



Date: April 7, 2015

To: Mayor David Coviello
Vice Mayor Fred Jonas
Commissioner Bob Anderson
Commissioner Roxanna Ross
Commissioner Barbara Watts

From: Jenny Johnson-Sardella
Chair, Charter Review Advisory Board

Re: Charter Review Advisory Board Conclusion of Findings

This memorandum and the attached summary serve to provide the Village Commission with a review of the actions of the Charter Review Advisory Board and its findings.

Summary of meetings:

- December 11, 2014: Chair and Vice Chair selected; schedule of meeting set as the 2nd and 4th Thursday of each month; Board requested that each Commissioner and the Village Manager are invited to the next meeting to present to the Board what areas of the Charter they are looking to review.
- January 8, 2014: Meeting attended individually by Mayor Coviello, Commissioner Anderson, Commissioner Ross and Commissioner Watts and each provided their input on areas of the charter to review. Vice Mayor Jonas provided his input through the Clerk. Manager Heidi Siegel attended and provided her input on areas for review. Residents in attendance were provided an opportunity to comment. Public Services Manager Krishan Manners also in attendance.
- January 22, 2014: The Board began their review of all the points submitted by the Village Commission and Manager. In attendance at the meeting were Manager Siegel and Public Services Manager Manners.



The Village of Biscayne Park

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- February 12, 2014: The Board continued their review of the points submitted by the Village Commission and Manager. In attendance at the meeting were Manager Siegel and Public Services Manager Manners.
- February 24, 2014: No meeting.
- March 12, 2014: The Board concluded their review of the points submitted by the Village Commission and Manager, as well as those brought up by the Board. The Board directed Staff to prepare a summary of the items discussed and the Board's determination for a final review at the March 26th meeting. In attendance at the meeting were Manager Siegel and Public Services Manager Manners.
- March 26, 2014: The Board confirmed the summary of the Board's review and their determination of each as provided by Staff and included as attachment 'A'. A motion was made to formally conclude the meetings and provide the Village Commission with their FINAL FINDINGS that no changes to the Village Charter are required.

On behalf of the Charter Review Advisory Board, it has been a privilege to have served on this Board and to have undertaken this responsibility. We would also like to commend the Staff for their assistance to the Board.

Sincerely,

Jenny Johnson-Sardella
Chair, Charter Review Advisory Board

Encl: Attachment 'A'

**CHARTER REVIEW ADVISORY BOARD
SUMMARY OF REVIEW ITEMS**

| Section | Section Title | For Consideration | Board Determination |
|----------------|---|---|--|
| 1.02 | Form of Government | Consider the opportunity to be more explanatory on the relationship, but not necessarily changing the relationship. | Consensus to leave as is with no changes. |
| 2.02 | Mayor and Vice-Mayor | Referencing the duties of the Mayor, language appears left over from pre-Manager form of government as it relates to execution of contracts and in regards to service of process. | Consensus to leave as is with no changes. |
| 2.03 | Election and term of office. | Candidates to run at large for a specific seat. | Consensus to leave as is with no changes. |
| 2.03 | Election and term of office. | On term limits, important to look at, but not necessarily to change, only to consider the size of our Village. Also consider the time out of office. Clean up the language if an elected official, after leaving office, looks to become an employee, or through a contractual basis. | Consensus not to add term limits. |
| 2.05 | Vacancies; forfeiture of office; filling of vacancies | To include 'suspension or removal' as it relates to vacancies; to clarify the language as it relates to the attorney's role in the process; and that due process is provided for all reasons of forfeiture of office. | Consensus to add 'suspension' as an additional reason for the vacancy and to include as a change if the Board proceeds with proposing charter amendments. In regards to the section on due process, there is consensus to leave as is with no changes. |
| 2.05 | Vacancies; forfeiture of office; filling of vacancies | Consider the expense of a stand alone election if a vacancy were to occur. Consider changing the language from six (6) months to twelve (12) months left in the term before requiring a special election Would allow for proper budgeting as well. | Consensus to leave as is with no changes. |
| 2.05(C)(1) | Vacancies; forfeiture of office; filling of vacancies <i>(C) Filling of vacancies (1) Vacancy of Commission Office</i> | Clean up the language that if appointed, that the candidate requirements are the same. Currently it is silent. | Consensus to make the language in this section as it relates to the qualifications of the person appointed consistent with that of a candidate in section 2.04, and to include as a change if the Board proceeds with proposing charter amendments. |
| 3.01(B) | Village Manager <i>(B) Appointment; removal; compensation of the Manager</i> | Regarding "Village Manager" consider the language in the Model City Charter. Important to include education and experience. | Consensus to leave as is with no changes. |

| Section | Section Title | For Consideration | Board Determination |
|----------------|--|--|---|
| 3.02 | Village Attorney | Where it references "Village Attorney, consider the language in the Model City Charter where it states a legal officer treated as a regular department head. Options: Appointed by City Manager; appointed by City Manager but subject to confirmation by the City Council; or appointed by the City Council only. | Consensus to leave as is with no changes. |
| 4.01 | Commission meeting procedure | On Commission meeting procedures, update so that Manager has the ability to call a special meeting, and not just limited to the Mayor or four members of the Commission. | It was confirmed by the attorney the Manager checking with each Commissioner on their availability for a meeting does not violate Sunshine law. |
| 4.01 | Commission meeting procedure | Look at facilitating the process for scheduling special meetings or rescheduling a meeting date. | It was confirmed by the attorney the Manager checking with each Commissioner on their availability for a meeting does not violate Sunshine law. |
| 4.03 | Action requiring an ordinance | On actions requiring an ordinance, review the actions listed and consider those that can be done through a less expensive action such as a resolution. | Consensus to change the current actions listed requiring an ordinance and consider those that can be done through a less expensive action such as a resolution, and to include as a change if the Board proceeds with proposing charter amendments. |
| 4.05 | Annual budget adoption | On annual budget, Model City Charter provides information on how to formalize the budget process to include a capital improvement plan. Also consider the language provided regarding contingencies. | There was consensus to leave as is as it relates to the annual budget and the manner in which contingencies and capital improvement are identified in the budget. |
| 4.09 | Tax levy and assessments | In order to enforce code fines, liens or any other type of fines, consider accumulating the fines per year and adding to the property tax bill. Also to deny issuance of any permits or annual renewals until open liens are satisfied. | Consensus to look into changing the Village code as opposed to a charter amendment. |
| ARTICLE V | ELECTIONS | Consider what the Model City Charter provides. | Consensus to leave as is with no changes. |
| 5.01 | Term of Office | Consider term limits. | Consensus not to add term limits. |
| 5.01 | Term of Office | How the Mayor is selected. | Consensus to leave as is with no changes. |
| 5.02 | Elections | For elections in general, specificity on the number of days, consider requirements of the County Supervisor of Elections and schedule accordingly. | Consensus to leave as is with no changes. |
| 5.03(E)(2) | Initiative, referendum and recall <i>(E) Action on Petitions (2) Submission to Electors</i> | Referencing the scheduling of a special election. | Consensus to leave as is with no changes. |

| Section | Section Title | For Consideration | Board Determination |
|---------|-----------------------------|--|--|
| 6.02 | Procedure to amend | On procedure to amend and for charitable donations, consider changing from majority decision to super majority decision (4/5th). | This is a non-issue as it was verified that the current language requires four (4) commissioners (super majority). |
| 7.04 | Charitable donations | On procedure to amend and for charitable donations, consider changing from majority decision to super majority decision (4/5th). | This is a non-issue as it was verified that the current language requires four (4) commissioners (super majority). |
| 7.07 | No discrimination | On "no discrimination" section, add "age" as a protected category. | Consensus to make this change and to include as a change if the Board proceeds with proposing charter amendments. |
| 7.07 | No discrimination | On "no discrimination" section, add "age" and "gender identity" as a protected category. | Consensus to add "age", and to include as a change if the Board proceeds with proposing charter amendments. |
| | | Review language on "clerk's records". | This is a non-issue as there is no current language that refers to "clerk's records". |