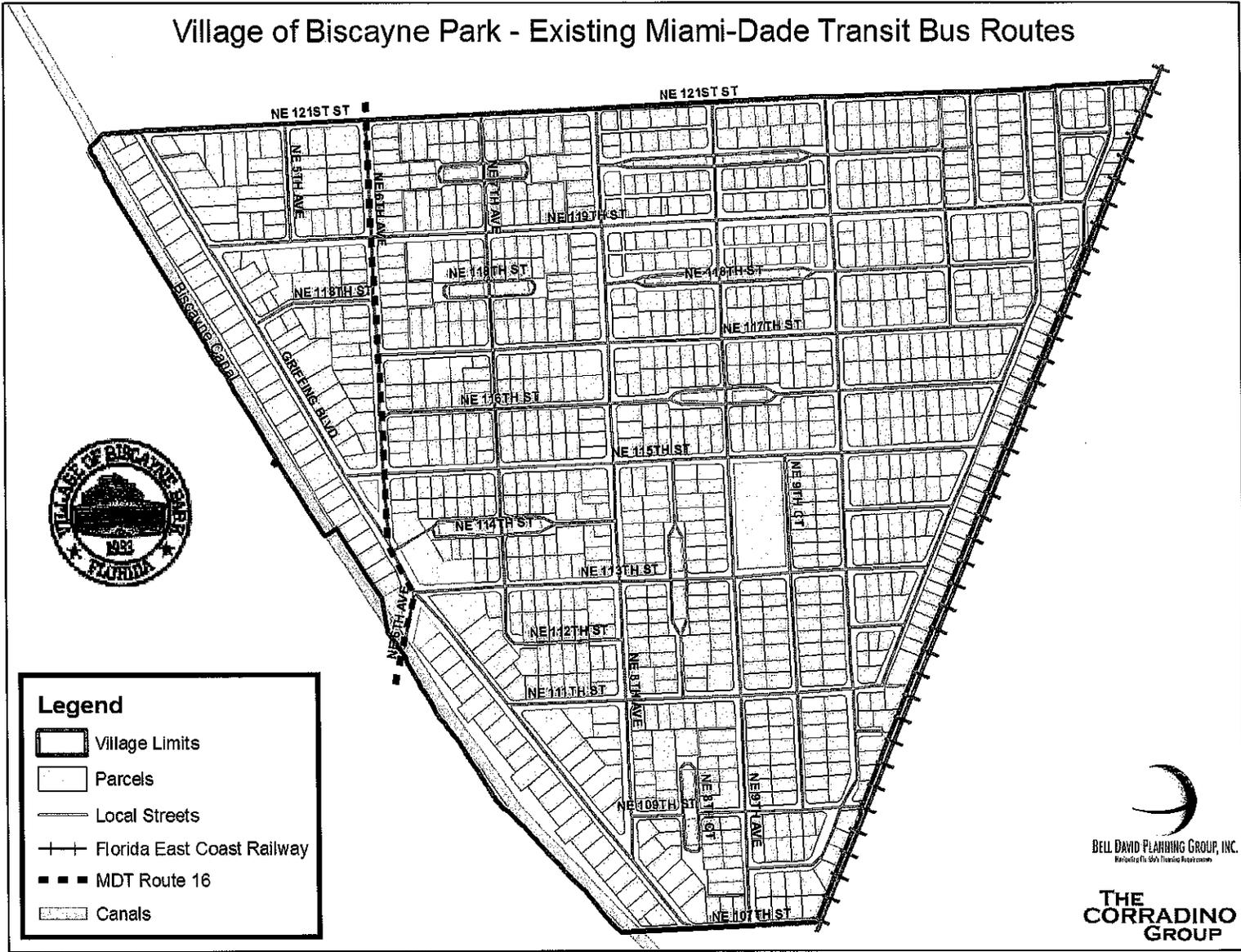
- 1 – Project necessary to achieve Level of Service
- 2 – Project will enhance ability to continue to meet Level of Service
- 3 – Project will enhance ability to meet Level of Service for Optional Element
- 4 – Project will further the achievement of Comprehensive Plan goals, objectives and policies.

REVENUE SCHEDULE - VILLAGE

Source	09/10	10/11	11/12	12/13	13/14	Total
MTA Transit Stimulus	\$34,500	0	0	0	0	\$356,000
Federal Transportation/NE 6 <sup>th</sup> Ave.	\$74,073	0	0	0	0	\$110,000
State Grant/Rec Bldg./EOC	\$60,000	0	0	0	0	\$110,073
Miami-Dade General Obligation Bond	\$356,000	0	0	0	0	\$60,000
Safe Neighborhoods	\$55,000	0	0	0	0	\$34,500
Transfer from General Fund	\$50,000	0	0	0	0	\$122,276
Transfer from CITT/NE 6 <sup>th</sup> Ave.	\$36,000					
Fund Balance Transfer	\$5,000					
Stormwater Fund	\$122,276					
	\$792,849	0	0	0	0	\$792,849

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# Village of Biscayne Park - Existing Miami-Dade Transit Bus Routes



**Legend**

- Village Limits
- Parcels
- Local Streets
- Florida East Coast Railway
- MDT Route 16
- Canals

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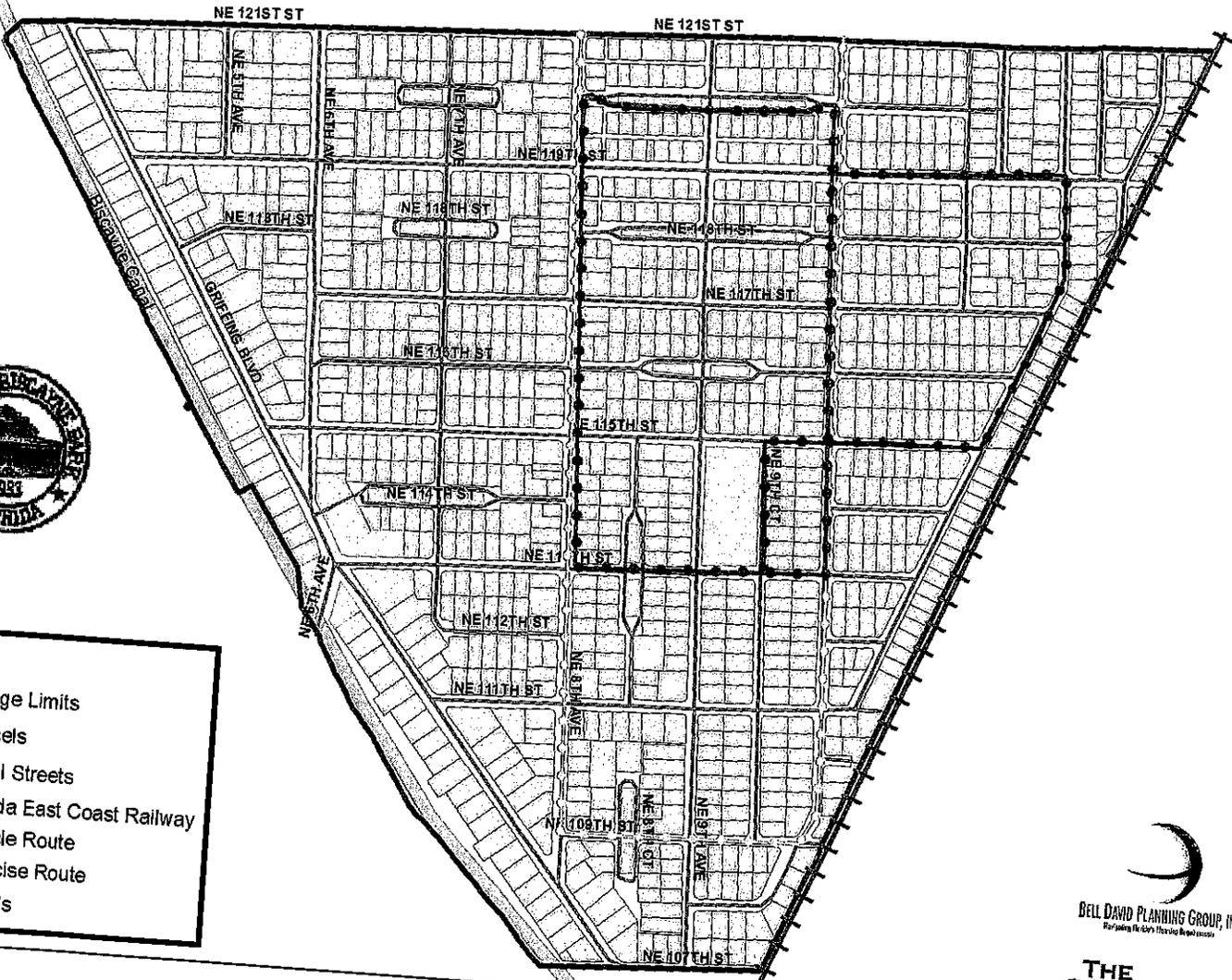
**THE CORRADINO GROUP**

# Village of Biscayne Park - Existing Bicycle and Exercise Routes



**Legend**

- Village Limits
- Parcels
- Local Streets
- Florida East Coast Railway
- Bicycle Route
- Exercise Route
- Canals

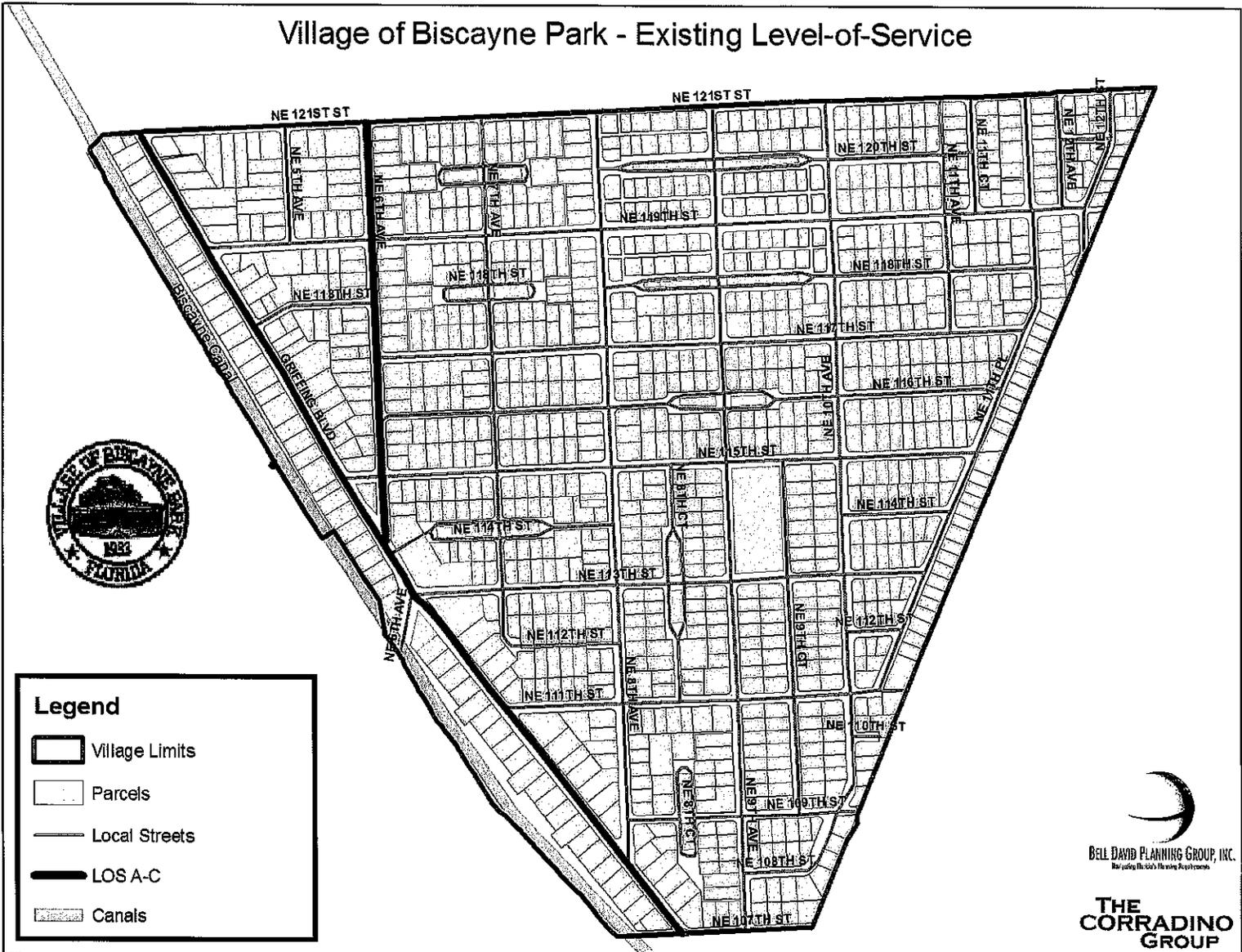


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For making the city's Florida Department of Transportation  
**THE CORRADINO GROUP**

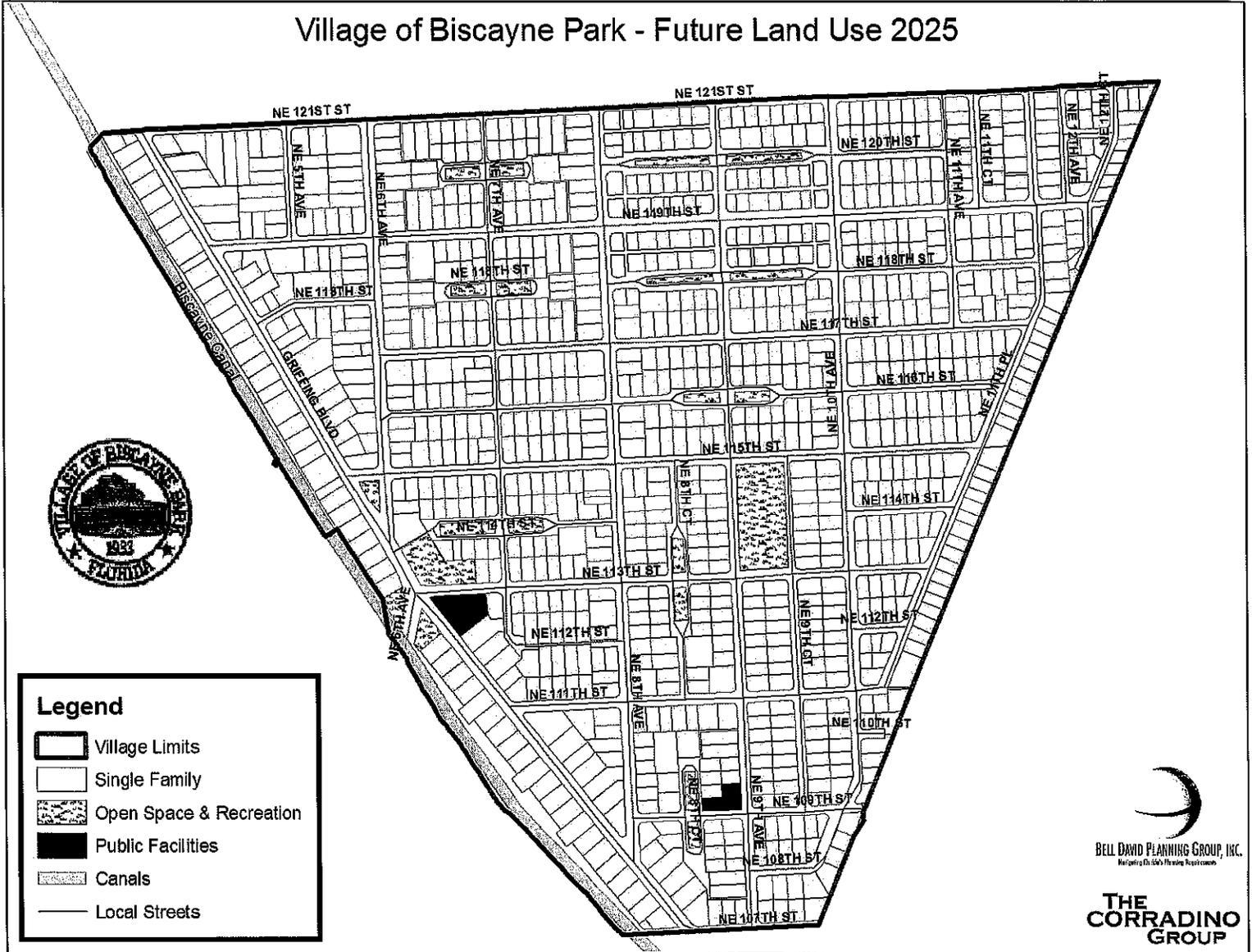




# Village of Biscayne Park - Existing Level-of-Service



# Village of Biscayne Park - Future Land Use 2025



## Legend

-  Village Limits
-  Single Family
-  Open Space & Recreation
-  Public Facilities
-  Canals
-  Local Streets



## **Village of Biscayne Park**

640 NE 114<sup>th</sup> 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 média, 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 114<sup>th</sup> 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 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.

(f) Correspondence sSignatures.

(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 ~~and to ensure non-interference with~~ in the Village Manager's application ~~or~~ and 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.

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(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.

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(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~~ 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.~~

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(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:

\_\_\_\_\_  
Village Clerk

Approved as to form:

\_\_\_\_\_  
John J. Hearn, Village Attorney

Mayor Ross \_\_\_\_\_  
Vice Mayor Childress \_\_\_\_\_  
Commissioner Anderson \_\_\_\_\_  
Commissioner Bernard \_\_\_\_\_  
Commission Cooper \_\_\_\_\_



## **Village of Biscayne Park**

640 NE 114<sup>th</sup> 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 114<sup>th</sup> 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~~ Deleted: five (5)  
(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.

~~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:

\_\_\_\_\_  
Village Clerk

Approved as to form:  
\_\_\_\_\_

Mayor Ross \_\_\_\_\_  
Vice Mayor Childress \_\_\_\_\_  
Commissioner Anderson \_\_\_\_\_  
Commissioner Bernard \_\_\_\_\_  
Commissioner 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:** September 30, 2010

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### **BACKGROUND:**

At a previous meeting, the Commission approved removing the requirement that Board members of the Biscayne Park Foundation, Inc. be Commissioners. Subsequent to that meeting, my office has reviewed and made changes consistent with that direction. The two most substantive changes from that meeting include:

- Providing the Commission with the ability to remove a Board member by unanimous Commission vote (Section 5). This change is made as prior there was no removal of power as all Board members were elected Commissioners; and
- Combining the duties of the Secretary and the Treasurer. This proposed amendment is consistent with the fact that there can now be only three members on the Board.

This matter is being brought back to the Village Commission for approval of these changes.

**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 require that the individual is a resident of the Village and is ~~simply election (or appointment) to~~ nomination nominated and appointed 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. *Removal of Member.* Any member may be removed by the unanimous vote of the Village Commission whenever, in the Commission's judgment, it is in the best interest of the Village.

Section 6. *Period of Service:* All members of the Governing Board shall serve according to their terms until their respective successors have been duly appointed elected, unless removed consistent with Section 5 above or otherwise unable to fulfill their duties as determined by the Village Commission.

Section 7. *Compensation:* Members of the Governing Board shall serve without compensation in their capacities as members.

Section 8. *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 9. *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 10. *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 for an Honorary Board meeting 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/Treasurer.

Section 2. *Removal of Officers:* Any officer elected or appointed by the members of the Governing Board may be removed from his/her officer position 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. *Secretary/Treasurer:* The Secretary/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 Secretary/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 thereunder, 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 Secretary/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 Secretary/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 Secretary/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 Secretary/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 Secretary/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.

The Secretary/Treasurer 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/Treasurer by such member), and in general shall perform all duties incident to the office of the Secretary/Treasurer and other such duties as from time to time may be assigned to him/her by the President or by the Governing Board.

Section 7. *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/Treasurer upon the written request of at least two of the Directors.

Notice of meetings shall be made by the Secretary/Treasurer 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/Treasurer 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 any time 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

## EMPLOYMENT AGREEMENT

This is an agreement entered into this 30<sup>th</sup> day of September, 2009 between the Village of Biscayne Park and Ana Garcia to provide for the employment of Ana Garcia as Village Manager of the Village of Biscayne Park, Florida, and to set forth the terms and conditions of her employment and the mutual obligations, rights and duties of each party.

Now, therefore, in consideration of the mutual promises as set forth in this Agreement, the Village of Biscayne Park, Florida (the Village) and Ana Garcia (Village Manager) agree as follows:

### **Section 1. Duties**

A. The Village Commission employs Ana Garcia as Village Manager of the Village of Biscayne Park, Florida to perform the functions and duties as specified in the Village Charter, and to perform such other legally permissible and proper duties as required by the Village Commission from time to time.

B. The Village Manager shall perform the duties of Village Manager of the Village in accordance with the terms, conditions and provisions contained in this Agreement and the Charter in a professional and respectable fashion required of Village Managers generally and as required by the standards of the Code of Ethics of the International City/County Management Association. The Village Manager recognizes that the position of Village Manager is not and cannot be an hourly type employment and agrees to devote that amount of time and energy, which is reasonably necessary for the Village Manager to fully perform the duties required under this Agreement. Thus, the Village Manager shall work as required in order to carry out her responsibilities.

### **Section 2. Term of Agreement**

A. The term of this Agreement shall commence on October 5, 2009. The Village Manager shall serve at the pleasure of the Village Commission. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the Village Commission to terminate the services of the Village Manager at any time, subject only to the provisions set forth in Section 5 of this Agreement.

B. The first six (6) months of the Village Manager's employment shall be a probationary term. During the probationary term, the Manager may be terminated immediately, with or without cause, and with no severance benefits.

C. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the Village Manager to resign at any time from the position of Village Manager, subject only to the provisions set forth in Section 6 of this Agreement.

D. This Agreement shall continue until either the Village Commission terminates the Agreement as specified in Section 5 or the Village Manager terminates the Agreement as specified in Section 6.

E. The Village Manager agrees to remain in the exclusive employment of the Village. However, the Village Manager may be permitted to do pro bono work with the approval of the Village Commission.

### Section 3. Effective Date

This Agreement shall be effective on October 5, 2009.

### Section 4. Salary

A. The Village agrees to pay the Village Manager for her services under this Agreement an annual base salary \$83,000.00 payable in installments at the same time as other Village employees are paid. This salary is subject to all legally required deductions.

B. Prior to the end of the six (6) month probationary term, the Village Commission shall review the Village Manager's performance. If the Village Manager does not pass the probationary period, the Village Manager may be terminated immediately with or without cause and with no severance benefits.

C. The Village Commission agrees to annually review the performance of the Village Manager prior to the anniversary date of this Contract. The evaluation shall be in such written form as the Commission deems appropriate. Any salary increase will be based on performance. The Manager will place on the agenda prior to October 1<sup>st</sup> of each year an item addressing her evaluation.

D. Nothing in Paragraph 4C shall require the Village to increase the base salary or other benefits of the Village Manager.

### Section 5. Termination by the Village and Severance Pay

A. In the event the Village Commission wishes to terminate the Village Manager, it shall do so in accordance with Section 3.03 of the Charter.

B. Should the Village Commission terminate the services of the Village Manager "without cause," then the Village shall pay the Village Manager any accrued vacation and sick time consistent with Section 11 of this Agreement. If termination is "without cause" and subsequent to Manager's probationary period, the Village shall provide ninety (90) days notice of when termination is to take place or, if termination is to take place immediately, pay the Village Manager a lump sum severance pay equal to three (3) month's salary and retirement contribution. Severance pay shall not be construed as compensation for services performed and severance payment will not

include automobile, cell phone allowance or other similar benefits. Said payment, severance benefits and retirement contribution made under this paragraph shall constitute full and complete payment and satisfaction of any claim the Village Manager may have against the Village arising under, or related to this Agreement or otherwise.

C. In the event the Village Manager is terminated for just cause, such termination will take effect immediately and the Village shall have no obligation to pay the amounts outlined in Section 5, Paragraph B of this Agreement except for any accrued and unpaid salary and benefits earned including accrued vacation and sick time consistent with Village Policy. For the purposes of this Agreement, just cause is defined and limited to mean (1) breach of any material term or condition of this Agreement; (2) misconduct in office such as an act of fraud or dishonesty; (3) gross insubordination; (4) willful neglect of duty; (5) a knowing or intentional violation of the International City/County Management Association, Florida or Miami-Dade County conflict of interest and code of ethics laws; (6) moral turpitude; or, (7) conviction of any criminal act (except for minor traffic infractions).

#### **Section 6. Termination by the Village Manager**

During the six (6) month probationary period, the Village Manager may terminate this Agreement by providing no less than thirty (30) days written notice. Subsequent to the probation, the Village Manager may terminate this Agreement at any time by delivering to the Mayor and members of the Village Commission a written notice of termination not later than ninety (90) days prior to the effective date of the termination, unless the parties otherwise agree in writing. If the Village Manager terminates this Agreement, then the provisions of Section 5, Paragraph B above, shall not apply. If the Village Manager voluntarily resigns pursuant to this Section, the Village shall pay to the Village Manager all accrued compensation due to Village Manager up to her final day of employment, including any accrued personal time off. The Village shall have no further financial obligation to the Village Manager pursuant to this Agreement. This subsection shall not prevent the Village Manager from collecting any money earned as a result of participation in the Village's deferred retirement program, if any.

#### **Section 7. Automobile Allowance and Communications Equipment**

A. The Village Manager is required to be on call for twenty four hour service and therefore, the Village shall provide a \$400.00 per month vehicle allowance for use of her private automobile. The Village agrees to reimburse Village Manager for mileage for travel that the Commission determines is extensive and out of the ordinary, such as seminars outside the South Florida area.

B. At the Village Manager's option, the Village will provide a cell phone with unlimited minutes and internet access or Village Manager may use her own cell phone and be reimbursed the reasonable actual cost of the cell phone/internet access, as approved by the Commission.

## **Section 8. Dues and Subscriptions**

The Village Manager agrees to become a member of the International City/County Management Association and the Florida City/County Management Association within three (3) months from beginning her employment. The Village agrees to pay Village Manager's professional dues for membership in the International City/County Management Association and the Florida City/County Management Association. The Village shall pay other dues and subscriptions on behalf of Village Manager, including necessary continuing education unit credits, as are approved in the Village's annual budget (on a line item basis) or as authorized separately by the Village Commission.

## **Section 9. Professional Development**

The Village agrees to pay for the Village Manager's travel and attendance at conferences requested by the Manager and approved by the Commission consistent with the Village budget or as authorized separately by the Village Commission.

## **Section 10. Community Involvement**

The Village recognizes the desirability of representation in and before local civic and other organizations, and encourages the Village Manager to participate in these organizations to foster a continuing awareness of the Village's activities as well as the community's attitudes and ideas.

## **Section 11. Time Off**

The Village Manager will be credited with eighteen (18) days of annual vacation leave days at the beginning of this Agreement and annually thereafter. The maximum vacation days that may be carried into the next fiscal year shall be fifty percent (50%) of the annual accrual.

The Village Manager will be credited with twelve (12) days of sick leave at the beginning of this Agreement and annually thereafter.

The Village Manager will be entitled to the same paid holidays as all other full-time employees of the Village.

The Village Manager will be paid one hundred percent (100%) for all unused vacation leave and fifty percent (50%) of all unused sick leave upon separation of employment from the Village.

During the six (6) month probationary period, the Village Manager may not use more than three (3) days of vacation.

Accrual of the first year's vacation and sick leave will vest at time of hire.

## **Section 12. Health and Dental Insurance**

The Village Manager shall be provided the same health and dental insurance coverage as provided to all other full-time employees of the Village and the Village shall pay one hundred percent (100%) of the single person premium for that insurance.

## **Section 13. Retirement**

The Village Manager shall be able to participate in the same retirement program as all other management employees of the Village. The retirement program is the State of Florida Retirement System and the Village Manager will be under the Compulsory Senior Management Level.

## **Section 14. Life Insurance**

The Village shall provide a term life insurance policy to the Manager in the amount at least equal to her current salary.

## **Section 15. Other Customary Benefits**

The Village shall afford the Village Manager the right to participate in any other benefits or working conditions as provided for the administrative and management employees of the Village.

## **Section 16. Indemnification**

To the extent permitted by law and as limited by Section 768.28, Florida Statutes, the Village shall defend, save harmless and indemnify the Village Manager against any tort, professional liability claim or demand or other legal action out of an alleged act or omission occurring in connection with the performance of the Village Manager duties so long as the Village Manager is acting within the scope of her employment. The Village, or its insurance carrier, will pay or settle any such claim or suit or judgment rendered thereon.

## **Section 17. Bonding**

The Village agrees to bear the full cost of any fidelity or other bonds as may be required pursuant to the Village Charter.

## **Section 18. Code of Ethics**

Inasmuch as the Village Manager will be an active, full member of the International City/County Management Association (ICMA), the "Code of Ethics" promulgated by ICMA is incorporated herein and by this reference made a part hereof.

Said "Code of Ethics" shall furnish principles to govern the Village Manager's conduct and actions as Village Manager of the Village.

### Section 19. Other Terms and Conditions

A. If any provision, or any portion thereof, contained in this Agreement is held to be unconstitutional, illegal, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall not be affected and shall remain in full force and effect.

B. The waiver by either party of a breach of any provision of this Agreement by the other shall not operate or be construed as a waiver of any subsequent breach by that party.

C. This Agreement shall be binding upon and inure to the benefit of the heirs at law or personal representative of the Village Manager.

D. This Agreement contains the entire Agreement of the parties. It may not be changed, except by an Agreement in writing signed by the parties.

E. Florida law shall govern this Agreement and any litigation which may arise from this Agreement shall be filed and litigated in Miami-Dade County, Florida.

F. Upon Village Manager's death, the Village's obligations under this Agreement shall terminate except for:

1. Transfer of ownership of retirement funds, if any, to her designated beneficiaries;
2. Payment of accrued leave balances in accordance with this Agreement to her designated beneficiaries;
3. Payment of all outstanding hospitalization, medical and dental bills in accordance with Village's insurance policies or plans; and
4. Payment of all life insurance benefits in accordance with the Village's insurance policies or plans.

G. The parties acknowledge that each has shared equally in the drafting and preparation of this Agreement and accordingly, no court or administrative hearing officer construing this Agreement shall construe it more strictly against one party than the other and every covenant, term and provision of this Agreement shall be construed simply according to its fair meaning.

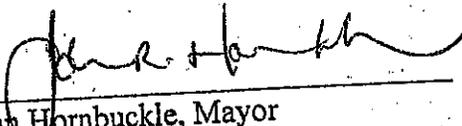
H. It is understood and agreed that this document incorporates and includes all prior negotiations, correspondence, conversations, agreements, and/or understandings applicable to the matters contained herein and that the parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, it is agreed that no

deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

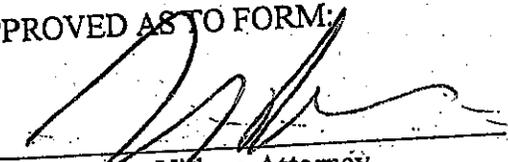
I. No modification, amendment or alteration in the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and with equal dignity herewith.

J. The rights and obligations herein granted are personal in nature and cannot be transferred by the Village Manager.

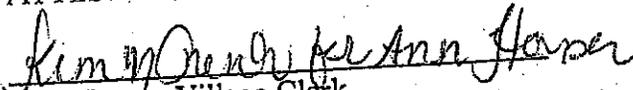
  
\_\_\_\_\_  
Ana Garcia, Village Manager

  
\_\_\_\_\_  
John Hornbuckle, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
John J. Hearn, Village Attorney

ATTEST:

  
\_\_\_\_\_  
Ann Harper, Village Clerk



Moved to the 10/5/10  
meeting per Comm  
Bernard.

Date: 9/3/10  
To: Village Clerk  
From: Steve Bernard, Commissioner  
Re: Written Policies and Procedures

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**REQUEST:**

A discussion to create written certain specific policies and procedures

**BACKGROUND AND ANALYSIS:**

After reviewing our most current Audit, CAFR, meeting notes, and emails, it is apparent that there are several Procedures that have never been formalized. In an effort to promote professionalism in Government, I believe it is necessary that certain specific procedures be created and adhered to. It would be preferable that a full Policy and Procedures manual be created, but in the interest of resolving immediate issues, I recommend that the following items be directed by the Commission to be formalized, if they are not already. Many of these have been recommended by the most current Audit/CAFR:

1. Hiring of employees – standards for advertisement, background and reference checks
2. Procedures following termination or resignation of employees
3. Accounting and Financial Reporting for Post-Employment Benefits
4. Job Descriptions – see Frank Spence's email of 4/6/09 for several proposed job descriptions
5. Capital assets monitoring
6. Cash Management at Recreation Center
7. Cash Management at Village Hall (especially since credit cards are no longer accepted)
8. Quarterly Financial Report submittals (content and deadlines) to Commission (in fiscal year 2009-2010, only the 1<sup>st</sup> Q was submitted for approval)
9. Budget Amendments as required or recommended by Auditors
10. Public Records requests. While there is a form online, it is not clear to whom the request is to be made to, as emails suggest that all requests go through the Manager, but in most other cities, requests go through the Clerk
11. Tree removal by Village employees or contractors, whether live or dead

**FISCAL/BUDGETARY IMPACT:**

Unknown, to be discussed

**RECOMMENDATION:**

Recommended by Commissioner Steve Bernard



# Village of Biscayne Park

640 NE 114<sup>th</sup> 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

September 28, 2010

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

From: Ana M. Garcia, Village Manager

**Re: Commissioner Bernard's Agenda Item 11.c – A discussion to create written certain specific policies and procedures.**

The questions listed by Commissioner Bernard have been addressed and Village administration continues to improve, amend and create with the goal of incorporating best practices. The following answers were provided on September 14, 2010:

1. Hiring of employees:

According to the Personnel Rules and Regulations adopted April 2009, in regards to standards for advertisement, page 12 states:

***5.3 – Announcement of Vacancies: After it has been determined that a vacancy exists and can be filled, the Village Manager shall give notice of the vacancy.***

No specifics are given as to what the standards are, but this administration has utilized all sources. For example, the Village Clerk position was advertised on our website and through the Florida League of Cities website. The Finance Director position was advertised on our website, through GFOA, and through Career Builder.

In regards to background and reference checks, page 13 states:

***5.7 Medical Examination – All applicants for employment or promotion should be required to take a medical examination, including a drug and/or alcohol test and/or a suitability profile, by a health care provider selected by the Village.***

***5.8 Applicants will be fingerprinted and photographed prior to hire. Applicants who will work with or around children will be processed and background checked by FDLE.***

In the case of the last three hires (Village Clerk, Finance Director and the Administrative Operations Analyst), all three had a pre-employment drug test and fingerprinting. Even though not required per policy, all three fingerprints were submitted to FDLE for a background check.

2. Procedures following termination:

Sections 9 and 10 of the Personnel Rules and Regulations adopted April 2009 cover separation of service and procedures.

3. Accounting and Financial Reporting:

GASB 45 goes into effect for the fiscal year ended 9/30/10 and we are currently reviewing the GASB 45 requirements.

4. Job Descriptions:

We have only been able to locate parts of these proposed job descriptions from April 2009. We are currently working on updating all job descriptions.

5. Capital assets monitoring:

Please refer to Management's response in the 2009 CAFR on page 70. We have not been able to locate what is discussed in this comment.

6. Cash Management at Recreation Center:

There are currently no procedures in place, but are being worked on so that they will be ready upon re-opening of the recreation center. We are proposing that cash only be handled at the concession stands. Any other monetary transaction (example rental fees) will be handled at Village Hall.

7. Cash Management at Village Hall:

We are in the process of enhancing our current procedures of checks and balances which is that the building clerk receives all checks and enters them in the system, and then the Finance Clerk makes the deposit. In regards to credit card processing that we cancelled due to the fact we were losing money on transaction costs, it is being re-reviewed with the bank to look at charging a convenience fee which would offset our costs.

8. Quarterly Financial Reports:

After all accounting is up to date, financial reports will be provided on a monthly basis. We are committed to providing our first monthly report for the month of October at the November regular commission meeting.

9. Budget Amendments:

Agree and will do so going forward.

10. Public Records Request:

Public Records requests are and have always been submitted to the Clerk and processed by the Clerk. What you reference in "as e-mail suggests" was not a public records request, but rather a request for staff time that required Manager review and direction.

11. Tree Removal:

This administration follows all tree removal regulations set forth by DERM.

**PLANNING & ZONING**

Meets the 1st and 3rd Monday at 6:30PM

	Member	Appointed By	Comment
1	Gage Hartung	Childress	
2	Barbara Watts	Cooper	
3	Andrew Olis	Bernard	
4	Doug Tannehill	Ross	
5	Elizabeth Hornbuckle	Anderson	
6	Mario Rumiano		< Alternate >
7	Carl Bickel		< Alternate >
	Fred Jonas	Ross	Resigned.

**Code Enforcement**

Meets the 3rd Tuesday at 7:00PM

	Member	Appointed By	Comment
1	Harvey Bilt	Anderson	
2	Dale Blanton	Bernard	
3	David Coviello	Childress	
4	Carmen DiBernardi	Ross	
5		Cooper	Pending new appointment or selection of alternate.
6	Kelli Rumiano	Anderson	< Alternate >
7	Milt Hunter	Anderson	< Alternate >
	Victor Cannon	Cooper	Absent 4 times consecutively.
	Ray Irizzary	Ross	Resigned.

**Code Review**

Meets the 2nd & 4th Tuesday at 7:00PM

	Member	Appointed By	Comment
1	Gage Hartung	Auto from P&Z	
2	Andrew Olis	Auto from P&Z	
3	Fred Jonas	Auto from P&Z	
4	Gary Kuhl	Anderson	
5	Dale Blanton	Auto from Code Enf	
6	David Coviello	Auto from Code Enf	
7	Carmen DiBernardi	Auto from Code Enf	
8	Kelli Romano	Auto from Code Enf	
9	Ray Irizzary	Auto from Code Enf	
10	Judi Hamelburg	Bernard	
	Harvey Bilt	Auto from Code Enf	Resigned, but remains on Code Enf.
	Milt Hunter	Auto from Code Enf	Resigned, but remains on Code Enf.
	Victor Cannon	Auto from Code Enf	Resigned

**Recreation Advisory Board**

Meets the 2nd Wednesday at 6:30PM

	Member	Appointed By	Comment
1	Ron Gwynn	Anderson	
2	James Murphy	Bernard	
3	John Holland	Cooper	
4	Helga Silva	Ross	

5	Rachel O'Conner		Previous alternate that replaced Vicki O'Brien.
	Vicki Mallette O'Brien	Childress	Resigned.

**Parks & Parkway Advisory Board**

Meets the 3rd Wednesday at 6:00PM

	Member	Appointed By	Comment
1	Dan Keys	Anderson	
2	Barbara Kuhl	Childress	
3	Randy Wagoner	Ross	
4		Bernard	Pending new appointment or selection of alternate.
5	David Tunnel	Cooper	
6	Lynn Fisher		< Alternate >
7	Mary Ann Jones		< Alternate >
	Anne Marie Jonckheer	Bernard	Resigned.
	Barbara Kiers	Cooper	Resigned.
	Jane Ansley		Resigned. (Alternate)

**Ecology Board**

Meets the 4th Wednesday at 7:00PM

	Member	Appointed By	Comment
1	Victor Romano	Anderson	
2	Matt Davis	Bernard	
3	Art Pyle	Childress	
4	Tom Pliske	Cooper	
5	Tracy Truppman	Ross	
6	Linda Carrington		< Alternate >
	Linda Domin		Will participate on special projects only.



# Village of Biscayne Park

640 NE 114<sup>th</sup> Street  
Biscayne Park, FL 33161

Tel: 305 899 8000  
Fax: 305 891 7241

Date: September 27, 2010

To: Ana Garcia, Village Manager

From: Mayor Roxanna Ross

**Re: Draft Legislation – Budget Policies**

## **Background Analysis:**

Section 166.241(3)(b), Florida Statutes, provides that the governing body of a municipality may establish procedures by which the designated budget officer may authorize certain budget amendments within a department, provided that the total of the appropriations of the department is not change. Authorizing the Village Manager to make certain intradepartmental budget amendments will promote government efficiency and avoid disruption in Village management and service to the community.

## **Fiscal/ Budgetary Impact:**

Minimal.

## **Recommendation:**

Commission direction to get an opinion from our auditors on the proposed budget policy ordinance and to then go forward with the first reading of the ordinance at the November 4, 2010 meeting.

ORDINANCE NO. 2010-

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES OF THE VILLAGE OF BISCAYNE PARK ENTITLED "ADMINISTRATION" BY AMENDING ARTICLE VI ENTITLED "FINANCE" BY ADDING SECTIONS 2-76 "DEFINITIONS" AND 2-77 "AUTHORITY TO MAKE INTRADEPARTMENTAL BUDGET AMENDMENTS BY VILLAGE MANAGER" TO ESTABLISH PROCEDURES BY WHICH THE VILLAGE MANAGER MAY AUTHORIZE AMENDMENTS WITHIN DEPARTMENT BUDGETS WITHOUT VILLAGE COMMISSION APPROVAL; AMENDING CHAPTER 2, ARTICLE VIII TO HAVE REFERENCES TO THE DIRECTOR OF FINANCE REPLACED WITH VILLAGE MANAGER THROUGHOUT ARTICLE VIII AND AMENDING CHAPTER 2, ARTICLE VIII REFERENCING BUDGET APPROPRIATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in accordance with the laws of the State of Florida, any amendments to the adopted fiscal year budget must be approved by the governing body of the municipality; and

WHEREAS, Section 166.241(3)(b), Florida Statutes, provides that the governing body of a municipality may establish procedures by which the designated budget officer may authorize certain budget amendments within a department, provided that the total of the appropriations of the department is not changed; and

WHEREAS, authorizing the Village Manager to make certain intradepartmental budget amendments will promote government efficiency and avoid disruption in Village management and service to the community; and

WHEREAS, the Village Commission has determined that it would be good management practice to give the Village Manager or his/her designee some authority to make budget amendments within department budgets without Village Commission

approval, provided that the total of the appropriations of the department is not changed;  
and

WHEREAS, in order to provide for such authority the Village's Purchasing and Procurement Ordinance must be amended;

WHEREAS, the Village Commission also finds it in the best interest of the Village to amend the Purchasing and Procurement Ordinance to replace references to the Director of Finance with Village Manager or designee consistent with the Village charter;  
now, therefore

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

**Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**Section 2.** Chapter 2, Article VI entitled "Finance" of the Code of Ordinances of the Village of Biscayne Park is hereby amended to create Section 2.76 entitled "Definitions" and Section 2.77 "Authority to Make Intradepartmental Budget Amendments by Village Manager" as follows:

**Sec. 2-76. Definitions**

For purposes of this Article, "Operational Expenses" shall mean appropriations for materials, supplies and services related to Village operations, other than salaries, benefits, capital outlay or contingency.

**Sec. 2-77. Authority to Make Intradepartmental Budget Amendments by Village Manager.**

During the fiscal year it may become necessary to adjust budgets of various line items within a Department. The following procedure will govern this amendment process:

1. The Village Manager or his/her designee shall have the authority to make intradepartmental budget amendments that reallocate appropriations amongst a

department's line item appropriations for Operational Expenses provided that the total appropriations for Operational Expenses is not changed.

2. All other budget amendments involving salaries, benefits, capital outlay or contingency must be approved by the Village Commission.
3. The Village Manager shall present a monthly written report on the status of the Village's budget to the Commission. At a minimum, this report will generally include, but not be limited to, revenues by category and expenditures by department for each Village Fund.

Chapter 2, Article VIII of the Code of Ordinances of the Village of Biscayne Park is hereby amended as follows:

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**Sec. 2-134. Establishment of purchasing agent.**

The ~~director of finance~~ Village Manager or his/her designee shall be the chief purchasing agent of the village. Subject to the terms of this article and except as otherwise provided for in section 2-136, the purchasing agent shall contract for, procure or so process the procurement, purchase, storage and distribution of all supplies, materials, equipment and certain contractual services required by any office, department or agency of the village. The purchasing agent shall establish and enforce specifications, inspect or supervise the inspection of all deliveries and have full and complete charge of, and be responsible for, all supplies, materials, and equipment purchased for or belonging to the village.

\*\*\*

**Sec. 2-136. Purchasing limitations; competitive bidding.**

(a) *Purchases less than two thousand five hundred dollars (\$2,500.00).* Purchases of or contracts for materials, supplies, equipment, improvements or services for which funds are provided in the budget, where the total amount to be expended is not in excess of two thousand five hundred dollars (\$2,500.00), may be made or entered into by any department director without submittal to the village commission and without competitive bidding. Single purchases or contracts in excess of two thousand five hundred dollars (\$2,500.00) shall not be broken down to amounts less than two thousand five hundred dollars (\$2,500.00) to avoid the requirements of this subsection.

(b) *Purchases more than two thousand five hundred dollars (\$2,500.00) but less than ten thousand dollars (\$10,000.00).* Purchases of or contracts for materials, supplies, equipment, improvements or services for which funds are provided in the budget, where the total amount to be expended is in excess of two thousand five hundred dollars (\$2,500.00) but which does not exceed ten thousand dollars (\$10,000.00), may be made or entered into by the ~~director of finance~~ Village Manager or his/her designee without submittal to the village commission and without competitive bidding, but shall require that the ~~director of finance~~ Village Manager or his/her designee obtain quotes from at

least three (3) different vendors. The ~~director of finance~~ Village Manager or his/her designee shall award the bid to the lowest, most responsive, responsible bidder. Single purchases or contracts in excess of ten thousand dollars (\$10,000.00) shall not be broken down to amounts less than ten thousand dollars (\$10,000.00) to avoid the requirements of this subsection.

(c) *Purchases in excess of ten thousand dollars (\$10,000.00).* The village commission shall approve all purchases of or contracts for materials, supplies, equipment, public improvements or services where the total amount to be expended is more than ten thousand dollars (\$10,000.00). Purchases in excess of ten thousand dollars (\$10,000.00) shall be in compliance with the competitive bidding requirements set forth in section 2-137.

(d) *Exceeding budget appropriation.* Except as provided for in Chapter 2, Article VI, ~~the director of finance~~ Village Manager or his/her designee may not purchase or contract for any item or service which exceeds any budget appropriation until such a time as the village commission amends the budget to increase the appropriation to the applicable level.

#### **Sec. 2-137. Competitive bidding procedure.**

(a) Whenever competitive bidding is required by this article, the ~~director of finance~~ Village Manager or his/her designee shall direct that bid proposals which provide specifications for the purchase or contract be prepared.

(b) The ~~director of finance~~ Village Manager or his/her designee shall solicit sealed bids from at least three (3) persons or entities engaged in the business of furnishing such materials, supplies, equipment and public improvements or rendering such services.

(c) The ~~director of finance~~ Village Manager or his/her designee may publish a public invitation to bid.

(d) Bids shall be awarded to the lowest, most responsive, responsible bidder, as determined by the village commission and/or the ~~director of finance~~ Village Manager or his/her designee as the case may be, subject to the right of the village to reject any and all bids, to waive any irregularity in the bids or bidding procedures and subject also to the right of the village to award bids and contracts to bidders other than the low bidder.

#### **Sec. 2-138. Bid opening procedure; awarding of bids.**

(a) Sealed bids shall be opened by the ~~director of finance~~ Village Manager or his/her designee or their appointed representative and recorded by the ~~director of finance~~ Village Manager or his/her designee or their representative on the date and time specified in the bid proposal.

(b) Whenever required by the bid proposal, all bid bonds, cash, insurance, checks or other security accompanying the bid shall be received and maintained for safekeeping by

~~the director of finance~~ Village Manager or his/her designee. ~~The director of finance~~ Village Manager or his/her designee shall be responsible for the return of the bid bonds, cash, insurance, checks or other security of unsuccessful bidders.

(c) Upon completion of the bid opening reading, all bids received will be deposited with the ~~director of finance~~ Village Manager or his/her designee for tabulation and/or recommendation to the village commission.

(d) Upon submission of the bid tabulation and recommendation to the ~~director of finance~~ Village Manager or his/her designee or village commission, as the case may be, the ~~director of finance~~ Village Manager or his/her designee or the village commission shall either accept, reject or refer for additional review the bid tabulation and recommendation.

**Sec. 2-139. Waiver of competitive bidding procedures.**

The village commission may, by majority vote, waive the competitive bidding procedures outlined in this article upon the recommendation of the ~~director of finance~~ Village Manager or his/her designee that it is in the best interest to do so, to obtain goods and services which cannot be acquired through the normal purchasing process due to insufficient time, the nature of the goods or services or other factors.

**Sec. 2-140. Governmental contracts.**

The ~~director of finance~~ Village Manager or his/her designee is hereby authorized to enter into bids or contracts entered into by other governmental authorities provided that the governmental authority has followed a competitive bidding procedure leading to the award of the bid or contract in question which is substantially similar to the competitive bidding procedure outlined in this article.

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

**Section 5. 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 6. 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 Cooper \_\_\_\_\_  
Commissioner Anderson \_\_\_\_\_  
Commissioner Bernard \_\_\_\_\_  
Commission Childress \_\_\_\_\_

\_\_\_\_\_  
Village Clerk

Approved as to form:

\_\_\_\_\_  
John J. Hearn, Village Attorney



Date: 10/05/2010

To: Vice Mayor Bryan Cooper  
Commissioner Bob Anderson  
Commissioner Steve Bernard  
Commissioner Albert Childress

From: Mayor Roxanna Ross

Re: Miami Dade County League of Cities Requests

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**REQUEST:**

**MIAMI DADE COUNTY LEAGUE OF CITIES REQUESTS**

Legislative Committee Chair requests each City provide two or three issues from their municipalities legislative agenda for the upcoming legislative session

**BACKGROUND AND ANALYSIS:**

Self evident.

**FISCAL/BUDGETARY IMPACT:**

Minimal impact.

**RECOMMENDATION:**



# Village of Biscayne Park

640 NE 114<sup>th</sup> 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

September 28, 2010

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

From: Ana Garcia, Village Manager

## **Re: Village Circulator**

### **Background Analysis:**

The current inter-local agreement with North Miami for the use of their NOMI Circulator is \$36,000 per year paid through CITT Funds. This agreement expires on 10/31/10.

Per the adopted 2010-11 Budget and previous discussions, we are looking at utilizing the bus, previously used by the Recreation Department, to create our own circulator tailored to the Village and to the needs of our residents. Prior to implementing this, we will proceed with working with professionals to determine route possibilities, signage for the bus, and other requirements for this project. We will also work closely with our residents through workshops, surveys, etc., to receive input on routes, destinations, the naming of the Village circulator, and any other pertinent piece of this endeavor.

Additionally, we have met with the Director of CITT to insure our process and procedures are correct in regards to entering into this project prior to going forward.

### **Fiscal/ Budgetary Impact:**

All funding for the circulator, including all preliminary research and services, are from CITT funds.

### **Recommendation:**

Manager recommends terminating the use of the NOMI circulator effective 10/31/10, and to continue to utilize CITT funds for the preliminary research and professional services, with the goal of implementing our own circulator by January 2011.

**Manager Recommendation**  
**Village Circulator**  
**Page 1 of 1**

## MEMORANDUM

**TO:** Honorable Village Commission  
Ana M. Garcia, Village Manager  
Maria Camara, Village Clerk

**FROM:** John J. Hearn, Village Attorney

**RE:** Land Development Code Changes

**DATE:** September 30, 2010

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Attached please find numerous changes to the Land Development Code. The changes which are highlighted in yellow are from the Code Review Board. I have made additional changes which are red-lined, but not highlighted. At Tuesday's meeting, I will be discussing some of the substantive proposed changes. In particular, I will be discussing amending the Village's fence/wall/hedge code.

JJH:dlw



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Village Attorney

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Village Clerk

**The LAND DEVELOPMENT  
CODE CHANGES Draft  
Document is a  
separate attachment**