



The Village of Biscayne Park

600 NE 114th St., Biscayne Park, FL 33161

Telephone: 305 899 8000 Facsimile: 305 891 7241

AGENDA REGULAR COMMISSION MEETING Log Cabin - 640 NE 114th Street Biscayne Park, FL 33161 Tuesday, August 06, 2019 7:00 pm

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 - All comments must be addressed to the Commission as a body and not to individuals. 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.



Indicates back up documents are provided.

1 Call to Order

2 Roll Call

Mayor Truppmann

Vice-Mayor Samaria

Commissioner Johnson-Sardella

Commissioner Tudor

Commissioner Wise

3 Pledge of Allegiance

4 Additions, Deletions or Withdrawals to the Agenda

At this time, any member of the Village Commission or the Village Manager may request to add, change, or delete items from the agenda.

5 Presentation

6 Public Comments Related to Agenda Items / Good & Welfare

Comments from the public relating to topics that are on the agenda, or other general topics.

7 Information / Updates

8 Consent Agenda

Items listed under Consent Agenda are viewed to be routine, and the recommendation will be enacted by ONE MOTION in the form listed below. If discussion is desired, then the item(s) will be removed from the Consent Agenda and will be considered separately.

8.a Acceptance of Commission Minutes

- Regular Commission Meeting 07 09 2019 at 7:00 pm
-  • First Budget Workshop FY 2019-2020 07 16 2019 7:00 pm
- Special Commission Meeting 07 24 2019 at 6:30 pm
- Workshop - Discussion on Commission Meetings Procedures and Village Code 7:00 pm

8.b Acceptance of Board Minutes

- Planning & Zoning Board meeting 06 03 2019
- Planning & Zoning Board meeting 06 18 2019
-  • Planning & Zoning Board meeting 07 02 2019
- Public Safety Advisory Board meeting 05 22 2019
- Public Art Advisory Board meeting 06 12 2019
- Parks & Parkway Advisory Board meeting 04 18 2019
- Code Compliance Board meeting 12 10 2018
- Code Compliance Board meeting 02 11 2019
- Code Compliance Board meeting 03 28 2019
- Code Compliance Board meeting 04 18 2019

8.c Printer and Copier lease for Police Department



8.d Printer and Copier lease for Recreation Center

9 Ordinances

9.a Ordinance # 2019-02 - Budget Amendment - Second Reading

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, N.A.;
 AMENDING FISCAL YEAR 2018/2019 BUDGET ORDINANCE 2018-06; AMENDING AND INCREASING THE PROFESSIONAL SERVICES BUDGET; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Public Comments on Ordinance 2019-02

10 Resolutions

None

11 Old Business

11.a Cancelled Meeting of March 05, 2019 - by Vice-Mayor Samaria

11.b Discussion of Mayor - Change of Leadership - by Vice-Mayor Samaria

11.c The Communication Branding Workshop held on April 16, 2019 - by Vice-Mayor Samaria



11.d Charter Amendments - by Commissioner Tudor - Continuance

11.e Risk Management - by Mayor Truppman - Continuance

12 New Business

12.a MDCMCA - Miami-Dade County Municipal Clerks Association - request to waive fee of Log Cabin for October 25, 2019 MDCMCA luncheon meeting.



12.b Applications for Board Members

12.c Special Magistrate Presiding Over Code Enforcement Proceedings - by Village Manager

13 Request for placement of items on next meeting agenda

Through general consensus a member of the Commission may request an item be placed on the next agenda for discussion (New Business) or as a Resolution/Ordinance.

14 Reports

14.a Village Attorney

- LGBTQ Supreme Court Case – Amici Curiae Brief
- New State Law - Fla. Stat. § 163.045 – Tree pruning, trimming, or removal on residential property.
- AGO Legal Advisory Opinion Status
- FEMA Appeal Statuses
- Proposed Ordinance Amending Section 2-30 of Village Code - by Mayor Truppman - Continuance of Workshop 07 24 2019

14.b Village Manager

14.c Board / Committee Reports

14.d Commissioners Comments:

- Mayor Truppman
- Vice Mayor Samaria
- Commissioner Johnson-Sardella
- Commissioner Tudor
- Commissioner Wise

15 Announcements

Biscayne Park Foundation, Monday, August 12, 2019 7:00pm

Code Compliance Board, Monday, August 12, 2019 7:00pm

Public Art Advisory Board, August 14, 2019 6:00pm CANCELED

Planning & Zoning Advisory Board, Monday, August 19, 2019 6:30pm

Parks & Parkway Advisory Board, July 18, 2019 7:00pm

Public Safety Advisory Board, Wednesday, August 28, 2019 7:00pm

Second Workshop Budget FY 2019-2020 on Wednesday, August 14, 2019, 7:00 pm

First Budget FY 2019-2020 Hearing on Tuesday, September 10, 2019 6:30 pm

Next Regular Commission Meeting will be held on Tuesday, September 10, 2019 at 7:00 pm

Second Budget FY 2019-2020 Hearing on Friday, September 20, 2019 6:30 pm

16 Adjournment



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report

Item # 8.a

REGULAR MEETING

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Roseann Prado, Village Clerk

DATE: August 06, 2019

TITLE: Acceptance of Commission Minutes

Background

The minutes as listed below are being provided for the Commissioner's review and acceptance.

Recommendation

Acceptance at Consent Agenda.

Attachment

- Regular Commission Meeting 07 09 2019 7:00 pm
 - First Budget Workshop FY 2019-2020 07 16 2019 7:00 pm
 - Special Commission Meeting 07 24 2019 6:30 pm
 - Workshop – Discussion on Commission Meetings Procedures and Village Code 07 24 2019 7:00 pm
-

Prepared by: Roseann Prado, Village Clerk



The Village of Biscayne Park

600 NE 114th St., Biscayne Park, FL 33161

Telephone: 305 899 8000 Facsimile: 305 891 7241

**Minutes
Regular Commission Meeting
Log Cabin - 640 NE 114th Street
Biscayne Park, FL 33161
Tuesday, July 09, 2019 at 7:00pm**

1 Call to Order

Mayor Tracy Truppman called the meeting to order at 7:00pm.

2 Roll Call

Mayor Tracy Truppman - present
Vice Mayor Johnson-Sardella - present
Commissioner Samaria - present
Commissioner Tudor - present
Commissioner Wise - present

Staff present:

Village Manager Krishan Manners
Village Attorney Rebecca Rodriguez
Village Clerk Roseann Prado
Sergeant of Arms Officer Paul Eppler
Chief of Police Luis Cabrera
Public Works Manager David Hernandez
Recording: Cesar Hernandez

3 Pledge of Allegiance

4 Additions, Deletions or Withdrawals to the Agenda

- Village Manager requested to move Item 10.b to Consent Agenda. No objection. Item 10.b moved to Item 8 - Consent Agenda.
- Vice-Mayor requested to move up Item 12.b to after Item 10.c that then became Item 10.d.
- Commissioner Wise moved to wait State Attorney opinion on Item 11.d. Commissioner Johnson-Sardella seconded. **Motion passed 3 - 1** (Vice-Mayor Samaria opposed. Mayor Truppman recused herself - form 8B attached)

- Village Attorney advised there was three (3) Public Hearings on the agenda; Ordinance 2019-01, 2019-02 and Resolution 2019-15 that need to open for Public Comments. Commissioner Wise motioned to add Public Comments to Ordinances 2019-01 and 2019-02. Commissioner Johnson-Sardella seconded. **Motion passed 5 - 0.**
- Items 12.a and 12.b moved before Item 10.c.
- Commissioner Johnson-Sardella motioned to approve the Agenda as amended. Commissioner Wise seconded. **Motion passed 5 - 0.**
- Village Manager announced Representative Dotie Joseph left momentarily and she will be back shortly.

5 Presentations

- 5.a Proclamation - Early McWilliams' 30th Anniversary - Village Manager and Public Works Manager presented a plaque and Mayor Truppman read the proclamation.

Eagle Scouts bird boxes project - by Public Works Manager and Anthony Perez Pinon.

- 5.b Vice-Mayor Samaria moved to approve the bird houses project. Commissioner Johnson-Sardella seconded. **Motion passed 5 - 0.**

- 5.c National League of Cities Service Line Program - by Lee Zell, Regional Director
Commissioner Wise motioned to direct Village Manager to draft Resolution and Agreement to be presented on next Commission meeting. Commissioner Johnson-Sardella seconded. **Motion passed 5 - 0.**

- 5.d Auditors - 2018 Audit complete - Caballero Fierman Llerena & Garcia, LLP - by Enrique Llerena, Partner and Elias Rodriguez

6 Public Comments Related to Agenda Items / Good & Welfare

Comments from the public relating to topics that are on the agenda, or other general topics.

The following persons spoke on the record:

Chester Doc Morris

Bob Anderson

Janey Anderson

Linda Dillon

Interruption

- State Representative Dotie Joseph - presentation

Continuation

Gary Kuhl

Dan Schneiger

MacDonald Kennedy

Barbara Kuhl

Rox Ross

Chuck Ross

7 Information / Updates

7.a Attorney updates:

- FEMA Appeal - Approved for Project No. 5511 (Hurricane Irma Debris Removal & Monitoring)
- AGO Advisory Legal Opinion Request - Status

8 Consent Agenda

8.a Acceptance of Commission Minutes

- Revised - Special Commission Meeting 05 07 2019 at 6:30 pm
- Regular Commission Meetings 05 07 2019 at 7:00 pm
- Regular Commission Meetings 06 04 2018 at 7:00 pm

8.b Acceptance of Board Minutes

- Planning & Zoning Board Meeting 03 04 2019
- Planning & Zoning Board Meeting 03 18 2019
- Planning & Zoning Board Meeting 04 01 2019
- Planning & Zoning Board Meeting 04 15 2019
- Planning & Zoning Board Meeting 05 09 2019
- Planning & Zoning Board Meeting 05 20 2019
- Code Compliance Board Meeting 05 13 2019

10.b Resolution # 2019-16 Donation of Vehicle from Golden Beach

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; ACCEPTING THE DONATION OF A VEHICLE FROM THE CITY OF GOLDEN BEACH POLICE DEPARTMENT; AUTHORIZING THE VILLAGE MANAGER TO ACCEPT TITLE TO THE VEHICLE TO BE USED WITHIN THE VILLAGE'S POLICE DEPARTMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice-Mayor Samaria motioned to approve Consent Agenda with the addition of Item 10.b. Commissioner Johnson-Sardella seconded. **Motion passed 5 - 0.**

As previously informed, Commissioner Wise left at 9:00 pm.

9 Ordinances

9.a Ordinance # 2019-01 - Amending Section 2-30 Village Code Of Ordinances - First Reading

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING SECTION 2-30 OF THE VILLAGE CODE OF ORDINANCES, "GENERAL RULES AND POLICIES", PROVIDING FOR ORDINANCES IN CONFLICT, REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

- Public Hearing on Ordinance 2019-01.

The following persons spoke on the record:

Barbara Kuhl
Janey Anderson
Rox Ross
Bob Anderson
Gary Kuhl
Mac Kennedy
Fred Jonas

Commissioner Tudor motioned to remove Ordinance 2019-01 until Commission have a discussion on the item. Commissioner Johnson-Sardella seconded. **Motion passed 4 - 0.** Item 9.a removed.

9.b Ordinance # 2019-02 - Budget Amendment - First Reading

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, N.A.; AMENDING FISCAL YEAR 2018/2019 BUDGET ORDINANCE 2018-06; AMENDING AND INCREASING THE PROFESSIONAL SERVICES BUDGET; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

- Public Hearing on Ordinance 2019-02.

The following persons spoke on the record:

Barbara Kuhl
Bob Anderson
Janey Anderson
Mac Kennedy
Fred Jonas
Rox Ross
Chuck Ross
Gary Kuhl

Commissioner Tudor motioned to approve Ordinance 2019-01 with the requested amendment on the increasing amount to \$ 15,000.00 to the Attorney budget. Commissioner Johnson-Sardella seconded.

Mayor Truppman - Yes
Vice-Mayor Samaria - Yes
Commissioner Johnson-Sardella - Yes
Commissioner Tudor - Yes

Motion passed 4 - 0.

- Mayor Truppman asked Commissioners' permission to extend the meeting to 11:30 pm - Commissioners approved.

10 Resolutions

10.a Resolution # 2019-15 Non-Ad Valorem Assessment for Residential Solid Waste

- Public Hearing on Resolution # 2019-015

The following persons spoke on the record:

Rox Ross

Chuck Ross - Produced 2018 Florida Statutes 197.3632 and MD County Notice of Proposed Non-Av Valorem Assessment attached to the records.

Bob Anderson

Barbara Kuhl

Commissioner Johnson-Sardella motioned to approve Resolution 2019-015.

Mayor Truppman seconded.

Mayor Truppman - Yes

Vice-Mayor Samaria - No

Commissioner Johnson-Sardella - Yes

Commissioner Tudor - Yes

Motion passed 3 - 1.

10.c Resolution # 2019-17 Grubbs Contract Approval

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; APPROVING DEBRIS REMOVAL SERVICES CONTRACT WITH GRUBBS EMERGENCY SERVICES, LLC; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice-Mayor Samaria motioned to approve Resolution 2019-017.

Commissioner Tudor seconded. **Motion passed 4 - 0.**

12.b Power Lift purchase for Public Works

Commissioner Johnson-Sardella motioned to approve to draft and adopt Resolution for the purchase of the equipment to Public Works at a cost of \$ 30,629.50, waiving the RFP process due to the urgency of the acquisition by hurricane season. Commissioner Tudor seconded. **Motion passed 4 - 0.**

- Mayor Truppman asked to extend the meeting to 11:35 pm. Commissioners approved.

13 Request for placement of items on next meeting agenda

Through general consensus a member of the Commission may request an item be placed on the next agenda for discussion (New Business) or as a Resolution/Ordinance.

- 11.a** Establishment of Commission meeting procedures - Moved to a Workshop date to be determined (**Held on 07/24/2019**)

11.b

Charter Amendments - by Commission Tudor - Moved to next meeting - Continuance

14 Reports

14.a Village Attorney

14.b Village Manager

14.c Board / Committee Reports

14.d Commissioners Comments:

- Mayor Truppmann
- Vice Mayor Samaria
- Commissioner Johnson-Sardella
- Commissioner Tudor
- Commissioner Wise

15 Announcements

Planning & Zoning Advisory Board, Rescheduled from July 01 to July 02, 2019

6:30pm

Biscayne Park Foundation, July 08, 2019 7:00pm

Code Compliance Board, July 08, 2019 7:00pm

Public Art Advisory Board, July 10, 2019 6:00pm

Planning & Zoning Advisory Board, July 15, 2019 6:30pm

Parks & Parkway Advisory Board, July 18, 2019 7:00pm

Public Safety Advisory Board, July 24, 2019 7:00pm

First Workshop Budget FY 2019-2020 on July 16, 2019, 7:00pm

Second Workshop Budget FY 2019-2020 on July 30, 2019, 7:00pm

Our next Regular Commission Meeting will be held on Tuesday, August 06, 2019

16 Adjournment

Commissioner Johnson-Sardella motioned to adjourn and Commissioner Tudor seconded. Meeting adjourned at 11:36 pm.

Commission approved on August 06, 2019.

Attest:

Tracy Truppman, Mayor

Roseann Prado, Village Clerk

APPOINTED OFFICERS (continued)

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

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

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

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I Tracy Truppman, hereby disclose that on July 9, 20 19 :

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

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

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

The measure, item 11d, was removed from the agenda by a commission vote during #4. I recused myself as it was a voting conflict per the Florida Commission on Ethics as my participation in tabling the item would have potentially resulted in a financial loss or gain from the position I hold as Mayor. The salary of mayor is \$2000 greater than that of the other commissioners. While our Charter requires all commissioners to vote on selecting the mayor every two years from the commissioners who currently serve, the result of voting on tabling this item seemed to be a voting conflict per the Florida Commission on Ethics -- particularly as the Village's Charter is silent on the matter and there is no process for the item as presented.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

7/10/19
Date Filed


Signature

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

Select Year:

The 2018 Florida Statutes

Title XIV

TAXATION AND FINANCE

Chapter 197

TAX COLLECTIONS, SALES, AND LIENS

[View Entire Chapter](#)

197.3632 Uniform method for the levy, collection, and enforcement of non-ad valorem assessments.—

(1) As used in this section:

- (a) “Levy” means the imposition of a non-ad valorem assessment, stated in terms of rates, against all appropriately located property by a governmental body authorized by law to impose non-ad valorem assessments.
- (b) “Local government” means a county, municipality, or special district levying non-ad valorem assessments.
- (c) “Local governing board” means a governing board of a local government.
- (d) “Non-ad valorem assessment” means only those assessments which are not based upon millage and which can become a lien against a homestead as permitted in s. 4, Art. X of the State Constitution.
- (e) “Non-ad valorem assessment roll” means the roll prepared by a local government and certified to the tax collector for collection.
- (f) “Compatible electronic medium” or “media” means machine-readable electronic repositories of data and information, including, but not limited to, magnetic disk, magnetic tape, and magnetic diskette technologies, which provide without modification that the data and information therein are in harmony with and can be used in concert with the data and information on the ad valorem tax roll keyed to the property identification number used by the property appraiser.
- (g) “Capital project assessment” means a non-ad valorem assessment levied to fund a capital project, which assessment may be payable in annual payments with interest, over a period of years.

(2) A local governing board shall enter into a written agreement with the property appraiser and tax collector providing for reimbursement of necessary administrative costs incurred under this section. Administrative costs shall include, but not be limited to, those costs associated with personnel, forms, supplies, data processing, computer equipment, postage, and programming.

(3)(a) Notwithstanding any other provision of law to the contrary, a local government which is authorized to impose a non-ad valorem assessment and which elects to use the uniform method of collecting such assessment for the first time as authorized in this section shall adopt a resolution at a public hearing prior to January 1 or, if the property appraiser, tax collector, and local government agree, March 1. The resolution shall clearly state its intent to use the uniform method of collecting such assessment. The local government shall publish notice of its intent to use the uniform method for collecting such assessment weekly in a newspaper of general circulation within each county contained in the boundaries of the local government for 4 consecutive weeks preceding the hearing. The resolution shall state the need for the levy and shall include a legal description of the boundaries of the real property subject to the levy. If the resolution is adopted, the local governing board shall send a copy of it by United States mail to the property appraiser, the tax collector, and the department by January 10 or, if the property appraiser, tax collector, and local government agree, March 10.

(b) Annually by June 1, the property appraiser shall provide each local government using the uniform method with the following information by list or compatible electronic medium: the legal description of the property within the boundaries described in the resolution, and the names and addresses of the owners of such property. Such information shall reference the property identification number and otherwise conform in format to that contained on the ad valorem roll submitted to the department. The property appraiser is not required to submit information which is not on the ad valorem roll or compatible electronic medium submitted to the department. If

the local government determines that the information supplied by the property appraiser is insufficient for the local government's purpose, the local government shall obtain additional information from any other source.

(4)(a) A local government shall adopt a non-ad valorem assessment roll at a public hearing held between January 1 and September 15, or between January 1 and September 25 for any county as defined in s. 125.011(1), if:

1. The non-ad valorem assessment is levied for the first time;
2. The non-ad valorem assessment is increased beyond the maximum rate authorized by law or judicial decree at the time of initial imposition;
3. The local government's boundaries have changed, unless all newly affected property owners have provided written consent for such assessment to the local governing board; or
4. There is a change in the purpose for such assessment or in the use of the revenue generated by such assessment.

(b) At least 20 days prior to the public hearing, the local government shall notice the hearing by first-class United States mail and by publication in a newspaper generally circulated within each county contained in the boundaries of the local government. The notice by mail shall be sent to each person owning property subject to the assessment and shall include the following information: the purpose of the assessment; the total amount to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessment; the number of such units contained within each parcel; the total revenue the local government will collect by the assessment; a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title; a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing. However, notice by mail shall not be required if notice by mail is otherwise required by general or special law governing a taxing authority and such notice is served at least 30 days prior to the authority's public hearing on adoption of a new or amended non-ad valorem assessment roll. The published notice shall contain at least the following information: the name of the local governing board; a geographic depiction of the property subject to the assessment; the proposed schedule of the assessment; the fact that the assessment will be collected by the tax collector; and a statement that all affected property owners have the right to appear at the public hearing and the right to file written objections within 20 days of the publication of the notice.

(c) At the public hearing, the local governing board shall receive the written objections and shall hear testimony from all interested persons. The local governing board may adjourn the hearing from time to time. If the local governing board adopts the non-ad valorem assessment roll, it shall specify the unit of measurement for the assessment and the amount of the assessment. Notwithstanding the notices provided for in paragraph (b), the local governing board may adjust the assessment or the application of the assessment to any affected property based on the benefit which the board will provide or has provided to the property with the revenue generated by the assessment.

(5)(a) By September 15 of each year, or by September 25 for any county as defined in s. 125.011(1), the chair of the local governing board or his or her designee shall certify a non-ad valorem assessment roll on compatible electronic medium to the tax collector. The local government shall post the non-ad valorem assessment for each parcel on the roll. The tax collector shall not accept any such roll that is not certified on compatible electronic medium and that does not contain the posting of the non-ad valorem assessment for each parcel. It is the responsibility of the local governing board that such roll be free of errors and omissions. Alterations to such roll may be made by the chair or his or her designee up to 10 days before certification. If the tax collector discovers errors or omissions on such roll, he or she may request the local governing board to file a corrected roll or a correction of the amount of any assessment.

(b) By December 15 of each year, the tax collector shall provide to the department a copy of each local governing board's non-ad valorem assessment roll containing the data elements and in the format prescribed by the executive director. In addition, a report shall be provided to the department by December 15 of each year for each non-ad valorem assessment roll, including, but not limited to, the following information:

1. The name and type of local governing board levying the non-ad valorem assessment;
2. Whether or not the local government levies a property tax;
3. The basis for the levy;
4. The rate of assessment;
5. The total amount of non-ad valorem assessment levied; and
6. The number of parcels affected.

(6) If the non-ad valorem assessment is to be collected for a period of more than 1 year or is to be amortized over a number of years, the local governing board shall so specify and shall not be required to annually adopt the non-ad valorem assessment roll, and shall not be required to provide individual notices to each taxpayer unless the provisions of subsection (4) apply. Notice of an assessment, other than that which is required under subsection (4), may be provided by including the assessment in the property appraiser's notice of proposed property taxes and proposed or adopted non-ad valorem assessments under s. 200.069. However, the local governing board shall inform the property appraiser, tax collector, and department by January 10 if it intends to discontinue using the uniform method of collecting such assessment.

(7) Non-ad valorem assessments collected pursuant to this section shall be included in the combined notice for ad valorem taxes and non-ad valorem assessments provided for in s. 197.3635. A separate mailing is authorized only as a solution to the most exigent factual circumstances. However, if a tax collector cannot merge a non-ad valorem assessment roll to produce such a notice, he or she shall mail a separate notice of non-ad valorem assessments or shall direct the local government to mail such a separate notice. In deciding whether a separate mailing is necessary, the tax collector shall consider all costs to the local government and taxpayers of such a separate mailing and the adverse effects to the taxpayers of delayed and multiple notices. The local government whose roll could not be merged shall bear all costs associated with the separate notice.

(8)(a) Non-ad valorem assessments collected pursuant to this section shall be subject to all collection provisions of this chapter, including provisions relating to discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for nonpayment.

(b) Within 30 days following the hearing provided in subsection (4), any person having any right, title, or interest in any parcel against which an assessment has been levied may elect to prepay the same in whole, and the amount of such assessment shall be the full amount levied, reduced, if the local government so provides, by a discount equal to any portion of the assessment which is attributable to the parcel's proportionate share of any bond financing costs, provided the errors and insolvency procedures available for use in the collection of ad valorem taxes pursuant to s. 197.492 are followed.

(c) Non-ad valorem assessments shall also be subject to the provisions of s. 192.091(2)(b), or the tax collector at his or her option shall be compensated for the collection of non-ad valorem assessments based on the actual cost of collection, whichever is greater. However, a municipal or county government shall only compensate the tax collector for the actual cost of collecting non-ad valorem assessments.

(9) A local government may elect to use the uniform method of collecting non-ad valorem assessments as authorized by this section for any assessment levied pursuant to general or special law or local government ordinance or resolution, regardless of when the assessment was initially imposed or whether it has previously been collected by another method.

(10)(a) Capital project assessments may be levied and collected before the completion of the capital project.

(b)1. Except as provided in this subsection, the local government shall comply with all of the requirements set forth in subsections (1)-(8) for capital project assessments.

2. The requirements set forth in subsection (4) are satisfied for capital project assessments if:

a. The local government adopts or reaffirms the non-ad valorem assessment roll at a public hearing held at any time before certification of the non-ad valorem assessment roll pursuant to subsection (5) for the first year in which the capital project assessment is to be collected in the manner authorized by this section; and

b. The local government provides notice of the public hearing in the manner provided in paragraph (4)(b).

3. The local government is not required to allow prepayment for capital project assessments as set forth in paragraph (8)(b); however, if prepayment is allowed, the errors and insolvency procedures available for use in the collection of ad valorem taxes pursuant to s. 197.492 must be followed.

(c) Any hearing or notice required by this section may be combined with any other hearing or notice required by this section or by the general or special law or municipal or county ordinance pursuant to which a capital project assessment is levied.

(11) The department shall adopt rules to administer this section.

History.—s. 68, ch. 88-130; s. 7, ch. 88-216; s. 8, ch. 90-343; s. 2, ch. 91-238; s. 1013, ch. 95-147; s. 1, ch. 97-66; s. 1, ch. 2003-70; s. 10, ch. 2008-173; s. 13, ch. 2016-128; s. 11, ch. 2018-110.

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Select Year: 2018 ▼

The 2018 Florida Statutes

Title XIV

TAXATION AND FINANCE

Chapter 197

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[View Entire Chapter](#)

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- (a) “Levy” means the imposition of a non-ad valorem assessment, stated in terms of rates, against all appropriately located property by a governmental body authorized by law to impose non-ad valorem assessments.
- (b) “Local government” means a county, municipality, or special district levying non-ad valorem assessments.
- (c) “Local governing board” means a governing board of a local government.
- (d) “Non-ad valorem assessment” means only those assessments which are not based upon millage and which can become a lien against a homestead as permitted in s. 4, Art. X of the State Constitution.
- (e) “Non-ad valorem assessment roll” means the roll prepared by a local government and certified to the tax collector for collection.

(f) “Compatible electronic medium” or “media” means machine-readable electronic repositories of data and information, including, but not limited to, magnetic disk, magnetic tape, and magnetic diskette technologies, which provide without modification that the data and information therein are in harmony with and can be used in concert with the data and information on the ad valorem tax roll keyed to the property identification number used by the property appraiser.

(g) “Capital project assessment” means a non-ad valorem assessment levied to fund a capital project, which assessment may be payable in annual payments with interest, over a period of years.

(2) A local governing board shall enter into a written agreement with the property appraiser and tax collector providing for reimbursement of necessary administrative costs incurred under this section. Administrative costs shall include, but not be limited to, those costs associated with personnel, forms, supplies, data processing, computer equipment, postage, and programming.

(3)(a) Notwithstanding any other provision of law to the contrary, a local government which is authorized to impose a non-ad valorem assessment and which elects to use the uniform method of collecting such assessment for the first time as authorized in this section shall adopt a resolution at a public hearing prior to January 1 or, if the property appraiser, tax collector, and local government agree, March 1. The resolution shall clearly state its intent to use the uniform method of collecting such assessment. The local government shall publish notice of its intent to use the uniform method for collecting such assessment weekly in a newspaper of general circulation within each county contained in the boundaries of the local government for 4 consecutive weeks preceding the hearing. The resolution shall state the need for the levy and shall include a legal description of the boundaries of the real property subject to the levy. If the resolution is adopted, the local governing board shall send a copy of it by United States mail to the property appraiser, the tax collector, and the department by January 10 or, if the property appraiser, tax collector, and local government agree, March 10.

(b) Annually by June 1, the property appraiser shall provide each local government using the uniform method with the following information by list or compatible electronic medium: the legal description of the property within the boundaries described in the resolution, and the names and addresses of the owners of such property. Such information shall reference the property identification number and otherwise conform in format to that contained on the ad valorem roll submitted to the department. The property appraiser is not required to submit information which is not on the ad valorem roll or compatible electronic medium submitted to the department. If

the local government determines that the information supplied by the property appraiser is insufficient for the local government's purpose, the local government shall obtain additional information from any other source.

(4)(a) A local government shall adopt a non-ad valorem assessment roll at a public hearing held between January 1 and September 15, or between January 1 and September 25 for any county as defined in s. 125.011(1), if:

1. The non-ad valorem assessment is levied for the first time;
2. The non-ad valorem assessment is increased beyond the maximum rate authorized by law or judicial decree at the time of initial imposition;
3. The local government's boundaries have changed, unless all newly affected property owners have provided written consent for such assessment to the local governing board; or
4. There is a change in the purpose for such assessment or in the use of the revenue generated by such assessment.

(b) At least 20 days prior to the public hearing, the local government shall notice the hearing by first-class United States mail and by publication in a newspaper generally circulated within each county contained in the boundaries of the local government. The notice by mail shall be sent to each person owning property subject to the assessment and shall include the following information: the purpose of the assessment; the total amount to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessment; the number of such units contained within each parcel; the total revenue the local government will collect by the assessment; a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title; a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing. However, notice by mail shall not be required if notice by mail is otherwise required by general or special law governing a taxing authority and such notice is served at least 30 days prior to the authority's public hearing on adoption of a new or amended non-ad valorem assessment roll. The published notice shall contain at least the following information: the name of the local governing board; a geographic depiction of the property subject to the assessment; the proposed schedule of the assessment; the fact that the assessment will be collected by the tax collector; and a statement that all affected property owners have the right to appear at the public hearing and the right to file written objections within 20 days of the publication of the notice.

(c) At the public hearing, the local governing board shall receive the written objections and shall hear testimony from all interested persons. The local governing board may adjourn the hearing from time to time. If the local governing board adopts the non-ad valorem assessment roll, it shall specify the unit of measurement for the assessment and the amount of the assessment. Notwithstanding the notices provided for in paragraph (b), the local governing board may adjust the assessment or the application of the assessment to any affected property based on the benefit which the board will provide or has provided to the property with the revenue generated by the assessment.

(5)(a) By September 15 of each year, or by September 25 for any county as defined in s. 125.011(1), the chair of the local governing board or his or her designee shall certify a non-ad valorem assessment roll on compatible electronic medium to the tax collector. The local government shall post the non-ad valorem assessment for each parcel on the roll. The tax collector shall not accept any such roll that is not certified on compatible electronic medium and that does not contain the posting of the non-ad valorem assessment for each parcel. It is the responsibility of the local governing board that such roll be free of errors and omissions. Alterations to such roll may be made by the chair or his or her designee up to 10 days before certification. If the tax collector discovers errors or omissions on such roll, he or she may request the local governing board to file a corrected roll or a correction of the amount of any assessment.

(b) By December 15 of each year, the tax collector shall provide to the department a copy of each local governing board's non-ad valorem assessment roll containing the data elements and in the format prescribed by the executive director. In addition, a report shall be provided to the department by December 15 of each year for each non-ad valorem assessment roll, including, but not limited to, the following information:

1. The name and type of local governing board levying the non-ad valorem assessment;
2. Whether or not the local government levies a property tax;
3. The basis for the levy;
4. The rate of assessment;
5. The total amount of non-ad valorem assessment levied; and
6. The number of parcels affected.

(6) If the non-ad valorem assessment is to be collected for a period of more than 1 year or is to be amortized over a number of years, the local governing board shall so specify and shall not be required to annually adopt the non-ad valorem assessment roll, and shall not be required to provide individual notices to each taxpayer unless the provisions of subsection (4) apply. Notice of an assessment, other than that which is required under subsection (4), may be provided by including the assessment in the property appraiser's notice of proposed property taxes and proposed or adopted non-ad valorem assessments under s. 200.069. However, the local governing board shall inform the property appraiser, tax collector, and department by January 10 if it intends to discontinue using the uniform method of collecting such assessment.

(7) Non-ad valorem assessments collected pursuant to this section shall be included in the combined notice for ad valorem taxes and non-ad valorem assessments provided for in s. 197.3635. A separate mailing is authorized only as a solution to the most exigent factual circumstances. However, if a tax collector cannot merge a non-ad valorem assessment roll to produce such a notice, he or she shall mail a separate notice of non-ad valorem assessments or shall direct the local government to mail such a separate notice. In deciding whether a separate mailing is necessary, the tax collector shall consider all costs to the local government and taxpayers of such a separate mailing and the adverse effects to the taxpayers of delayed and multiple notices. The local government whose roll could not be merged shall bear all costs associated with the separate notice.

(8)(a) Non-ad valorem assessments collected pursuant to this section shall be subject to all collection provisions of this chapter, including provisions relating to discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for nonpayment.

(b) Within 30 days following the hearing provided in subsection (4), any person having any right, title, or interest in any parcel against which an assessment has been levied may elect to prepay the same in whole, and the amount of such assessment shall be the full amount levied, reduced, if the local government so provides, by a discount equal to any portion of the assessment which is attributable to the parcel's proportionate share of any bond financing costs, provided the errors and insolvency procedures available for use in the collection of ad valorem taxes pursuant to s. 197.492 are followed.

(c) Non-ad valorem assessments shall also be subject to the provisions of s. 192.091(2)(b), or the tax collector at his or her option shall be compensated for the collection of non-ad valorem assessments based on the actual cost of collection, whichever is greater. However, a municipal or county government shall only compensate the tax collector for the actual cost of collecting non-ad valorem assessments.

(9) A local government may elect to use the uniform method of collecting non-ad valorem assessments as authorized by this section for any assessment levied pursuant to general or special law or local government ordinance or resolution, regardless of when the assessment was initially imposed or whether it has previously been collected by another method.

(10)(a) Capital project assessments may be levied and collected before the completion of the capital project.

(b)1. Except as provided in this subsection, the local government shall comply with all of the requirements set forth in subsections (1)-(8) for capital project assessments.

2. The requirements set forth in subsection (4) are satisfied for capital project assessments if:
 - a. The local government adopts or reaffirms the non-ad valorem assessment roll at a public hearing held at any time before certification of the non-ad valorem assessment roll pursuant to subsection (5) for the first year in which the capital project assessment is to be collected in the manner authorized by this section; and
 - b. The local government provides notice of the public hearing in the manner provided in paragraph (4)(b).

3. The local government is not required to allow prepayment for capital project assessments as set forth in paragraph (8)(b); however, if prepayment is allowed, the errors and insolvency procedures available for use in the collection of ad valorem taxes pursuant to s. 197.492 must be followed.

(c) Any hearing or notice required by this section may be combined with any other hearing or notice required by this section or by the general or special law or municipal or county ordinance pursuant to which a capital project assessment is levied.

(11) The department shall adopt rules to administer this section.

History.—s. 68, ch. 88-130; s. 7, ch. 88-216; s. 8, ch. 90-343; s. 2, ch. 91-238; s. 1013, ch. 95-147; s. 1, ch. 97-66; s. 1, ch. 2003-70; s. 10, ch. 2008-173; s. 13, ch. 2016-128; s. 11, ch. 2018-110.

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MINUTES

1st Budget Workshop - FY 2019-2020

ED BURKE RECREATION CENTER 11400 NE 9th COURT

Biscayne Park, FL 33161

Tuesday, July 16, 2019 at 7:00pm

1 Call to Order

Mayor Truppman called the meeting to order at 7:00pm.

2 Roll Call

Mayor Tracy Truppman - present

Vice Mayor Dan Samaria - present

Commissioner Jenny Johnson-Sardella - present

Commissioner William Tudor - present

Commissioner Betsy Wise - present

Present from staff were:

Village Manager Krishan Manners

Village Clerk Roseann Prado

GMS Finance - Paul Winklejohn and Sharyn Rosina

Chief of Police Luis Cabrera

Public Works Manager David Hernandez

Recreation Manager Issa Thornel

Code Officer Christina Caserta

Recording: Public Works Supervisor Cesar Hernandez

3 Pledge of Allegiance

4 Public Comments Related to Agenda Items

The following persons spoke on the records:

Mac Kennedy

Dan Schneiger

David Raymond

Barbara Kuhl

Chuck Ross

Janey Anderson

5 Discussion of Proposed Fiscal Year 2019-2020 Budget

5.a General Fund Revenues

5.b 511 - Commission

2019 Budget - Recap to date.

 2019 Budget - What was spent and projected to be spent - Estimated savings: above and below - Budget details.
2020 Budget - Highlights or programs desired revisions within Budget proposed amounts.
Introduction of any items changes requested above budget.

5.c 512 - Administration

2019 Budget - Recap to date.

 2019 Budget - What was spent and projected to be spent - Estimated savings: above and below - Budget details.
2020 Budget - Highlights or programs desired revisions within Budget proposed amounts.
Introduction of any items changes requested above budget.

5.d 513 - Finance

2019 Budget - Recap to date.

 2019 Budget - What was spent and projected to be spent - Estimated savings: above and below - Budget details.
2020 Budget - Highlights or programs desired revisions within Budget proposed amounts.
Introduction of any items changes requested above budget.

5.e 515 - Planning

2019 Budget - Recap to date.

 2019 Budget - What was spent and projected to be spent - Estimated savings: above and below - Budget details.
2020 Budget - Highlights or programs desired revisions within Budget proposed amounts.
Introduction of any items changes requested above budget.

5.f 519 - General Government

2019 Budget - Recap to date.

 2019 Budget - What was spent and projected to be spent - Estimated savings: above and below - Budget details.
2020 Budget - Highlights or programs desired revisions within Budget proposed amounts.
Introduction of any items changes requested above budget.

5.g 521 - Police

2019 Budget - Recap to date.

 2019 Budget - What was spent and projected to be spent - Estimated savings: above and below - Budget details.
2020 Budget - Highlights or programs desired revisions within Budget proposed amounts.
Introduction of any items changes requested above budget.

Commission and staff discussed Budget details. Residents also offered inputs. Some changes and adjustments were suggested.

6 Adjourment

Commissioner Tudor motioned to adjourn. Commissioner Wise seconded. Meeting adjourned at 10:05 pm

Commission approved on August 06, 2019

Attest:

Tracy Trupman, Mayor

Roseann Prado, Village Clerk



MINUTES
SPECIAL COMMISSION MEETING
Log Cabin - 640 NE 114th Street
Biscayne Park, FL 33161
Wednesday, July 24, 2019 6:30pm

1 Call to Order

Mayor Truppman called the meeting to order at 6:30 pm

2 Roll Call

Mayor Truppman - present
Vice Mayor Johnson-Sardella - present
Commissioner Samaria - present
Commissioner Tudor - present
Commissioner Wise - present

Present from staff were:

Village Manager Krishan Manners
Village Clerk Roseann Prado
Sergeant of Arms Officer Paul Epler
Chief of Police Luis Cabrera
Recording: Officer Luis Sanchez

3 Pledge of Allegiance

4 Public Comments

The following persons spoke on the record:

Rox Ross
Chuck Ross

5 Additions, Deletions or Withdrawals to the Agenda

5.a Resolution # 2019-18 Tentative Millage Rate for FY 2019-2020

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; ESTABLISHING A TENTATIVE MILLAGE RATE OF 9.7000 FOR FISCAL YEAR 2019-20, ESTABLISHING THE CURRENT YEAR ROLLED-BACK RATE TO BE 8.6898 AND ESTABLISHING THE FIRST AND THE SECOND PUBLIC BUDGET HEARINGS AS REQUIRED BY LAW; DIRECTING THE VILLAGE CLERK AND FINANCE MANAGER TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER AND TAX COLLECTOR OF MIAMI-DADE COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE OF THE STATE OF FLORIDA; ESTABLISHING THE TIME AND LOCATION OF THE FIRST AND SECOND PUBLIC HEARINGS; PROVIDING FOR AN EFFECTIVE DATE

Mayor Truppman requested a brief pause at 6:54 pm for the Commission research the dates for First and Second Hearing according to TRIM guidelines.

Vice-Mayor Samaria motioned to approve Resolution 2019-18 with the changes of **First Budget Hearing to September 10, 2019 at 6:30 pm** and **Second Budget Hearing to September 20, 2019 at 6:30 pm**. It was also indicated that a **Second Budget Workshop will be held on August 14, 2019 at 6:30 pm**. Commissioner Johnson-Sardella seconded.

Motion passed 5 - 0.

6 Adjournment

Vice-Mayor Johnson-Sardella motioned to adjourn. Commissioner Tudor seconded. Meeting adjourned at 7:14 pm.

Commission approved on Regular Commission Meeting of August 06, 2019.

Attest:

Tracy Truppman, Mayor

Roseann Prado, Village Clerk



**MINUTES
WORKSHOP
DISCUSSION ON COMMISSION MEETINGS PROCEDURES
AND VILLAGE CODE**

**Log Cabin - 640 NE 114th Street
Biscayne Park, FL 33161
Wednesday, July 24, 2019**

1 Call to Order

Mayor Truppman called the meeting to order at 7:21 pm.

2 Roll Call

Mayor Tracy Truppman - present
Vice-Mayor Dan Samaria - present
Commissioner Jenny Johnson-Sardella - present
Commissioner William Tudor - present
Commissioner Betsy Wise - present

Present from staff were:

Village Manager Krishan Manners
Village Attorney Rebecca Rodriguez
Village Clerk Roseann Prado
Sergeant of Arms Paul Eppler
Chief of Police Luis Cabrera
Recording: Officer Luis Sanchez

3 Pledge of Allegiance

4 Public Comments Related to Agenda Items

The following persons spoke on the records:

Rox Ross
Chuck Ross
Linda Dillon

5 Information / Updates

- 5.a** Discussion on Commission Meetings Policies & Procedures
- 5.b** Discussion on Amendments to Section 2-30 of the Village Code

6 Announcements

Parks & Parkway Advisory Board, Thursday July 25, 2019 7:00pm
Planning & Zoning Board, Monday August 5, 2019 6:30pm

Second Workshop Budget FY 2019-2020 on July 30, 2019, 7:00pm

Budget FY 2019-2020 - First Hearing will be held on Tuesday, August 6, 2019 at 6:30pm

Our next Regular Commission Meeting will be held on Tuesday, August 06, 2019 at

7

Adjournment

Commissioner Tudor motioned to adjourn. Commissioner Wise seconded. Meeting adjourned at 10:49 pm.

Commission approved on August 06, 2019

Attest:

Tracy Trupman, Mayor

Roseann Prado, Village Clerk



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report

Item # 8.b

REGULAR MEETING

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Roseann Prado, Village Clerk

DATE: August 06, 2019

TITLE: Acceptance of Board Minutes

Background

The board/committee minutes as listed below are being provided for the commission's review and acceptance.

Recommendation

Acceptance on Consent Agenda

Attachment

- Planning & Zoning Board meeting 06 03 2019
 - Planning & Zoning Board meeting 06 18 2019
 - Planning & Zoning Board meeting 07 02 2019
 - Public Safety Advisory Board meeting 05 22 2019
 - Public Art Advisory Board meeting 06 12 2019
 - Parks & Parkway Advisory Board 04 18 2019
 - Code Compliance Board meeting 12 10 2018
 - Code Compliance Board meeting 02 11 2019
 - Code Compliance Board meeting 03 28 2019
 - Code Compliance Board meeting 03 28 2019
 - Code Compliance Board meeting 04 18 2019
-

Prepared by: Roseann Prado, Village Clerk



PLANNING &
ZONING BOARD

Gage Hartung
Chairman

Andrew Olis
Vice Chairman

Karim Alhagri
Elizabeth Hornbuckle
Doug Tannehill
Board Members

MINUTES
PLANNING & ZONING BOARD MEETING
LOG CABIN

600 NE 114 ST – Biscayne Park, FL
Monday, June 3rd, 2019 at 6:30 p.m.

1. CALL TO ORDER

This meeting was called to order at 6:30 p.m.

2. ROLL CALL

Gage Hartung- Board Member- Present
Andrew Olis- Board Member- Present
Elizabeth Hornbuckle - Excused
Doug Tannehill- Board Member - Present
Karim Alhagri- Board Member- Present
Jean Paul Elie - Building Coordinator – Present
Noe Martinez – Building Official – Present

3. APPROVAL OF MINUTES

a. June 3rd, 2019

4. OLD BUSINESS

- a. Kaminsky – 11220 NE 1 PI - Fence
*** Tabled Chairman requested full board ***
- b. Pereira – 11144 NE 8 Ct - Driveway
*** Tabled pending 40% swale calculation to meet code ***

5. BUILDING PERMITS

- a. Evans – 677 NE 119 St – Windows
*** Tabled all windows in the front must be uniform ***
- b. Huntington – 744 NE 119 St - Roof
Motion by A. Olis, second by K. Alhagri. Approved 4-0
- c. Roots – 826 NE 121 St – Unsafe Structure
*** Tabled pending full review from the building department ***
- d. Pena – 1010 NE 120 St - Pergola
Motion by D. Tannehil, second by A. Olis. Approved 4-0
- e. Alfi – 11060 Griffing Blvd – Driveway
Motion by D. Tannehil, second by A. Olis. Approved 4-0
- f. Ciano – 11905 NE 6 Ave - Shutters
Motion by A. Olis, second by K. Alhagri. Approved 4-0



The Village of Biscayne Park

600 NE 114th St., Biscayne Park, FL 33161
Telephone: 305-899-8000 Facsimile: 305 891 7241

6. ADJOURNMENT

This meeting was adjourned at 7:11 P.M.

Minutes approved on: 6/19/19
(Date)

By: [Signature]
Gage Hartung, Chair Planning & Zoning Board



PLANNING &
ZONING BOARD

Gage Hartung
Chairman

Andrew Olis
Vice Chairman

Karim Alhagri
Elizabeth Hornbuckle
Doug Tannehill
Board Members

MINUTES

**PLANNING & ZONING BOARD MEETING
LOG CABIN**

**600 NE 114 ST – Biscayne Park, FL
Tuesday, June 18th, 2019 at 6:30 p.m.**

1. CALL TO ORDER

This meeting was called to order at 6:30 p.m.

2. ROLL CALL

Gage Hartung- Board Member- Present
Andrew Olis- Board Member- Excused
Elizabeth Hornbuckle – Present (Tardy)
Doug Tannehill- Board Member - Present
Karim Alhagri- Board Member- Present
Jean Paul Elie - Building Coordinator – Present
Noe Martinez – Building Official – Excused

3. APPROVAL OF MINUTES

a. June 18th, 2019

4. OLD BUSINESS

- a. Acelax LLC – 1001 NE 118 St - Addition
Motion by D. Tannehill, second by K. Alhagri. Approved 3-0
- b. Pena – 1010 NE 120 St - Driveway
Motion by D. Tannehill, second by K. Alhagri. Approved 3-0
- c. Kaminsky – 11220 NE 11 PI – Fence
Motion by D. Tannehill, second by K. Alhagri. Denied 4-0
*** Previous comment stands. Fence should be uniform ***

5. BUILDING PERMITS

- a. De Baldo – 631 NE 114 St - Deck
*** Tabled no building within front setback ***
- b. Sabala – 645 NE 115 St – Awnings
Motion by D. Tannehill, second by K. Alhagri. Denied 3-0
*** The color is too bright ***
- c. Willig – 817 NE 116 St - Roof
Motion by K. Alhagri, second by E. Hornbuckle. Approved 4-0
*** Permit was an add on ***
- d. Gubitz – 951 NE 119 St - Roof
Motion by K. Alhagri, second by D. Tannehill. Approved 3-0
- e. Candusso – 1010 NE 118 St - Pool



The Village of Biscayne Park

600 NE 114th St., Biscayne Park, FL 33161

Telephone: 305-899-8000 Facsimile: 305 891 7241

- e. Candusso – 1010 NE 118 St - Pool
Motion by D. Tannehil, second by K. Alhagri. Approved 3-0
*** Conditional approval. Lot calculation cannot exceed 50% ***
- f. Benjamin Ochner TRS – 1020 NE 118 St - Deck
Motion by D. Tannehil, second by K. Alhagri. Approved 3-0
- g. Demanuel – 10801 Griffing Blvd – Windows & Doors
Motion by D. Tannehil, second by K. Alhagri. Approved 3-0
- h. Ross – 11166 Griffing Blvd – Doors
Motion by D. Tannehil, second by K. Alhagri. Approved 3-0
- i. Marcos – 11443 NE 6 Ave - Driveway
Motion by K. Alhagri, second by D. Tannehill. Approved 3-0
- j. Waithe – 1130 NE 11 Ct - Doors
Motion by K. Alhagri, second by D. Tannehill. Approved 3-0
- k. Christopher C Cooke TRS – 12015 NE 7 Ave - Porch
Motion by E. Hornbuckle, second by K. Alhagri. Approved 4-0

6. ADJOURNMENT

This meeting was adjourned at 7:25 P.M.

Minutes approved on: 7/2/19
(Date)

By: [Signature]
Gage Hartung, Chair Planning & Zoning Board



PLANNING &
ZONING BOARD

Gage Hartung
Chairman

Andrew Olis
Vice Chairman

Karim Alhagri
Elizabeth Hornbuckle
Doug Tannehill
Board Members

MINUTES
PLANNING & ZONING BOARD MEETING
LOG CABIN

600 NE 114 ST – Biscayne Park, FL
Tuesday, July 2nd, 2019 at 6:30 p.m.

1. CALL TO ORDER

This meeting was called to order at 6:30 p.m.

2. ROLL CALL

Gage Hartung- Board Member – Present
Andrew Olis- Board Member– Present
Elizabeth Hornbuckle – Excused
Doug Tannehill- Board Member – Present
Karim Alhagri- Board Member – Present
Jean Paul Elie - Building Coordinator – Present
Noe Martinez – Building Official – Excused

3. APPROVAL OF MINUTES

a. July 2nd, 2019

4. OLD BUSINESS

a. De Baldo – 631 NE 114 St - Deck
*** Tabled pending plans ***

b. Sabala – 645 NE 115 St – Awnings & Paint
Motion by D. Tannehill, second by K. Alhagri. Approved 4-0 (Awnings)
Motion by D. Tannehill, second by K. Alhagri. Denied 4-0 (Paint)

c. Evans – 677 NE 119 St – Windows & Doors
Motion by A. Olis, second by D. Tannehill. Approved 4-0

d. Schinnerer – 719 NE 114 St – Windows & Doors
Motion by D. Tannehill, second by A. Olis. Approved 4-0

5. BUILDING PERMITS

a. Livingston – 976 NE 115 St – Windows & Doors
Motion by A. Olis, second by D. Tannehill. Approved 4-0

b. Grabenweger – 685 NE 119 St - Fence
*** Tabled fence setback must meet code ***

c. Gubitz – 951 NE 119 St – Windows & Doors
Motion by A. Olis, second by K. Alhagri. Approved 4-0

d. Marchi – 971 NE 111 St - Windows & Doors
Motion by A. Olis, second by D. Tannehill. Approved 4-0



The Village of Biscayne Park

600 NE 114th St., Biscayne Park, FL 33161

Telephone: 305-899-8000 Facsimile: 305 891 7241

- e. Lory – 1025 NE 119 St - Roof
Motion by D. Tannehil, second by K. Alhagri. Approved 4-0
- f. Carozzi – 11018 NE 8 Ave - Driveway
Motion by A. Olis, second by D. Tannehill. Approved 4-0
- g. Abderrahim – 11433 NE 6 Ave - Roof
Motion by D. Tannehil, second by A. Olis. Approved 4-0
- h. Callazo – 11460 NE 10 Ave - Driveway
*** Tabled pending more detail ***
- i. Ortiz – 11501 NE 10 Ave - Fence
*** Tabled pending clarification in regards to fence ***
- j. Cam – 11153 Griffing Blvd – Windows & Doors
Motion by A. Olis, second by D. Tannehill. Denied 4-0
*** All windows in the front must be uniform ***
- k. Zaiac – 11193 NE 8 Ct - Fence
*** Tabled no chain link fence in the front ***

6. ADJOURNMENT

This meeting was adjourned at 7:14 P.M.

Minutes approved on: _____

(Date)

By: _____

Gage Hartung, Chair Planning & Zoning Board



The Village of Biscayne Park

600 NE 114th St., Biscayne Park, FL 33161
Telephone: 305-899-8000 Facsimile: 305 891 7241

MINUTES **PUBLIC SAFETY ADVISORY BOARD MEETING** **LOG CABIN** **640 NE 114 ST – Biscayne Park, FL** **Wednesday, May 22, 2019 7:00 p.m.**

1. CALL TO ORDER

The meeting was called to order at 7:05pm

2. ROLL CALL

Louis Rogers – Present
Gavin McKenzie – Excused
Russell Ely – Present
Michael Redmond – Present
Sandor Scher – Excused

Also present:

Village Manager Krishan Manner
Chief of Police Luis Cabrera
Public Works Director David Hernandez

3. AGENDA ADDITIONS AND DELETIONS

None

4. APPROVAL OF MINUTES

- Approved Minutes of April 24 meeting., 2019

5. Board updated on the vote by the commission for the go ahead on the pilot Program to test speed tables to be installed by our staff so we can get an idea On the cost of the job for possible future RFQ'

Removed former members of the board from the minutes and agenda templates

Mike Redmond is continuing his informal survey of inaccessible FPL lines around the village.

Public works Director David Hernandez an update on ours and FPL's survey of the streetlights that still haven't been repaired or replaced since our last hurricane.

He also let us know where some of FPL's test streetlight have been installed for us to look at and give the village residents time to give their input.

David Hernandez along with Village Manager Krishan Manner gave us updates on the emergency generator for the village hall which is also our emergency operation center during hurricanes and the aftermath.

They also updated the board with the latest from FDOT on the redesign of 6th Ave. the preliminary drawings should be ready sometimes in the late summer.



The Village of Biscayne Park

600 NE 114th St., Biscayne Park, FL 33161
Telephone: 305-899-8000 Facsimile: 305 891 7241

6. The next meeting was approved for June 26, 2019 at 7:00pm.

7. **ADJOURNMENT**

Louis Roger made the motion to adjourn and was seconded by Mike Redmond
Meeting was adjourned at 7:45pm

Minutes approved on: _____

By: _____
Louis Rogers, Chair of Public Safety Advisory Board



MINUTES
PUBLIC ART ADVISORY BOARD
Village Hall, 600 N.E. 114 St.
Wednesday, June 12, 2019 at 6:00PM

1. CALL TO ORDER AND ROLL CALL – The meeting was called to order at:
6:05 P.M. Amy Raymond, Susan Weiss, Karen Marinoni, Patrice Marinoni
Barbara Watts had an excused absence.
2. AGENDA ADDITIONS AND DELETIONS
3. PUBLIC COMMENT (PERMITTED FOR EACH AGENDA ITEM)
Charley Easton, Jorge Marinoni. Manager Manner, Commissioner Samaria in attendance.
4. APPROVAL OF MINUTES – Yes
5. OLD BUSINESS
 - a. Mangofest 2019
 1. Board decided to ask for donations and no specific prices on each item at festival.
 2. We will meet Friday, June 21 at 4p.m. at the Rec Center to decorate and set up.
 - b. Mosaic Bench Project- future of
 1. Jorge will make one more bench and stop making more until next year.
 2. Jorge had the plaques made for each Bench using the Art Board funds.
 3. Dan Samaria offered to donate two benches. At this time we have enough funds for more than two benches, so we will let him know if we will accept his offer at a later date.
6. NEW BUSINESS- a. The Public Advisory Art Board will adjourn again in September 2019.



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7. NEXT MEETING DATE – Wednesday, September 11, 2019 at 6:00pm. All future meetings will take place at Village Hall

8. ADJOURNMENT – Meeting was adjourned at

9. _____.

Minutes approved on _____.

TWO OR MORE MEMBERS OF THE VILLAGE OF BISCAYNE PARK COMMISSION AND OTHER VILLAGE BOARD MEMBERS MAY BE IN ATTENDANCE.

DECORUM - Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Committee, shall be barred from further audience before the Committee by the presiding officer, unless permission to continue or again address the Committee is granted by the majority vote of the 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 Board 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.

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.



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PARKS & PARKWAY ADVISORY BOARD

Barbara Kuhl
Chairman

Mercedes Diaz
Vice-Chair /
Secretary

Lynn Fischer
Randal Wagoner
Audra McCollum

MINUTES PARKS & PARKWAY ADVISORY BOARD

**640 NE 114th Street, Biscayne Park, FL
Wednesday, April 18, 2019 at 7:00PM**

A. CALL TO ORDER AND ROLL CALL

In attendance - Barbara Kuhl, Mercedes Diaz, Lynn Fischer, and Audra McCollum

Village Staff - Krishan Manners and David Hernandez

Commission Member - Dan Samaria

Public - Dan Keys

B. AGENDA ADDITIONS AND DELETIONS

None

C. PUBLIC COMMENT (PERMITTED FOR EACH AGENDA ITEM)

Specified below.

D. APPROVAL OF MINUTES

March 21, 2019 minutes were approved unanimously.

E. OLD BUSINESS

1. Plan for new tree planting on medians

Various options for replacement trees were discussed and it was decided that a more thorough survey is required. Barbara mentioned setting up a workshop to review the tree planting locations identified in an earlier survey. David will get back to the board regarding the streets where he plans to commence the first phase of median tree plantings.

2. Tree removal and tree trimming issues

The following issues were addressed.

- a. Tree trimming - Public works is focusing on ensuring unobstructed public right of way as well as safety considerations. For example, lower limbs of trees that are blocking street signs are being lifted. Details of public works' maintenance work can be viewed in the manager's report.
- b. Australian pine tree removal - David suggested that the most potentially hazardous trees, due to rotting, senescence or prior storm damage, be identified and brought up to the commission before moving forward on obtaining an estimate. He furthermore expressed that an arborist should be hired to conduct a hazard

Minutes – Parks & Parkway Advisory Board



The Village of Biscayne Park

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evaluation and that the evaluation's results be presented to the commission as justification for tree removal. Barbara was in accordance with David's suggestion.

3. Village Sign - new installation

As an alternative to placing the signs at the remaining Biscayne Park entrance street corners, Lynn suggested that the extra sign's be placed by the police station, rec center, etc. Barbara inquired whether it is cost-effective to install one sign or install all four in one shot. David as well as other board members agreed to consider other locations.

4. Athletic field turf maintenance and restoration

The following issues were addressed.

- a. Athletic field turf maintenance and restoration - David confirmed that Ballpark Maintenance has applied chemical fertilizer to the field minus any spraying of pesticides. However, it should be noted that chemical fertilizer still introduces toxic metals and chemicals into the soil and groundwater. Furthermore, the conventional application of chemical fertilizers is usually combined with weed killers, which further increases toxicity.
- b. Sidewalk repairs - David has commissioned a contractor to repair the broken sidewalk around the field. The repairs will be conducted in the beginning of May.

5. Sixth Ave. bridge landscaping - maintenance and restoration

This agenda item is put on hold until David meets with Mercedes to discuss alternatives. David left the meeting.

6. Landscaping at log cabin

Approved by board.

7. Butterfly garden - 1145h St. median landscaping and irrigation

The butterfly garden needs weeding and mulching. Barbara is coordinating a weeding and/or mulching event on the last Friday of the month - April 26. Public Works will be asked to edge the bed before mulch is applied.

8. Landscaping at Recreation Center entrance

To be discussed at the next meeting.

9. Landscape development for 121 Street median

This agenda item requires David's input and will be discussed in the next meeting.

10. Community Garden

The scope is leaning more towards a small community garden project rather than a self-sustaining permaculture demonstration site. The question of who will voluntarily provide consistent horticultural



The Village of Biscayne Park

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maintenance of the community garden was raised however a viable solution was not reached. To be discussed further.

6. NEW BUSINESS

None

7. NEXT MEETING DATE

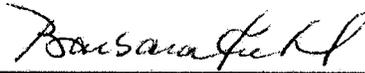
Thursday - May 16, 2019 at 7pm.

8. ADJOURNMENT

The meeting was adjourned at 9:00 pm

Minutes approved on June 20, 2019

By:



Barbara Kuhl, Chair



CODE COMPLIANCE
BOARD

MINUTES
CODE COMPLIANCE BOARD MEETING
LOG CABIN: 640 NE 114th Street, Biscayne Park, FL 33161

Mondav December 10. 2018 at 7:00om

Gary Kuhl, *Chairman*

Janey Anderson
Dale Blanton
Linda Dillon
Brian McNoldy

1. **CALL TO ORDER**
Gary Kuhl called meeting to order at 7:07 p.m.
2. **ROLL CALL**
Present: Gary Kuhl, Janey Anderson, Dale Blanton, Linda Dillon, Brian McNoldy
Code Officer Christina Caserta and Village Manager Krishan Manners
Owners & Representatives present: Ilan Bali, Antonio Deligio, Matt Kamisky
3. **ADDITIONS, DELETIONS OR WITHDRAWALS TO ORDER OF BUSINESS**
Case #EEN18-0989 – 11015 NE 8 Ct. / Michael Grosz (DISMISSED)
Section of wood fence installed without a permit (Governor's Hurricane Ruling)
4. **APPROVAL OF MINUTES**
 - a. October 22, 2018 –
Linda Dillon made a motion to approve minutes.
Motion 2nd by Janey Anderson **5/0 Motion Passed**
 - b. November 13, 2018 –
Janey Anderson made a motion to table the approval of the minutes.
Motion 2nd by Brian McNoldy. **5/0 Motion Passed**
4. **PREAMBLE & SWEARING IN**
Gary Kuhl read the preamble & swore in all persons testifying at the hearing.
6. **NEW BUSINESS**
 - a. **Case # EEN17-0071 – 11701 NE 10 AVE / Eduardo Perdomo**
Gravel Driveway installed without a permit
Gary Kuhl made a motion: not in compliance, impose fine of \$200.00,
If not in compliance by December 17, 2018 assess a \$10.00 daily fine.
Motion 2nd by Janey Anderson. **5/0 Motion Passed**
 - b. **Case # EEN18-1047 - 11222 NE 9 Ave / Katrin Fechler**
Accordion Shutters installed without a permit
Janey Anderson made a motion: not in compliance, impose fine of \$150.00,
If not in compliance by January 11, 2019 assess a \$10.00 daily fine.
Motioned 2nd by Gary Kuhl **5/0 Motion Passed**



The Village of Biscayne Park

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- c. **Case #EEN18-0989 - 11015 NE 8 Ct. / Michael Grosz (DISMISSED)**
Section of wood fence installed without a permit
- d. **Case #EEN18-1106 - 11390 NE 8 Ave. / Marie Emmanuelle Theard**
Pergola installed in backyard without a permit
Linda Dillon made a motion: not in compliance, impose fine of \$500.00,
and to obtain a permit by January 14, 2019 or assess a daily fine of \$10.00.
Motion 2nd by Gary Kuhl **5/0 Motion Passed.**
- e. **Case #EEN18-1432 - 930 NE 108 St. / IMB Investment LLC**
Pool under construction without a permit
Matt Kaminsky and Antonio Delgado spoke on behalf of SOBI Construction.
Ilan Bali, property owner, present
Janey Anderson made a motion: not in compliance, impose fine of \$750.00,
and comply by December 31, 2018 or assess a daily fine of \$100.00.
Motion 2nd by Dale Blanton **5/0 Motion Passed**
- f. **Case #EEN18-1433 – 930 NE 108 St. / IMB Investment LLC**
No safety barrier provide for pool under construction.
Matt Kaminsky and Antonio Delgado spoke on behalf of SOBI Construction.
Ilan Bali, property owner, present
Janey Anderson made a motion: in compliance by installing a safety barrier on
December 6, 2018 and assess a \$1,000.00 fine.
Motion 2nd by Brian McNoldy. **5/0 Motion Passed**
- g. **Case #EEN18-1451 – 930 NE 108 St. / IMB Investment LLC**
Landlord/Tenant permit not obtained.
Ilan Bali, property owner, present
Board took no action and deferred to the Village Manager for action.

7. **OLD BUSINESS**

None

8. **GENERAL DISCUSSION:**

Construction Fences
Reconvening the code review board.
Concerns with SOBI Construction
Code officer hiring.
Alternate board members.

9. **ANNOUNCEMENTS / SCHEDULE OF NEXT HEARING**

The next meeting of the Code Compliance Board is Monday, January 14, 2019.



The Village of Biscayne Park

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10. ADJOURNMENT

Linda Dillon made a motion to adjourn meeting.
Motion 2nd by Gary Kuhl
Meeting Adjourned at 8:12 p.m.

5/0 Motion Passed

Minutes Approved on: _____

Gary Kuhl, Chairman: _____



**CODE COMPLIANCE
BOARD**

MINUTES
CODE COMPLIANCE BOARD MEETING
LOG CABIN: 640 NE 114th Street, Biscayne Park, FL 33161

Monday February 11, 2019 at 7:00pm

Gary Kuhl, *Chairman*

Janey Anderson

Dale Blanton

Linda Dillon

Brian McNoldy

1. **CALL TO ORDER**
Gary Kuhl called meeting to order at 7:00 p.m.
2. **ROLL CALL**
Present: Gary Kuhl, Janey Anderson, Dale Blanton, Linda Dillon, Brian McNoldy
Code Officer Christina Caserta and Village Manager Krishan Manners
Owners & Representatives present: Ilan Bali, Beatriz Luengo Gonzalez, Alain Amiel, and Morris Yomtov
3. **ADDITIONS, DELETIONS OR WITHDRAWALS TO ORDER OF BUSINESS**
 - a. Approval of Minutes
 - b. Item 6 b. Case #EEN19-1547 Withdrawn
4. **APPROVAL OF MINUTES**
 - a. November 13, 2018 –
Janey Anderson made a motion to approve the minutes.
Motion 2nd by Dale Blanton. **5/0 Motion Passed**
 - b. December 10, 2018 –
Janey Anderson made a motion to approve the minutes.
Motion 2nd by Dale Blanton. **5/0 Motion Passed**
5. **PREAMBLE & SWEARING IN**
Gary Kuhl read the preamble & swore in all persons testifying at the hearing.
6. **NEW BUSINESS**
 - a. **Case # EEN19-1634 – 820 NE 118 ST / Yotuel Omar Romero Manzanares & Beatriz Luengo Gonzalez**
Interior Remodeling without a permit
Janey Anderson made a motion: not in compliance, impose of fine of \$500.00 and if not in compliance by February 19, 2019 assess a \$100.00 daily fine to commence on February 20, 2019 **Motion died for lack of a second**
Dale Blanton made a motion: not in compliance, impose fine of \$200.00, if not in compliance by February 19, 2019 assess a \$50.00 daily fine to commence on February 20, 2019. Double permit fee applies.
Motion 2nd by Janey Anderson **4/1 (Gary Kuhl) Motion Passed**



The Village of Biscayne Park

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- b. **Case #EEN19-1547 - 1007 NE 113 ST / John Alvord**
Driveway installed without a permit (Withdrawn – address issue)
- c. **Case #EEN18-1320 - 740 NE 121 ST / Alain Amiel**
Fence installed without a permit.
Owner advised that he believes he has a permit for the wood fence that was existing prior to the newer wood fence installed.
Janey Anderson made a motion to table case to allow owner to locate permit for older wood fence.
Motion 2nd by Gary Kuhl **5/0 Motion Passed**
- d. **Case #EEN19-1556 - 11140 Griffing Blvd. / Jeffrey & Patricia Grossfeld**
Failure to remove construction materials/waste from property
Janey Anderson made a motion: not in compliance, impose fine of \$500.00, and comply by February 18, 2019 or assess a daily fine of \$100.00.
Motion 2nd by Gary Kuhl **5/0 Motion Passed**
- e. **Case #EEN19-1636 - 11140 Griffing Blvd. / Jeffrey & Patricia Grossfeld**
Failure to repair dilapidated fence
Janey Anderson made a motion: not in compliance, impose fine of \$500.00, and comply by February 18, 2019 or assess a daily fine of \$100.00.
Motion 2nd by Brian McNoldy **4/1 (Dale Blanton) Motion Passed**
- f. **Case #EEN19-1631 - 11915 NE 12 Ct. / Aekas LLC.**
REPEAT VIOLATOR: Trailer stored in front yard of property.
Gary Kuhl made a motion: not in compliance, impose fine of \$100.00, and retroactive from January 23, 2019 or assess a daily of \$20.00.
Motion 2nd by Linda Dillon **5/0 Motion Passed**
7. **OLD BUSINESS**
None
8. **REQUEST FOR RELIEF**
 - a. **Case #EEN18-1432 - 930 NE 108 St. / IMB Investment LLC**
Pool under construction without a permit.
Gary Kuhl made a motion made to reconsider fine. **Motion fails - lack of a 2nd**
 - b. **Case #EEN18-1433 - 930 NE 108 St. / IMB Investment LLC**
No safety barrier provide for pool under construction.
No motion made by the board to reconsider fine.
 - c. **Case #EEN18-0226 - 11650 NE 11 PL / Morris Yomtov**
Inoperable Black SUV stored in the front yard.
Linda Dillon made a motion to reconsider the case.



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Motion 2nd by Gary Kuhl. **5/0 Motion Passed**
Officer Caserta advised the vehicle was shown to be operable.
Gary Kuhl made a motion to suspend fine.
Motion 2nd by Linda Dillon. **4/1 (Janey Anderson) Motion Passed**

d. **Case #EEN17-0989 – 11650 NE 11 PL / Morris Yomtov**
Accumulated unsightly Items stored in porch area visible to public view.
Dale Blanton made a motion not to reconsider case.
Motion 2nd by Janey Anderson. **5/0 Motion Passed**

e. **Case # EEN18-1047 – 11222 NE 9 Ave / Katrin Fechler**
Accordion Shutters installed without a permit.
Officer Caserta advised that proof of permit and a final inspection was provided and recommended the fine to be rescinded.
Gary Kuhl made a motion to rescind fine.
Motion 2nd by Janey Anderson **5/0 Motion Passed**

9. **GENERAL DISCUSSION:**

- Cases following hearings re: compliance procedures.
- Board rescheduled hearing date for March 20, 2019.
- Streamlining case files to board.
- PD assisting on weekend calls re: code violations i.e.: photos, communications.
- Alternate to the board.

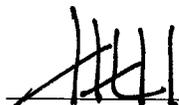
10. **ANNOUNCEMENTS / SCHEDULE OF NEXT HEARING**

The next meeting of the Code Compliance Board is Wednesday, March 20, 2019

11. **ADJOURNMENT**

Janey Anderson made a motion to adjourn meeting.
Motion 2nd by Brian McNoldy **5/0 Motion Passed**
Meeting Adjourned at 8:42 p.m.

Minutes Approved on: March 20, 2019

Gary Kuhl, Chairman: 



**CODE COMPLIANCE
BOARD**

MINUTES
CODE COMPLIANCE BOARD MEETING
LOG CABIN: 640 NE 114th Street, Biscayne Park, FL 33161

Monday March 28, 2019 at 7:00pm

Gary Kuhl, *Chairman*

Janey Anderson
Dale Blanton
Linda Dillon
Brian McNoldy

1. **CALL TO ORDER**
Gary Kuhl called meeting to order at 7:00 p.m.
2. **ROLL CALL**
Present: Gary Kuhl, Janey Anderson, Dale Blanton, Linda Dillon, Brian McNoldy, and Code Officer Christina Caserta
Owners & Representatives present: Charlene Cochrac, Alain Amiel, Andrew Arias, Manuel Alvarez, Joanna Plessis, Alexandra Sacco, and Jean Serge Michel.
3. **ADDITIONS, DELETIONS OR WITHDRAWALS TO ORDER OF BUSINESS**
Approval of Minutes
Item 6 b. Case #EEN19-1547
4. **APPROVAL OF MINUTES**
 - a. November 13, 2018 –
Janey Anderson made a motion to approve minutes.
Motion 2nd by Dale Blanton. **5/0 Motion Passed**
 - b. December 10, 2018 –
Janey Anderson made a motion to table the approval of the minutes.
Motion 2nd by Dale Blanton. **5/0 Motion Passed**
5. **PREAMBLE & SWEARING IN**
Gary Kuhl read the preamble & swore in all persons testifying at the hearing.
6. **NEW BUSINESS**
 - a. **Case # EEN19-1693 – 11409 NE 7 Ave. / Maribel S Valmocina**
Interior remodeling without a permit.
Janey Anderson made a motion: Table to next month meeting, for building inspection to go inside.
Motioned 2nd by Brian McNoldy **5/0 Motion Passed**
 - b. **Case # EEN19-1843 – 737 NE 118 St. / Pierre Hubert Plessis & Joanna Plessis**
Plumbing done without a permit.
Janey Anderson made a motion: Close case when paid, impose fine of \$150.



The Village of Biscayne Park

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- c. **Case # EEN19-1890 – 1001 NE 110 St. / Jean Serge Michel**
A/C installed without permit.
Janey Anderson made a motion: Violation occurred and now in compliance, impose fine of \$500.00 and close case when paid.
Motion 2nd by Gary Kuhl **5/0 Motion Passed**
- d. **Case # EEN18-1339 – 11825 NE 7 Ave. / Jorge Toro & Rose**
Construction without permit.
Linda Dillon made a motion: Dismiss case not enough information to prove violation occurred.
Motion 2nd by Dale Blanton **5/0 Motion Passed**
- e. **Case # EEN17-0789 – 850 NE 115 St. / Arli Cochrac**
Paint exterior walls required.
Dale Blanton made a motion: not in compliance, impose fine of \$50.00, and comply by April 19, 2019 or assess a daily fine of \$10.00 starting April 20, 2019.
Motion 2nd by Gary Kuhl **5/0 Motion Passed**
- f. **Case # EEN17-0791 – 850 NE 115 St. / Arli Cochrac**
Roof and awnings exhibit dirt and mildew.
Janey Anderson made a motion: not in compliance, impose fine of \$50.00 and comply by April 19, 2019 or assess a daily of \$10.00 starting April 20, 2019.
Motion 2nd by Gary Kuhl **5/0 Motion Passed**
- g. **Case # EEN19-1846 – 950 NE 120 St. / MI & G 4 LLC**
A/C installed without permit.
Janey Anderson made a motion: not in compliance, impose fine of \$1,500.00 and comply by April 8, 2019 or assess a daily fine of \$100.00 starting April 9, 2019.
Motion 2nd by Gary Kuhl for discussion

New Motion made by Gary Kuhl: not in compliance, impose fine of \$250.00 and comply by April 8, 2019 or assess a daily fine of \$100.00
Motion 2nd by Janey Anderson for discussion

New motion made by Gary Kuhl: not in compliance, impose fine of \$500.00 and comply by April 8, 2019 or assess a daily fine of \$100.00
Motion 2nd by Janey Anderson **5/0 Motion Passed**



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h. Case # EEN 19-1562 – 940 NE 119 St. / Alexandra Ann Alvord

Work done without permit.

Janey Anderson made a motion: not in compliance, impose fine of \$150.00 and comply by April 19, 2019 or assess a daily fine of \$10.00.

Janey Anderson amended the motion to fine \$150.00 and to comply by May 3rd, 2019 or assess a daily fine of \$10.00 starting May 4, 2019.

Motion 2nd by Dale Blanton

5/0 Motion Passed

i. Case #EEN19-1688 – 1110 ne 119 St. / Bank of America

Lot maintenance & clean up.

Dale Blanton made a motion: Violation occurred and now in compliance, impose fine of \$100.00.

Motion 2nd by Janey Anderson

5/0 Motion Passed

7. OLD BUSINESS

a. Case #EEN18-1320 – 740 NE 121 St. / Alain Amiel

Fence installed without permit.

Gary Kuhl made a motion: dismiss case.

Motion 2nd by Linda Dillon

5/0 Motion Passed

8. GENERAL DISCUSSION:

Contractors working without permits

8. REQUEST FOR RELIEF

None.

9. ANNOUNCEMENTS / SCHEDULE OF NEXT HEARING

The next meeting of the Code Compliance Board is Thursday, April 18, 2019

10. ADJOURNMENT

Janey Anderson made a motion to adjourn meeting.

Motion 2nd by Brian McNoldy

Meeting Adjourned at 8:42 p.m.

5/0 Motion Passed

Minutes Approved on: _____

Gary Kuhl, Chairman: _____



CODE COMPLIANCE
BOARD

MINUTES
CODE COMPLIANCE BOARD MEETING
LOG CABIN: 640 NE 114th Street, Biscayne Park, FL 33161

Thursday April 18, 2019 at 7:00pm

Gary Kuhl, *Chairman*

Janey Anderson
Dale Blanton
Linda Dillon
Brian McNoldy

1. CALL TO ORDER

Gary Kuhl called the meeting to order at 7:25 p.m.

2. ROLL CALL

Present: Gary Kuhl, Janey Anderson, Linda Dillon, Brian McNoldy, Jared Susi (alternate board member), and Code Officer Christina Caserta

Absent: Dale Blanton

Owners & Representatives present: Manuel Alvarez

Janey Anderson made a motion to excuse Dale Blanton from the meeting.

Motion 2nd by Gary Kuhl 5/0 – Motion Passed

3. ADDITIONS, DELETIONS OR WITHDRAWALS TO ORDER OF BUSINESS

None

4. APPROVAL OF MINUTES

a. March 28, 2019 –

Linda Dillon made a motion to approve minutes.

Motion 2nd by Gary Kuhl 5/0 Motion Passed

5. PREAMBLE & SWEARING IN

Gary Kuhl read the preamble & swore in all persons testifying at the hearing.

6. NEW BUSINESS

a. **Case #EEN18-0103 – 11501 NE 10 AVE. / Emmanuel Ortiz**

Failure to maintain fence.

Janey Anderson made a motion: Violation occurred –Remove the fence and assess a fine of \$200.00 and to comply by May 1st, 2019 or assess a daily fine of \$50.00 starting May 2nd, 2019.

Motion 2nd by Brian McNoldy 5/0 Motion Passed

b. **Case # EEN18-1286 – 11501 NE 10 AVE. / Emmanuel Ortiz**

Failure to maintain mailbox

Janey Anderson made a motion: Violation occurred, impose fine of \$50 and close case after fine is paid.

Motion 2nd by Gary Kuhl 5/0 Motion Passed



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7. **OLD BUSINESS**
 - a. Case #EEN19-1693 – 11409 NE 10 AVE. / Maribel S Valmocina
Interior remodeling without a permit.
Janey Anderson made a motion: Violation occurred, impose \$100.00 and comply by May 1st, 2019 or assess a daily fine of \$50.00 starting May 2nd, 2019
Motion 2nd by Gary Kuhl **5/0 Motion Passed**
8. **GENERAL DISCUSSION:**
None
9. **REQUEST FOR RELIEF**
None
10. **ANNOUNCEMENTS / SCHEDULE OF NEXT HEARING**
The next meeting of the Code Compliance Board is Monday, May 13, 2019
11. **ADJOURNMENT**
Linda Dillon made a motion to adjourn meeting.
Motion 2nd by Gary Kuhl **5/0 Motion Passed**
Meeting Adjourned at 8:47 p.m.

Minutes Approved on: 5.14.19

Gary Kuhl, Chairman: [Signature]



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report

Item # 8.c

REGULAR MEETING

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Krishan Manners, Village Manager

DATE: August 06, 2019

TITLE: Toshiba Copier

Recommendation

Staff recommends leasing a new Toshiba copier for the Police Department.

Background

The current Toshiba copier used in by the Police Department Hall was leased for the last 48 months, with the lease expiring on July 29, 2019. Toshiba has offered the Village a new copier, with greater speed and more features at a comparable price.

Resource Impact

The current expired copier lease was for \$59.09 and the unit price per image is based on the State of Florida contract. The new lease is for \$64.30/month and the unit price per image remains the same, based on the State of Florida contract #600-000-11-1, which is B/W .00721/page.

Prepared by: Krishan Manners

PROPOSAL PREPARED FOR:

*Village of Biscayne Park
Toshiba e-Studio2518A*

Submitted by:

Orlando LaCalle, Government Account Executive

Mobile: 305 753 5586

Email: Orlando.lacalle@tbs.toshiba.com

TOSHIBA BUSINESS SOLUTIONS (USA)

624 South Military trail., Deerfield Beach, FL 33442

April 29, 2019



Don't copy. Lead

Village of Biscayne Park

TOSHIBA e STUDIO 2518A MFP – copy, print, scan



Product Features:

- 25 PPM B&W Multifunction Product
- 8.5- inch WVGA customizable touch-screen control
- Environmentally friendly, Energy Star compliant
- USB scan & print capabilities
- Private, proof, scheduled, & stored print
- 57 color scans per min

PROPOSED CONFIGURATION:

- Toshiba e-Studio 2518A
- 100 Sheet Reverse Automatic Document Feeder (MR3031)
- (2) Standard Paper Drawers (550 Sheet Capacity) (Included)
- Inner Finisher
- Stand (STAND5005)
- Surge Protector

FINANCIAL CONSIDERATION –

Terms and Conditions per the State of Florida Contract #600-000-11-1

\$64.30 per month 48-month term

MAINTENANCE AGREEMENT

Black & White Cost Per Copy **.00721** per Page

Includes all parts, labor, service calls and unlimited supplies (excluding paper & staples). A four-hour or less response time is guaranteed for all calls.

No additional charge for delivery, installation, set-up and training.



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report

Item # 8.d

REGULAR MEETING

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Krishan Manners, Village Manager

DATE: August 06, 2019

TITLE: Toshiba Copier for Recreation Center

Recommendation

Staff recommends leasing a new Toshiba copier for the Ed Burke Recreation Center.

Background

The current Toshiba copier used in the Recreation Center was leased for the last 56 months, with the lease expiring on 12/14/18. Toshiba has offered the Village a new copier, with greater speed and more features at a comparable price.

Resource Impact

The current expired copier lease was for \$48.07 and the unit price per image is based on the State of Florida contract. The new lease is for \$64.30 and the unit price per image .00721/page remains the same, based on the State of Florida contract #600-000-11-1.

Prepared by: Krishan Manners

PROPOSAL PREPARED FOR:

*Village of Biscayne Park
Toshiba e-Studio2518A*

Submitted by:

Orlando LaCalle, Government Account Executive

Mobile: 305 753 5586

Email: Orlando.lacalle@tbs.toshiba.com

TOSHIBA BUSINESS SOLUTIONS (USA)

624 South Military trail., Deerfield Beach, FL 33442

April 29, 2019



Don't copy. Lead

Village of Biscayne Park

TOSHIBA e STUDIO 2518A MFP – copy, print, scan



Product Features:

- 25 PPM B&W Multifunction Product
- 8.5- inch WVGA customizable touch-screen control
- Environmentally friendly, Energy Star compliant
- USB scan & print capabilities
- Private, proof, scheduled, & stored print
- 57 color scans per min

PROPOSED CONFIGURATION:

- Toshiba e-Studio 2518A
- 100 Sheet Reverse Automatic Document Feeder (MR3031)
- (2) Standard Paper Drawers (550 Sheet Capacity) (Included)
- Inner Finisher
- Stand (STAND5005)
- Surge Protector

FINANCIAL CONSIDERATION –

Terms and Conditions per the State of Florida Contract #600-000-11-1

\$64.30 per month 48-month term

MAINTENANCE AGREEMENT

Black & White Cost Per Copy **.00721** per Page

Includes all parts, labor, service calls and unlimited supplies (excluding paper & staples). A four-hour or less response time is guaranteed for all calls.

No additional charge for delivery, installation, set-up and training.



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report

Item # 9.a

REGULAR MEETING

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Krishan Manners, Village Manager

DATE: August 06, 2019

TITLE: Amending FY 2019 Budget to Increase the Appropriation Amount for
Professional Services – **Second Reading**

Brief Overview

In July 2018, the Village Commission adopted Resolution 2018-23 to hire GrayRobinson, P.A. (the “Law Firm”) to provide professional legal services to the Village. The Village’s contract with the Law Firm sets the hourly rate for legal services at \$225 per hour for all attorneys and \$150 per hour for all paralegals.

In September 2018, the Village Commission adopted Ordinance No. 2018-06 approving the budget for the 2018-2019 fiscal year (“FY 2019”). The professional services budget for FY 2019 is currently \$140,750, with \$75,000 of those funds apportioned for the line item “legal services.”

Due to certain previously unanticipated legal issues that have arisen this fiscal year, there is an anticipated need to increase the professional services budget for FY 2019 from \$140,750 to \$155,750. This will allow an increase in the Village’s legal budget from \$75,000 to \$90,000.

Legal Notice

I am notifying the Commission of the need for remedial action pursuant to Section 4.07(B) of the Village Charter. Pursuant to Section 2-77 of the Village’s Code of Ordinances, the Village Manager has 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. However, it is anticipated that intradepartmental adjustments to the professional services budget will be insufficient to resolve the anticipated shortfall if the budget is not amended by the Commission.

Recommendation/Notice of Action Taken:

An increase in professional services budget for FY 2019 from \$140,750 to \$155,750.

Financial Impact

\$15,000.

Attachment(s):

- Proposed Ordinance

1 an increase to the line item within the professional services budget for legal services from \$75,000
2 to \$90,000.

3
4 **Section 3.** That all Ordinances or parts of Ordinances, Resolutions or parts thereof in
5 conflict herewith, be and the same are repealed to the extent of such conflict.
6

7 **Section 4.** The provisions of this Ordinance are declared to be severable and if any
8 section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or
9 unconstitutional, such decision shall not affect the validity of the remaining sections, sentences,
10 clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent
11 that this Ordinance shall stand notwithstanding the invalidity of any part.
12

13 **Section 5.** This Ordinance shall be effective upon adoption on second reading.
14

15 The foregoing Ordinance was offered by _____, who moved its adoption. The motion
16 was seconded by Commissioner _____ and upon being put to a vote, the vote was as
17 follows:
18

19
20 PASSED AND ADOPTED upon first reading this 9th day of July, 2019.
21

22 PASSED AND ADOPTED upon second reading this 6th day of August, 2019.
23

24 The foregoing ordinance upon being put to a
25 vote, the vote was as follows:
26

27
28 _____
29 Tracy Truppman, Mayor

Mayor Truppman:
Vice Mayor Samaria:
Commissioner Johnson-Sardella:
Commissioner Tudor:
Commissioner Wise:

30 Attest:
31
32
33

34
35 _____
36 Roseann Prado, Village Clerk
37

38 Approved as to form:
39
40

41 _____
42 Rebecca A. Rodriguez, Village Attorney

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared GUILLERMO GARCIA, who on oath says that he or she is the DIRECTOR OF OPERATIONS, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

NOTICE OF PUBLIC HEARING
VILLAGE OF BISCAYNE PARK - ORDINANCE NO. 2019-02 -
AUG. 06, 2019

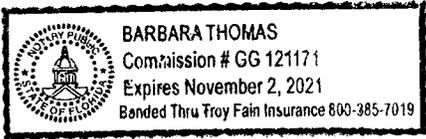
in the XXXX Court,
was published in said newspaper in the issues of

07/23/2019

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami, in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Guillermo Garcia
Sworn to and subscribed before me this
23 day of JULY, A.D. 2019
Barbara Thomas

(SEAL)
GUILLERMO GARCIA personally known to me



**PUBLIC NOTICE
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Village Commission of the Village of Biscayne Park, Florida will hear the following ordinance at a Public Hearing to be held beginning at 7:00PM, Tuesday, August 06, 2019, at the Log Cabin, 640 NE 114th Street, Biscayne Park, FL 33161.

ORDINANCE NO. 2019-02

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, N.A.; AMENDING FISCAL YEAR 2018/2019 BUDGET; ORDINANCE 2018-06; AMENDING AND INCREASING THE PROFESSIONAL SERVICES BUDGET; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

All documentation pertaining to this notice may be inspected by the public at the Office of the Village Clerk in Village Hall, 600 NE 114th Street. Interested parties may appear at the meeting and be heard with respect to the proposed Ordinances.

In accordance with the provision 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 who require special accommodation to participate in the proceedings should call the Village Clerk's office at (305) 899-8000 no later than (4) days prior to the proceeding for assistance. On day of meeting, if called in by 11:00am, we will do our best to accommodate your request. Roseann Pradó, Village Clerk
7/23 19-44/0000414684M



VILLAGE OF BISCAYNE PARK
* Village Commission Agenda Report
REGULAR MEETING

Item # 11.a

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Dan Samaria, Commissioner

DATE: August 6, 2019

TITLE: Following the Village Charter. How and why was the March 5,
2019 Commission Meeting cancelled.

Recommendation

The only way a commission meeting can be cancelled is when the roll call is taken by the village clerk at the schedule meeting date. And there are not three Commissioners present to make quorum. Then the meeting can be rescheduled.

Background

At the April 2 Commission meeting one of the three commissioners who could have attended, said she was told not to attend the March 5 meeting, by whom and why?

And what was the real reason the meeting was cancelled in the first place?

Resource Impact

Attachment(s)

May 07, 2019
Item #

Page 1 of 2

Dan Samaria, Commissioner

May 07, 2019
Item #

Page 2 of 2

August 06, 2019
Items # 11.a

Page 2 of 2



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report
REGULAR MEETING

Item # 11.b

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Dan Samaria, Commissioner

DATE: August 6, 2019

TITLE: Discussion of Mayor — Change of Leadership

Recommendation

According to our Charter — The responsibility of the Mayor is minimum, it is to run the meetings, sign checks and represent the village at official functions.

The Mayor is to run the meetings fairly and allow all commissioners to explain their ideas and opinions. Without being censored by the Mayor.

I recommend that we have a discussion and have a vote of no confidence and hopefully a change of leadership as Mayor. But not removing her as Commissioner.

Background

The Village Manager and Village Clerk are the only ones that set up the agenda for the upcoming commission meeting and workshops according to the Charter.

At a commission meeting the Mayor inappropriately tried to have one of my agenda items removed. And then she was informed by the City attorney that she could not do that since it was not the same item that I brought up the month earlier.

At commission meetings I have noticed that the Mayor has changed the language of some agenda items that suits her own ideals. Without consulting the commissioner who submitted the ideal or the thoughts of the other commissioners.

Resource Impact

Attachment(s)

Dan Samaria, Commissioner



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report
REGULAR MEETING

Item # 11.c

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Dan Samaria, Commissioner

DATE: August 6, 2019

TITLE: The Communication/Branding Workshop held on April
16, 2019

Recommendation

In the future all workshops shall be conducted by the entire Commission and not be taken over by one to the exclusion of the others.

Background

During the March 19th commission meeting, it was decided that Comm. Tudor's communication agenda item be moved to a workshop. Then the Mayor suggested that the workshop be changed to a communication/branding workshop.

The purpose of this workshop was to improve the communication between the commission, the administration and the residents.

I.E. Improving the website, to make sure all residents are on our email blast, and bring back our newsletter (which has not been published well over a year)

During that workshop, none of those ideas were discussed. Instead the

entire focus was on Comm. Wais branding vision.

At the end of her presentation everyone was told that the results of the survey that was supposedly mailed to all residents, would be brought back to the commission at the May meeting.

It is now July still no follow up!

And the Communication problem has not been addressed.

Resource Impact

Attachment(s)

Dan Samaria, Commissioner



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report

Item # 11.d

REGULAR MEETING

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Commissioner William Tudor

DATE: August 06, 2019 - Continuance

TITLE: Discussion re: charter amendments

Recommendation

I would recommend that the Commission discuss whether a need exists to review our Village Charter for possible amendments or revisions that would improve overall efficiency, consistency, transparency, and trustworthiness. If a consensus exists, the Commission should decide the mechanism and time frame so that any proposed changes could be presented to Village residents during the 2020 election.

Background

In 2012, the Commission understood the need to review the Village Charter and identify any possible amendments or revisions. On September 11, 2012, the Commission passed and adopted Ordinance 2012-08 thereby creating the Charter Review Advisory Board. This Ordinance was later amended by Ordinance 2013-01. On April 7, 2015, the Charter Review Advisory Board presented their conclusion of findings.

Resource Impact

To be determined

Attachment

Biscayne Park Code of Ordinances, Section 6.02
Biscayne Park Code of Ordinances, Section 2-35
Ordinance 2012-08
Ordinance 2013-01
Resolution 2014-80

Prepared by: Commissioner William Tudor

August 06,
2019
Item #11.d

Page 1 of 1

Section 6.02. - Procedure to amend.

- (A) This Charter may be amended by:
 - (1) Ordinance. The Commission may propose amendments to this Charter by ordinance and shall submit the proposed amendment to a vote of the electors at the next general election held within the Village or at a special election called for such purpose.
 - (2) Petition. The electors of the Village may propose amendments to this Charter by petition. The electors proposing such amendment to the Charter shall follow the same procedures for proposing an ordinance by initiative as described in this Charter. Upon certification of the sufficiency of a petition, the Commission shall submit the proposed amendment to a vote of the electors at a general election or special election to be held not less than sixty (60) days or more than one hundred and twenty (120) days from the date on which the petition was certified.
- (B) Results of election. If a majority of the qualified electors voting on a proposed amendment vote for its adoption, it shall be considered adopted upon certification of the election results. If conflicting amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

Sec. 2-35. - Charter review advisory board.

- (a) *Purpose.* The Charter review advisory board shall study the Charter of the Village of Biscayne Park in its entirety and provide the village commission with a written report setting forth its recommendations as to any proposed amendments or revisions to the Village Charter.
- (b) *Board membership.*
 - (1) The Charter review advisory board (hereinafter "advisory board" or "board") shall be composed of seven (7) persons. Each member of the village commission shall appoint one (1) member for up to a two-year term of service. The remaining two (2) members will be appointed by the village commission by a simple majority vote. Members shall be qualified electors of the village. The board shall commence its proceedings within forty-five (45) calendar days after appointment by the commission.
 - (2) Upon the expiration of a board member's term, the village commission member making the original appointment, or the village commission member's successor in office shall appoint the board member to serve during the new board term. If, for any reason, an appointment should not be made to fill an expired term, the incumbent will continue to serve until his successor has been appointed.
- (c) *Vacancies.* In the event of the death, removal or resignation of a member, a successor shall be appointed to fill the unexpired term by the commission member making the original appointment. In the event the original commission member is no longer in office, his successor shall fill the unexpired term.
- (d) *Duties and responsibilities.* The board's duties and responsibilities shall be as follows:
 - (1) The advisory board shall compose a written report and review and debate the report in time to enable it to present to the electorate at the village's next regularly scheduled election. The advisory board shall present the report to the village commission, and the village commission shall then adopt, amend, revise, delete, propose substituted items, or additional items for placement on the ballot.
 - (2) If the advisory board determines that an amendment or revision is needed, it shall submit the same to the village commission no later than four (4) months prior to the deadline established by the elections department, so that the amendments or revisions, as approved by the village commission, can make the ballot of the next regularly scheduled election of the village. Alternative proposals may be submitted.
 - (3) The advisory board shall be receptive to ideas and desires of the residents of the village as to the provisions contained in the Charter in order to enhance the provisions of the Charter and the quality of life in the village.
 - (4) The advisory board shall enlist and encourage public support, the assistance of civic, technical, or other groups, and cooperation of other businesses or organizations in order to provide input into the provisions of the Charter.
 - (5) In reviewing and recommending revisions, the advisory board shall adhere to the requirements of the provisions of section 6.03 of the Home Rule Charter of Miami-Dade County. Consistent with good practice, if conflicting amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
 - (6) The advisory board shall review charters of other similar sized municipalities for trends and/or possible terms that would improve the village's Charter.
- (e) *Advisory board reports.* The chairperson or his/her designee shall present a quarterly report to the village commission, which shall be submitted in writing to the village clerk's office. All reports shall be approved by the advisory board prior to submission to the village clerk's office or presentation to the village commission. The quarterly report shall be part of the village commission official agenda, under board and advisory board

reports. Complete inclusion of all minutes to date may be sufficient for presentation, or the advisory board chair or his/her designee may supplement the report through oral presentation to the public and village commission at the regular commission meeting.

- (f) *Sunset.* The advisory board shall sunset upon the issuance by the advisory board of the final report as it relates to recommended ballot questions, or at the end of an appointed term as voted on by the village commission.

(Ord. No. 2012-08, § 1, 9-11-12)

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ORDINANCE NO. 2012-08

**AN ORDINANCE OF THE VILLAGE COMMISSION OF
THE VILLAGE OF BISCAYNE PARK, FLORIDA,
CREATING A CHARTER REVIEW ADVISORY
BOARD; CREATING SECTION 2-35 OF THE CODE OF
ORDINANCES OF THE VILLAGE OF BISCAYNE
PARK TO CREATE THE BOARD AND PROVIDE
RULES AND PROCEDURES RELATING TO SAME;
PROVIDING FOR SEVERABILITY, REPEALER,
CODIFICATION AND AN EFFECTIVE DATE.**

WHEREAS, the Village of Biscayne Park would like to create the Charter Review Advisory Board, which Board would be appointed at least every eight years, for up to a two year term, during which time the Advisory Board would review the Village Charter, hold public meetings, and propose revisions to the Village's Charter; and,

WHEREAS, the Village Charter currently does not provide for a charter revision advisory board, however, such a board is good governance to periodically review the Village's Charter, as the Charter acts as the Village's "Constitution" and enabling document; and,

WHEREAS, the Mayor and Village Commission desire to create Section 2-35 of the Village's Code of Ordinances relating to the creation of a Charter Review Advisory Board; now, therefore

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

Section 1. Section 2-35 of the Code of Ordinances of the Village of Biscayne Park is hereby created to read as follows:

2-35. Charter Review Advisory Board.

(1) *Purpose.* The Charter Review Advisory Board shall study the Charter of the Village of Biscayne Park in its entirety and provide the Village Commission with a written report setting forth its recommendations as to any proposed amendments or revisions to the Village Charter.

(2) *Board membership.*

(a) The Charter Review Advisory Board (hereinafter "Advisory Board" or "Board") shall be composed of seven (7) persons. Each member of the Village Commission shall appoint one member for up to a two year term of service. The remaining two (2) members will be appointed by the Village Commission by a simple majority vote. Members shall be qualified electors of the Village. The Board shall commence its proceedings within forty five (45) calendar days after appointment by the Commission.

1
2 (b) Upon the expiration of a Board member's term, the Village Commission member
3 making the original appointment, or the Village Commission member's successor in office shall
4 appoint the Board member to serve during the new Board term. If, for any reason, an
5 appointment should not be made to fill an expired term, the incumbent will continue to serve
6 until his successor has been appointed.
7

8 (3) *Vacancies.* In the event of the death, removal or resignation of a member, a successor
9 shall be appointed to fill the unexpired term by the Commission member making the original
10 appointment. In the event the original Commission member is no longer in office, his successor
11 shall fill the unexpired term.
12

13 (4) *Duties and responsibilities.* The Board's duties and responsibilities shall be as follows:
14

15 (a) The Advisory Board shall compose a written report and review and debate the
16 report in time to enable it to present to the electorate at the Village's next regularly scheduled
17 election. The Advisory Board shall present the report to the Village Commission, and the
18 Village Commission shall then adopt, amend, revise, delete, propose substituted items, or
19 additional items for placement on the ballot.
20

21 (b) If the Advisory Board determines that an amendment or revision is needed, it
22 shall submit the same to the Village Commission no later than four months prior to the deadline
23 established by the Elections Department, so that the amendments or revisions, as approved by the
24 Village Commission, can make the ballot of the next regularly scheduled election of the Village.
25 Alternative proposals may be submitted.
26

27 (c) The Advisory Board shall be receptive to ideas and desires of the residents of the
28 Village as to the provisions contained in the Charter in order to enhance the provisions of the
29 Charter and the quality of life in the Village;
30

31 (d) The Advisory Board shall enlist and encourage public support, the assistance of
32 civic, technical, or other groups, and cooperation of other businesses or organizations in order to
33 provide input into the provisions of the Charter.
34

35 (e) In reviewing and recommending revisions, the Advisory Board shall adhere to
36 the requirements of the provisions of Section 6.03 of the Home Rule Charter of Miami-Dade
37 County. Consistent with good practice, if conflicting amendments are adopted at the same
38 election, the one receiving the greatest number of affirmative votes shall prevail to the extent of
39 such conflict.
40

1 (f) The Advisory Board shall review charters of other similar sized municipalities for
2 trends and/or possible terms that would improve the Village's Charter.

3
4 (5) *Advisory Board Reports.* The Chairperson or his/her designee shall present a quarterly
5 report to the Village Commission, which shall be submitted in writing to the Village Clerk's
6 office. All reports shall be approved by the Advisory Board prior to submission to the Village
7 Clerk's office or presentation to the Village Commission. The quarterly report shall be part of
8 the Village Commission official agenda, under Board and Advisory Board Reports. Complete
9 inclusion of all minutes to date may be sufficient for presentation, or the Advisory Board Chair
10 or his/her designee may supplement the report through oral presentation to the public and Village
11 Commission at the regular Commission meeting.

12
13 (6) *Sunset.* The Advisory Board shall sunset upon the issuance by the Advisory Board of the
14 final report as it relates to recommended ballot questions, or at the end of an appointed term as
15 voted on by the Village Commission.

16
17 Section 2. Repealer. All ordinances or parts of ordinances that are inconsistent or in
18 conflict with the provisions of this Ordinance are repealed.

19
20 Section 3. Severability. If any section, clause, sentence or phrase of this Ordinance is for
21 any reason held invalid or unconstitutional by any court of competent jurisdiction, then
22 said holding shall not affect the validity of the remaining portions of this Ordinance.

23
24 Section 4. Codification. It is the intention of Biscayne Park, Florida that the
25 provisions of this Ordinance shall become and be made a part of the Village of Biscayne
26 Park Code of Ordinances; and that the sections of this Ordinance may be renumbered or
27 relettered to accomplish such intention, and the word "ordinance" may be changed to
28 "section", "article" or such other appropriate word or phrase in order to accomplish such
29 intentions.

30
31 Section 5. This Ordinance shall become effective upon adoption.

32
33 The foregoing Ordinance was offered by Commissioner Cooper who moved its adoption.
34 The motion was seconded by Mayor Jacobs and upon being put to a vote, the vote was as
35 follows:

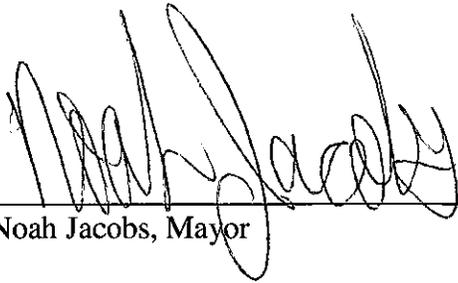
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37
38 PASSED AND ADOPTED upon first reading this 7th day of August, 2012.

39 PASSED AND ADOPTED upon second reading this 11th day of September, 2012.

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

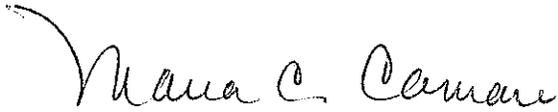
Mayor Jacobs: Yes
Vice Mayor Ross: No
Commissioner Anderson: Yes
Commissioner Cooper: Yes
Commissioner Watts: Yes

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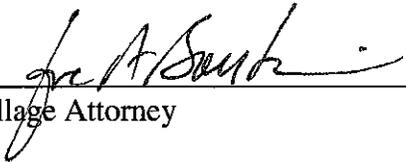
Noah Jacobs, Mayor

Attest:



Maria C. Camara, Village Clerk

Approved as to form:



Village Attorney

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ORDINANCE NO. 2013-01

**AN ORDINANCE OF THE VILLAGE COMMISSION OF
THE VILLAGE OF BISCAYNE PARK, FLORIDA,
RELATING TO MODIFYING THE START DATE FOR
THE CHARTER REVIEW ADVISORY BOARD;
MODIFYING ORDINANCE 2012-08; PROVIDING FOR
SEVERABILITY, REPEALER, CODIFICATION AND
AN EFFECTIVE DATE.**

WHEREAS, in 2012 the Village of Biscayne Park created a Charter Review Advisory Board, which Board was to begin services immediately after enactment, and would ultimately review the Village Charter, hold public meetings, and propose revisions to the Village's Charter; and,

WHEREAS, in order to efficiently and economically provide services, the Village Commission realizes that the next upcoming election will be held in December 2013, and the Village budget cannot support the expenditures relating to the Board during this fiscal year; and

WHEREAS, the Village Commission realizes that the time for the Board to provide services is limited, as no board members have yet to be selected, and any charter amendments would have to be approved and distributed to Miami-Dade County Department of Elections by August 2013, thus requiring two readings of the ordinance, public input, and meeting of the Board in less than six months, would be a challenge to the Board; and,

WHEREAS, the Village Commission would like to modify the ordinance 2012-08, to reflect that the Village Commission, shall select Board members 24 months prior to the regularly scheduled election of November 2016 and review every fourth election thereafter.

WHEREAS, the Mayor and Village Commission desire to amend Section 2-35 of the Village's Code of Ordinances relating to the start of the Charter Review Advisory Board; now, therefore

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

Section 1. Section 2-35 of the Code of Ordinances of the Village of Biscayne Park is hereby created to read as follows:

* * *

2-35. Charter Review Advisory Board.

(1) *Purpose.* The Charter Review Advisory Board shall study the Charter of the Village of Biscayne Park in its entirety and provide the Village Commission with a written report setting forth its recommendations as to any proposed amendments or revisions to the Village Charter.

1 (2) *Board membership.*

2 (a) The Charter Review Advisory Board (hereinafter "Advisory Board" or "Board")
3 shall be composed of seven (7) persons. Each member of the Village Commission shall appoint
4 one member for up to a two year term of service. The remaining two (2) members will be
5 appointed by the Village Commission by a simple majority vote. Members shall be qualified
6 electors of the Village. The Board shall commence its proceedings within forty five (45) calendar
7 days after appointment by the Commission.
8

9 (b) Upon the expiration of a Board member's term, the Village Commission member
10 making the original appointment, or the Village Commission member's successor in office shall
11 appoint the Board member to serve during the new Board term. If, for any reason, an
12 appointment should not be made to fill an expired term, the incumbent will continue to serve
13 until his successor has been appointed.

14 (c) Selection of the Board members shall be made 24 months prior to the regularly
15 scheduled election of November, 2016. Review by the Board shall occur in conjunction with
16 every fourth election thereafter.
17

18 * * *

19 Section 2. Repealer. All ordinances or parts of ordinances that are inconsistent or in
20 conflict with the provisions of this Ordinance are repealed.
21

22 Section 3. Severability. If any section, clause, sentence or phrase of this Ordinance is for
23 any reason held invalid or unconstitutional by any court of competent jurisdiction, then
24 said holding shall not affect the validity of the remaining portions of this Ordinance.
25

26 Section 4. Codification. It is the intention of Biscayne Park, Florida that the
27 provisions of this Ordinance shall become and be made a part of the Village of Biscayne
28 Park Code of Ordinances; and that the sections of this Ordinance may be renumbered or
29 relettered to accomplish such intention, and the word "ordinance" may be changed to
30 "section", "article" or such other appropriate word or phrase in order to accomplish such
31 intentions.
32

33 Section 5. This Ordinance shall become effective upon adoption.
34

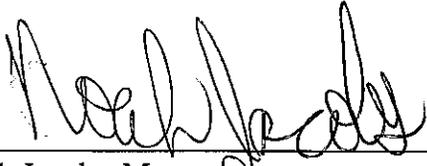
35 The foregoing Ordinance was offered by Commissioner Anderson who moved its
36 adoption. The motion was seconded by Commissioner Watts and upon being put to a vote, the
37 vote was as follows:
38

39
40 PASSED upon first reading this March 5, 2013.

41 PASSED AND ADOPTED upon second reading this April 2, 2013.

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

Mayor Jacobs: No
Vice Mayor Cooper: Absent
Commissioner Anderson: Yes
Commissioner Ross: Yes
Commissioner Watts: Yes



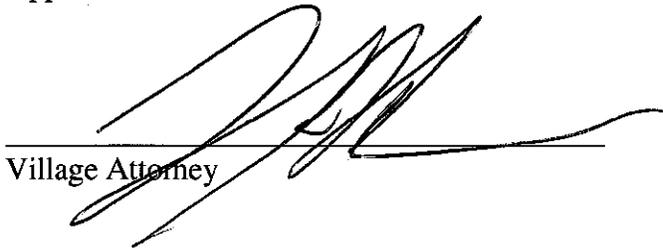
Noah Jacobs, Mayor

Attest:



Maria C. Camara, Village Clerk

Approved as to form:



Village Attorney

1
2
3 **RESOLUTION NO. 2014-80**
4

5 **RESOLUTION OF THE VILLAGE**
6 **COMMISSION OF THE VILLAGE OF**
7 **BISCAYNE PARK, FLORIDA, RATIFYING**
8 **THE SELECTION AND APPOINTMENT OF**
9 **BOARD MEMBERS TO THE CHARTER**
10 **REVIEW ADVISORY BOARD; PROVIDING**
11 **FOR AN EFFECTIVE DATE**
12
13

14 WHEREAS on September 11, 2012, Ordinance 2012-08 was passed that created a
15 Charter Review Advisory Board composed of seven (7) qualified electors of the Village,
16 with each member of the Village Commission appointing one member and the remaining
17 two (2) would be appointed by the Village Commission by a simple majority vote; and
18
19

20 WHEREAS on April 2, 2013, Ordinance 2013-01 was passed modifying the start
21 date for the Charter Review Board, and that the Village Commission would select Board
22 members 24 months prior to the regularly scheduled election of November 2016; and
23
24

25 WHEREAS, Village residents interested in serving on the Charter Review Advisory
26 Board have submitted a board application; and
27
28

29 WHEREAS, following the process whereby board members for the Charter Review
30 Advisory Board are selected, the board members are as follows:
31

32 Charter Review Advisory Board:

- 33
34 1. Jenny Johnson-Sardella
35 2. Vicki Smith-Bilt
36 3. Brian McNoldy
37 4. David Goehl
38 5. Dan Keys
39 6. Dale Blanton
40 7. Ramon Irizarri
41
42
43
44

45 NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF
46 THE VILLAGE OF BISCAYNE PARK, FLORIDA
47
48

49 **Section 1.** The foregoing "WHEREAS" clauses are true and correct and hereby
50 ratified and confirmed by the Village Commission.
51

52
53 **Section 2.** Consistent with the process outlined in the Village's Code of
54 Ordinances, members have been selected to serve on the Charter Review Advisory Board.

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Section 3. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 6th day of November, 2014



David Coviello, Mayor

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

Mayor Coviello: Yes
Vice Mayor Ross: Yes
Commissioner Anderson: Yes
Commissioner Jonas: Yes
Commissioner Watts: Yes

Attest:


Maria C. Camara, Village Clerk

Approved as to form:


John J. Hearn, Village Attorney



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report

Item # 11.e

REGULAR MEETING

TO: Members of the Biscayne Park Village Commission

FROM: Tracy Truppman, Mayor

DATE: August 06, 2019

TITLE: Discussion Item on Risk & Safety Management

Background

The Village does not have a dedicated and fully staffed Risk & Safety Management Department, nor is that possible within our current fiscal landscape. However, it is critical that the Village identify and minimize exposure to costly litigation or capital outlay. Risks can occur from various sources including personnel, facility related matters, financial exposure, and other areas. It is important to recognize that this Village is not self-insured and it is in our best interest to bolster our policies, procedures, and facilities to help minimize these risks.

This Village has settled a number of lawsuits over the years and others are currently pending. Our budget and resources are limited, and litigation is expensive whether directly or indirectly impacting taxpayers. By reducing our risk, the Commission and staff will better ensure the safety and welfare of all of its residents, visitors, vendors and staff alike.

Recommendation

Upon agreement with my fellow commissioners, I am recommending we task the manager to work in consultation with Florida Municipal Insurance Trust, our attorney, staff, and the Public Safety Advisory Board (when appropriate) to review and minimize any and all liability across Village operations through either direct action or policy changes as recommended and report back to the Commission on staffs' recommendations for further discussion.

Resource Impact

TBD

Attachment

Florida Municipal Insurance Trust – Law Enforcement Advisory Panel (LEAP)
Florida Municipal Insurance Trust – Risk & Safety Management materials.
Florida Municipal Insurance Trust – Safety Grant application.

Prepared by: Tracy Truppman

LAW ENFORCEMENT ADVISORY PANEL (LEAP)

The Florida League of Cities is committed to the spirit of public service and recognizes the tremendous energy, dedication, sacrifices and compassion needed to give unselfishly to one's community. The League, Florida and our nation are stronger and better because of the public servants who choose to serve and lead. To assist FMIT-insured law enforcement public servants in their effort to promote excellence in professional policing, the Florida League of Cities Law Enforcement Advisory Panel (LEAP) was formed on February 13, 2015. This Panel meets on a quarterly basis to discuss innovations and ideas, losses incurred, loss prevention, and current events.



LEAP's Vision:

- The vision of the FLC LEAP is to foster a spirit of cooperation within the law enforcement community, to recognize that risk management is a key factor in reducing injury and tragedy within our ranks through training and policy review and providing perspective to the FLC to effect best practices in pursuit of a reduction of risk.

LEAP's Goals:

- Foster a spirit of cooperation within the law enforcement community, to recognize that risk management is a key factor in reducing injury and tragedy within our ranks through training and policy review and providing perspective to the FLC to effect best practices in pursuit of a reduction of risk
- Mitigating risk law enforcement education.
- Reducing law enforcement exposure to risk.
- Preventing and reducing law enforcement exposure to risk.

For more information, click here (<https://leap.wildapricot.org/>) to visit the Law Enforcement Advisory Panel's website, or contact:

Sam Slay (<mailto:sslay@flcities.com>), LEAP Director, Risk and Safety Consultant, Florida League of Cities, Inc.

Cell: 850-596-7335

E-mail : sslay@flcities.com

Anita Wick (<mailto:awick@flcities.com>), LEAP Administrator, Risk and Safety Specialist, Florida League of Cities, Inc.

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(/)

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[School of Risk and Safety Management \(http://www.floridaleagueofcities.com/university/classes-workshops/risk-safety-management\)](http://www.floridaleagueofcities.com/university/classes-workshops/risk-safety-management)

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[Public Records Request \(/florida-municipal-insurance-trust-\(fmit\)\)](/florida-municipal-insurance-trust-(fmit))

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RISK AND SAFETY MANAGEMENT



The Florida Municipal Insurance Trust's team of risk and safety professionals will work with you to identify and address potential hazards and exposures. We are your partner every step of the way.

Lower exposure means lower costs. We offer first class **services, learning opportunities** and **resources** specific to the risk and safety management challenges experienced by public entities.

SERVICES

Targeted Risk and Safety Management: A Proactive Approach

Our risk and safety management team is an extension of your staff. With six (6) professionals located across the state, we are prepared to assist every step of the way.

Losses are caused by specific actions, inactions or conditions. By targeting those areas, real losses can be prevented. Three proactive methods are used to protect your entity – **analysis, evaluation** and **action plan**.

The goals of this three-step process are to reduce injuries and save you money by creating and sustaining a safe work environment in your public entity. As an extension of your staff, our risk and safety management team will work in partnership with you to ensure the process is seamless and successful.

Collapse all

⊕ Analysis

As a first step, a member of our risk and safety management team will travel to your entity to meet with you and discuss your assets. We use statistical trends or patterns to find the locations, materials, machines, equipment, tools and operations that cause the highest frequency or largest severity of loss. Our methods include:

- Field Surveys
- Technical Assistance (in field and office)
- Safety Analysis
- Loss Analysis

⊕ Evaluation

Next, we evaluate all available information, including analysis findings, site visits, historical loss data, etc. This gives your entity a target or targets to concentrate on ultimately reducing or eliminating future loss from the same root cause.

⊕ Action Plan

Finally, we work with you to develop and implement an action plan. At this time, we evaluate your current programs and provide constructive assistance. A proper program should include these basic sections:

- Commitment
- Identification and Control of Hazards
- Responsibility and Corresponding Accountabilities
- Defined Inspections
- Incident Investigation

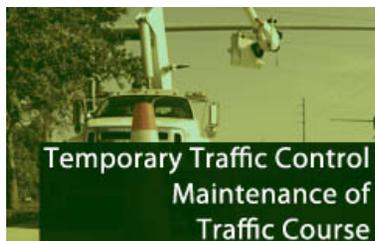
Click on the icons below to access resources and services.

(/on-site-learning)



(<http://www.floridaleagueofcities.com/university/classes-workshops/risk-safety-management>)

(/matching-safety-grant)



(/temporary-traffic-control)



(/services/risk-and-safety-

management/law-enforcement)

Not finding what you need or you would like additional information? Our help is only a phone call or email away.

Nadine Llewellyn, Trust Services Administrative Assistant

Direct: 407-367-1758

Toll-Free: 800-445-6248 ex 1758

E-Mail: nllewellyn@flcities.com (mailto:Nadine%20Llewellyn,%20Trust%20Services%20Administrative%20Assistant%20Direct:407-367-1758%20Toll-Free:800-445-

6248%20ex%201758%20EMail:nllewellyn@flcities.com%20%20%20Anita%20Wick,%20Risk%20Control%20Specialist%20Direct:407-367-1734%20Toll-Free:800-445-6248%20ex%201734%20EMail:awick@flcities.com)

- or -

Anita Wick, Risk and Safety Specialist
Direct: 407-367-1734
Toll-Free: 800-445-6248 ex 1734
EMail: awick@flcities.com (mailto:awick@flcities.com)

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Florida Municipal Insurance Trust Matching Safety Grant Fund Program

2018-2019



If approved, you can expect to receive your FMIT Matching Safety Grant Check within 6-8 weeks from quarter end.

Fund Year 2018-2019

1st Quarter
2nd Quarter
3rd Quarter
4th Quarter

October 1, 2018 to December 31, 2018
January 1, 2019 to March 30, 2019
April 1, 2019 to June 30, 2019
July 1, 2019 to September 30, 2019

What FMIT Risk and Safety Management classes have your entity's employees attended? If none, indicate none:

Attach documentation of the purchase which includes invoices or receipts from suppliers. For those applications of proposed projects that a safety grant is needed for approval, a written estimate from the vendor is required. Listing of supporting documentation:



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report
REGULAR MEETING

Item # 12.a

TO: Honorable Mayor Members of the Biscayne Park Village Commission

FROM: Roseann Prado, Village Clerk

DATE: August 06, 2019

TITLE: Miami-Dade County Municipal Clerks Association - Fee Waiver for October 25th meeting.

Background

The Miami-Dade County Municipal Clerks Association which the Village Clerk is a long-term member is asking the Commission to waive the fee for use of the Log Cabin for their quarterly luncheon meeting in October 25, 2019 from 12:00 pm to 2:00 pm.

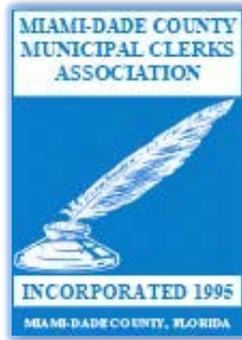
Resource Impact

Minimal – time for staff to set up and remove / restore original set up.

Attachment(s)

- MDCMCA letter
-

Prepared by: Roseann Prado, Village Clerk



July 22nd, 2019

Village of Biscayne Park City Commission
640 NE 114th Street
Biscayne Park, FL 33161

Dear Mayor, Vice-Mayor and Commissioners,

The Miami-Dade County Municipal Clerks Association meets every three months, each time in a different municipality, allowing the host to show his/her city and what makes it special.

This letter shall serve to respectfully submit for your consideration our request to waive the fees for the use of the Log Cabin, located at 640 NE 114th Street, Biscayne Park, FL 33161 to hold the Miami-Dade County Municipal Clerks Association's meeting on Friday, October 25th, 2019 from 12:00 Noon to 2:00 P.M.

Our Association promotes cooperation between clerks, the promotion of the official duties and obligations of clerks and strives for greater educational standards and recognition for clerks.

If our request is approved, we would be honored if you can attend our meeting.

Kindest regards,

Annery Gonzalez, CMC
MDCMCA President
City of West Miami City Clerk



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report
REGULAR MEETING

Item # 12.b

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Krishan Manners, Village Manager

DATE: August 06, 2019

TITLE: Boards Members Appointments

Background

The Village of Biscayne Park currently have openings for the following Boards:

- Planning & Zoning Board – one (1) board member
- Parks & Parkway Advisory Board – one (1) board member
- Biscayne Park Foundation – two (2) members

E-mails blast were sent to the Village Residents to apply for such boards.

Attachments

Applications received are as follows:

- Laura Graves – Planning & Zoning Board
 - Daniel Keys – Parks & Parkway Advisory Board
 - David Raymond – Parks & Parkway Advisory Board
 - Jorge Caamano – Planning & Zoning Board

 - Biscayne Park – Boards appointments
-

Prepared by: Roseann Prado, Village Clerk

Sec. 2-30. - General rules and policies.

(a) *Application of article; definitions; authority to appoint.*

- (1) *Established.* The boards and committees currently on file with the village clerk are established as the official boards and committees of the village. Consistent with section 3.06 of the village Charter, the commission may establish or terminate boards or committees as deemed advisable.
- (2) *Application.* The provisions of this section shall apply to all appointive boards and committees of the village established under this article, except as otherwise provided in this Code.
- (3) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Board or committee for purposes of this article includes every agency, authority, advisory board, regulatory board, quasi-judicial board, semi-autonomous instrumentality, committee, council, task force or any other citizens' group established under this article and funded in whole or in part by the village commission. Except as otherwise provided herein, or in the village Charter, village boards and citizens' advisory groups shall only be created by action of the village commission, and only the village commission, as a body, shall appoint the members to such boards or committees.

Relative means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

Resident means a natural person who resides within the village for not less than six (6) months in each calendar year.

- (4) *Authority to appoint.* The village commission may create boards and committees to be composed of such number of residents as the commission may deem expedient to act in an advisory capacity concerning any issue or subject.
- (5) *Removal.* Board and committee members may be removed at any time by a majority vote of the village commission.
- (6) *Confidentiality.* Except when exempt by state law, all information received by the village on board and committee members is subject to public records law.
- (7) *More restrictive requirements.* That any requirements set forth in a resolution or ordinance creating an individual board or committee which are more restrictive than the requirements herein shall remain in effect.
- (8) *Less restrictive requirements.* That the requirements herein shall supersede any less restrictive requirements set forth in a resolution or ordinance creating an individual board or committee.
- (9) *Review to determine continuation of existing board or committee.* The village commission may review a board or committee at any time to determine whether the board or committee shall continue to exist, amend or change its purpose and requirement.
- (10) *Automatic trigger of review.* Failure of a board or committee to have a quorum at two (2) consecutive meetings shall automatically trigger review by the village commission.

(b) *Qualifications and appointment of members.*

- (1) *Manner of appointment.* Any person appointed to any board or committee of the village shall be appointed by the village commission in the following manner:
 - a. Unless otherwise agreed by the commission, each board or committee established under this article will consist of five (5) members that shall be appointed by the village commission by a simple majority vote. The village commission may appoint alternates for any board or committee as it deems necessary.
 - b. The village clerk shall notify the village commission, in writing, of upcoming vacancies on the boards or committees. The village clerk shall also post such vacancies on the village's web page and outside Village Hall.
 - c. During regular village commission meetings each month, appointments will be made by the village commission to fill vacancies.
 - d. When a vacancy due to resignation, removal or death is filled, the appointment of a replacement member shall take effect on the date of appointment, except as may otherwise be provided by state law.

- e. The village manager shall designate a staff liaison to each board established under this article.
- (2) *Prohibition of appointment of relatives.* An individual cannot be appointed to any village board or committee if that person is a relative (as defined above) of a current village commissioner or another relative is on that board or committee.
- (3) *Resident/nonresident members.* Unless otherwise specifically provided in the Charter or the Code, all members of village boards and committees shall be residents of the village, unless such requirement is waived by the village commission by a four-fifths vote of its membership.
- (4) *Member ceasing to be in compliance with eligibility requirements.* The village clerk shall inform the village commission whenever a board or committee member has ceased to be in compliance with eligibility requirements for board membership and said board or committee member shall be automatically removed from the board or committee. The village clerk shall then inform the village commission in writing that the position has been declared vacant. Upon being advised by the village clerk of such circumstances, the vacancy will be promptly filled, consistent with subsection (b) above.
- (5) *Qualification as candidate for village commission office deemed tender of resignation.* No member of any village board or committee shall become a candidate for village commission office without resigning from that board or committee. Should any member of a village board or committee qualify as a candidate for village commission office, such qualification shall be deemed a tender of resignation from such board or committee as of the date on which the member qualifies for village commission office.
- (6) *Compensation.* All members of boards and committees shall serve without compensation.
- (7) *Travel expenses.* Requests for travel expenses for attendance by board and committee members at seminars, conferences and meetings shall be submitted for consideration during the budget review process. Unanticipated expenses must be approved by the village commission.
- (c) *Terms of members.* The terms of office of the members of each board and committee shall be up for reappointment yearly at the regular March village commission meeting.
- (d) *Attendance by members at meetings; resignation of members.*
 - (1) *Excessive absences defined.* Except as may otherwise be provided by law, a member of any board or committee may be removed by the village commission or village manager for excessive absences. The term "excessive absences" shall mean:
 - a. For a board or committee that meets monthly on a regular basis, more than three (3) unexcused absences in any consecutive twelve-month period.
 - b. For a board or committee which meets less often than monthly on a regular basis, more than three (3) absences, excused or unexcused, in any consecutive twelve-month period.
 - c. For a board or committee meeting more often than monthly on a regular basis, more than five (5) unexcused absences, in any consecutive twelve-month period.
 - d. For an excused absence, a board or committee member must advise the village clerk prior to the meeting of the fact that they will be absent and provide a reason for that absence. The board or committee may vote to excuse the requested absence at the same meeting the board or committee member is absent. The absence, and whether or not the absence is excused or unexcused, is to be reflected in the minutes.
 - (2) *Minutes/records.* The board or committee must ensure that minutes are taken and are approved by the board or committee on a regular basis. The minutes must provide the vote of each member on each motion or, if absent, failing to vote, all of which shall be filed with the clerk promptly. The village clerk shall prepare a standard form to be used by all boards and committees to report their member's attendance at their meetings.
 - (3) *Resignation of members.* Members of boards and committees may resign at any time. A member who resigns will not be eligible for appointment to the same board or committee for a one-year period.
- (e) *Chairperson; bylaws; meetings.*
 - (1) *Rules of procedure.* The boards and committees established by the village shall ensure that they duly elect a

chairperson, vice-chairperson, and secretary. The chairperson or, in their absence, the vice-chairperson, shall run the meeting. The secretary shall ensure that minutes are kept and placed on the agenda for approval. Each board and committee shall adhere to Robert's Rules of Order, Newly Revised, to the extent that such rules do not conflict with this article, rules adopted by the board or committee, or applicable state law.

- (2) *Removal of chairperson and other officers.* Upon a super-majority vote by a board or committee, the chairperson or any other officer may be removed.
 - (3) *Quorum; exceptions.* A quorum for all boards'/committees' meetings, shall consist of the majority of the board's total membership. The decision of a majority of the board or committee members present and voting at a meeting at which a quorum is present shall be the decision of the board or committee.
 - (4) *Oath requirement.* All board and committee members shall be required to subscribe to an oath or affirmation to be filed in the office of the village clerk, swearing or affirming to support, protect and defend the Constitution and laws of the United States, and of the state, the Charter and all ordinances of the village and the county and in all respects to faithfully discharge their duties.
 - (5) *Open meetings.* All meetings shall be open to the public and conducted in accordance with the requirements of the Sunshine Law, as set forth in the Florida Statutes. Pursuant to the village Charter, meetings and agenda procedures shall be adopted to enhance the opportunity for public participation. All village boards and committees shall provide the village clerk for posting:
 - a. Written notice of meetings at least seven (7) days prior to such meetings, except in the case of emergency meetings;
 - b. Written agenda and supporting documentation to the extent available concerning the matters for discussion at least three (3) days prior to such meetings; and
 - c. Minutes to document a reasonable summary of the actions taken at the meeting within sixty (60) days after such meeting.
 - (6) *Voting requirement.* No board or committee members shall be permitted to abstain from voting, except when there is, or appears to be a possible conflict of interest, as defined in the Florida Statutes. When a conflict occurs, a conflict of interest form shall be filed and kept in the office of the village clerk.
 - (7) *Members transacting business with village.* The county conflict of interest and code of ethics ordinance (hereinafter referred to as the "conflict of interest ordinance) section 2-11.1 of the county code shall be applicable to all members of commission appointed boards and committees.
 - (8) *Endorsing candidates, etc.* No village board or committee shall endorse candidates for public office, or support a particular position on a public question scheduled to appear on an official governmental ballot, or poll candidates for public office as to their views, or engage in any other form of partisan political activity as a village board or committee. Nothing contained in this subsection shall be deemed to prohibit any individual member of such a board or committee from expressing a personal opinion on any candidate or issue or from participating in any political campaign during hours not serving or performing board or committee functions, so long as such activities are not in conflict with other provisions of state, county, or village law. Should any member of any village board or committee violate this section, in the opinion of the village commission, such violation shall be deemed a tender of resignation from the board or committee.
 - (9) *Fundraising; bank accounts.* No board or committee may engage in fundraising activities or establish bank accounts without the express authority and subject to conditions as imposed by the village commission.
- (f) *Creation of new boards and committees.*
- (1) Except for ad hoc or limited term special purpose boards and committees, all village boards and committees created after October 1, 2008, shall be created only by ordinance. Such ordinance shall set forth the board/committee's purpose, function, power, responsibility, jurisdiction, membership requirements and restrictions, terms and conditions of appointment to or removal from the board or committee, and the specific staff support, if any, to be provided to the board or committee.
 - (2) After passage on first reading of an ordinance creating a new board or committee and prior to the second reading of

said ordinance, the village manager shall submit to the village commission a report setting forth the following information concerning the proposed new board or committee:

- a. For boards and committees, whether the establishment of the board or committee will create sufficient betterment to the community to justify the village commission's delegation of a portion of its authority.
- b. Whether another board, committee or agency, either public or private, which is already in existence, could serve the same purpose.
- c. The costs, both direct and indirect, of establishing and maintaining the board or committee.
- d. Whether the board or committee is necessary to enable the village to obtain state or federal grants or other financing.
- e. For boards and committees other than advisory boards, whether the board or committee should have the final authority or whether its decision must be approved by the village commission.
- f. Whether the creation of a new board or committee is the best method of achieving the benefit desired.
- g. Except in exigent circumstances, the second reading shall be held no earlier than fifteen (15) days after passage on first reading of the ordinance creating said board or committee.

(Ord. No. 2010-2, § 2, 3-2-10; Ord. No. 2014-01, § 2, 3-4-14; Ord. No. 2015-09, § 2, 12-1-15)

CHAPTER 13. - PLANNING BOARD AND LOCAL PLANNING AGENCY

13.1. - General rules and policies.

13.1.1 Unless provided otherwise in this article, article III, section 2-30 of the Biscayne Park Code shall govern the rules, policies and procedures of the planning board.

(Ord. No. 2015-03, § 2, 5-5-15)

13.2. - Planning board.

13.2.1 *Authority/duties.* The planning board shall serve as the local planning agency, review variance applications, and have other authority as provided by state law and the Land Development Code.

13.2.2 *Composition.* The five-member board shall be appointed by the village commission. Members of the planning board shall be property owners and residents of the Village of Biscayne Park. Residents who are not property owners may be appointed by the village commission by at least a four-fifths super majority vote.

13.2.3 *Term of office.* The initial appointments to the planning board and the alternate members shall be as follows:

- (1) One (1) member appointed for a term of one (1) year.
- (2) Two (2) members appointed for a term of two (2) years.
- (3) Two (2) members appointed for a term of three (3) years.

Thereafter, all appointments shall be made for a term of three (3) years and shall take effect on May 1 of the year the appointment is made. A member may be reappointed upon approval of the village commission. Appointments to fill any vacancy on the planning board shall be for the remainder of the unexpired term of office. For an excused absence, a board or committee member must advise the village clerk prior to the meeting of the fact that they will be absent and provide a reason for that absence. The board or committee may vote to excuse the requested absence at the same meeting the board or committee member is absent. The absence, and whether or not the absence is excused or unexcused, is to be reflected in the minutes.

The members shall serve in accordance with the Village Charter and may be suspended and removed for cause as provided in the Village Code for removal of members of village boards.

13.2.4 *Application fees.* The village commission shall adopt by resolution a schedule of application fees for functions performed by the planning board in response to applications submitted by any person, corporation, organization or governmental entity.

(Ord. No. 2015-03, § 2, 5-5-15; Ord. No. 2015-09, § 3, 12-1-15)

13.3. - Local planning agency.

13.3.1 *Designation and establishment of local land planning agency.* Pursuant to and in accordance with F.S. § 163.3174, the village planning board is hereby designated and established as the local planning agency for the incorporated territory of Biscayne Park, Florida.

13.3.2 *Duties and responsibilities as the local planning agency.* The planning board, as the local planning agency, in accordance with F.S. § 163.3174(4), shall:

- (a) Be the agency responsible for the preparation of the comprehensive plan and shall make recommendations to the village commission regarding the adoption of such plan or element or portion thereof.
- (b) Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the governing body such changes in the comprehensive plan as may from time to time be required, including review of the periodic reports required by F.S. § 163.3191, (evaluation and appraisal of the comprehensive plan once every five (5) years).
- (c) When the local planning agency is serving as the land development regulation commission or the local government requires review by both the local planning agency and the land development regulation commission, review proposed

land development regulations, land development codes, or amendments thereto, and make recommendations to the governing body as to the consistency of the proposal with the adopted comprehensive plan or portion thereof.

(d) Perform any other functions, duties and responsibilities assigned to it by the governing body or general or special law.

13.3.3 *Funds.* The commission shall appropriate funds at its discretion to the local planning agency for expenses necessary in the conduct of its work. The local planning agency may, in order to accomplish the purposes and activities required by the Local Government Comprehensive Planning and Land Development Act of 1985 Act, expend all sums so appropriated and other sums made available for use from fees, gifts, state or federal grants, state or federal loans, and other sources; provided acceptance of loans or grants must be approved by the commission.

(Ord. No. 2015-03, § 2, 5-5-15)

13.4. - Variances.

13.4.1 *Variances recommended by the planning board.* The planning board may recommend to the commission a variance from the strict application of any provision of this code, except provisions of the adopted levels of service, (chapter 9).

13.4.2 *Grounds for a variance—Findings required.* The planning board may recommend a variance from this chapter when, in its opinion, undue hardship may result from strict compliance. In recommending any variance, the board shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings, as required herein below, the board shall take into account the nature of the proposed use of land and the existing character of land and buildings in the vicinity. No variance shall be recommended unless the board finds:

- (1) That there are special circumstances or conditions affecting the property which are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.
- (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- (3) That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.
- (4) That the variance proposed is the minimum variance which makes possible the reasonable use of the property.

13.4.3 *Imposition of conditions.* In recommending a development approval involving a variance, the planning board may also recommend such conditions and restrictions upon the premises benefited by a variance as may be necessary to allow a positive finding to be made on any of the factors in subsection 13.4.2 above, or to minimize the injurious effect of the variance.

13.4.4 *Village commission approval.* The planning board recommendation shall be sent to the village commission for final consideration. The village commission shall review the findings and recommendations of the planning board, determine whether all grounds for the variance have been established and make a final decision regarding approval or denial of the requested variance.

13.4.5 *Historic properties.* Special variances may be granted for the reconstruction, rehabilitation or restoration of structures listed or classified in the national or county register of historic places. The special variance shall be the minimum necessary to protect the historic character and design of the structure. No special variance shall be granted if the proposed construction, rehabilitation, or restoration will cause the structure to lose its historical designation.

13.4.6 *Conditions and limitations.* In authorizing any variance, the commission shall include as part of such variance, any condition, requirement or limitation which the board may believe to be necessary and desirable to protect adjacent properties in the surrounding neighborhood, and to carry out the spirit and purpose of the Land Development Code.

13.4.7 *Administrative variances.* This part is established to provide standards and procedures for the granting of administrative variances of development standards for existing sites. Administrative variances are specifically intended to promote high standards of design, provide flexibility in the administration of standards in recognition of site specific conditions, and to establish conditions to ensure compatibility where standards are modified.

Administrative variances shall be limited to ten (10) percent of the affected setback or substantially similar dimensional requirement, up to a maximum of one (1) foot. The village manager shall be charged with the granting or denying of administrative variances. No administrative variance shall be granted unless the applicant clearly shows the existence of one (1) of the following circumstances:

- (1) Superior alternatives: Where the development will provide an alternative which will achieve the purposes of the requirement through clearly superior design.
- (2) Technical impracticality: Where the strict application of the requirements would be technically impractical in terms of design or construction practices or existing site conditions. The degree of existing nonconforming conditions and the extent to which the proposed modification would lessen the nonconforming condition shall be specifically considered.
- (3) Protection of natural features, including trees, wetlands, archeological sites and similar circumstances.
- (4) Other technical, architectural or engineering reasons.

(Ord. No. 2015-03, § 2, 5-5-15)

13.5. - Procedure for amending this code or the comprehensive plan.

- 13.5.1 *State law.* The procedures for amending this code or the comprehensive plan shall adhere to state law in all respects.
- 13.5.2 *Applications.* Any affected person or affected local government may apply to the local planning agency to amend this code or the comprehensive plan in compliance with procedures prescribed by the agency.
- 13.5.3 *Local planning agency recommendation.* The local planning agency shall hold a legislative hearing on each application to amend this code or the comprehensive plan and thereafter submit to the village commission a written recommendation which:
 - (a) Identifies any provisions of the code, comprehensive plan, or other law relating to the proposed change and describes how the proposal relates to them.
 - (b) States factual and policy considerations pertaining to the recommendation.
- 13.5.4 *Decision by the village commission.* The village commission shall hold a legislative hearing on the proposed amendment and may enact or reject the proposal, or enact a modified proposal that is within the scope of matters considered at the hearing.
- 13.5.5 *Legislative hearing.* Each legislative hearing shall conform to the following requirements:
 - (a) Notice. Notice that complies with the requirements of state law shall be given.
 - (b) Hearing. The public hearing shall as a minimum:
 - (1) Comply with the requirements of state law.
 - (2) Present the local planning agency's analysis of the proposed decision.
 - (3) Present the local planning agency's summary of reports by other agencies.
 - (4) Permit any affected person or affected local government to submit written recommendations and comments before or during the hearing.
 - (5) Permit a reasonable opportunity for interested persons to make oral statements.

(Ord. No. 2015-03, § 2, 5-5-15)

13.6. - Appeals.

- 13.6.1 *Submission of appeal.* Appeals as to any provision of this code or regulations may be made to the commission by any aggrieved resident or property owner of the area affected, and upon receipt of such appeal it shall be referred to the local planning agency for investigation.
- 13.6.2 *Local agency evaluation.* Such appeals may concern general provisions of the plan and regulations or their effect in application to specific pieces of property. The local planning agency shall determine whether or not relief may be granted without substantial detriment to the public good and without impairing the intent and purpose of the plan and code, and

shall report its findings and recommendations as to change and amendments, if any, to the commission.

- 13.6.3 *Final action.* Final action on appeals shall be taken by the commission after receipt of such report, and the commission may overrule the local planning agency.
- 13.6.4 *Local planning agency failure to act.* Failure of the local planning agency to act on any appeal within thirty (30) days after its official submission to it shall be deemed approval unless a longer period is requested and granted by the commission.
- 13.6.5 *Certification.* Changes in the adopted comprehensive plan and Land Development Code, or amendments thereto, originated by the local planning agency may be certified through the commission at any regular meeting and adopted as amendments to this code in the regular manner.

(Ord. No. 2015-03, § 2, 5-5-15)

CHAPTER 14. - CODE COMPLIANCE BOARD

14.1. - Code compliance board—Generally.

- 14.1.1 *Purpose.* This chapter sets forth the procedures of the code compliance board. When not expressly provided for in this chapter, article III, section 2-30 of the Biscayne Park Code shall apply.
- 14.1.2 *Intent.* It is the intent of the village to provide an equitable, expeditious, effective, and inexpensive method of enforcing the codes and ordinances in force in the village by granting to the code compliance board the authority to impose administrative fines and other non-criminal penalties for violation(s) of said codes and ordinances.
- 14.1.3 *Composition.* The five-member board shall be appointed by the village commission. Members of the code compliance board shall be property owners and residents of the Village of Biscayne Park. Residents who are not property owners may be appointed by the village commission by at least a four-fifths super majority vote. Appointments shall be made on the basis of experience or interest and, when possible, include the following individuals: an architect, an attorney a business person, an engineer, a general contractor, a subcontractor and a licensed real estate person.
- 14.1.4 *Term of office.* The initial appointments to the code compliance board and the alternate members shall be as follows:
- (1) One (1) member appointed for a term of one (1) year.
 - (2) Two (2) members appointed for a term of two (2) years.
 - (3) Two (2) members appointed for a term of three (3) years.

Thereafter, all appointments shall be made for a term of three (3) years and shall take effect on May 1 of the year the appointment is made. A member may be reappointed upon approval of the village commission. Appointments to fill any vacancy on the code compliance board shall be for the remainder of the unexpired term of office. For an excused absence, a board or committee member must advise the village clerk prior to the meeting of the fact that they will be absent and provide a reason for that absence. The board or committee may vote to excuse the requested absence at the same meeting the board or committee member is absent. The absence, and whether or not the absence is excused or unexcused, is to be reflected in the minutes.

The members shall serve in accordance with the village Charter and may be suspended and removed for cause as provided in the village code for removal of members of village boards.

- 14.1.5 *Procedures.*
- (a) *Chairman.* The members of the code compliance board shall elect a chairman from among its members.
 - (b) *Quorum.* The presence of three (3) members shall constitute a quorum of the code compliance board.
 - (c) *Expenses.* Members shall serve without compensation, but may be reimbursed for such travel, mileage and per diem expenses as may be authorized by the village commission.
- 14.1.6 *Counsel.* The village attorney shall either be counsel to the code compliance board or shall represent the village by presenting cases before the board, but in no case shall the village attorney serve in both capacities.
- 14.1.7 *Compliance procedure.*
- (a) It shall be the duty of the code compliance officer to initiate enforcement proceedings of the various codes; provided,

however, no member of the code compliance board shall have the power to initiate such enforcement proceedings.

- (b) Except as provided in subsections (c), (d) and (f), if a violation of the codes is found, the code compliance officer shall notify the violator and give the violator a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code compliance officer shall notify the code compliance board of the charges and request a hearing pursuant to procedure in section 14.1.8. Notice shall be provided pursuant to section 14.1.13.
- (c) If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code compliance officer, the case may be presented to the code compliance board even if the violation has been corrected prior to the board hearing, and the notice shall so state. If a repeat violation is found, the code compliance officer shall notify the violator but is not required to give violator a reasonable time to correct the violation. The code compliance officer, upon notifying the violator of a repeat violation, shall notify the code compliance board and request a hearing. The code compliance board shall schedule a hearing and shall provide notice pursuant to section 14.1.12. The case may be presented to the code compliance board even if the repeat violation has been corrected prior to the board hearing, and the notice shall so state. "Repeat violation" means a violation of a provision of a code or ordinance by a person who has been previously found, through a code compliance board or other quasi-judicial or judicial process, to have violated or has admitted violating the same provision within five (5) years prior to the violation.
- (d) If the code compliance officer has reason to believe a violation presents a serious threat to the public health, safety and welfare, the code compliance officer may proceed directly to the procedure in subsection 14.1.7(b) without notifying the violator.
- (e) If the owner of the property which is subject to an enforcement proceeding before a code compliance board, or if the court, transfers ownership of such property between the time the initial pleading was served and the time of the hearing, such owner shall:
 - (1) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
 - (2) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.
 - (3) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.
 - (4) File a notice with the code compliance department of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within five (5) days after the date of the transfer. A failure to make the disclosures described in this subsection before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.
- (f) The village commission finds that aesthetics are paramount to maintaining an attractive and marketable community. The violations enumerated below severely damage the aesthetics and livability of the community immediately upon their commission. Such damage cannot be repaired or reversed. Therefore, the village commission hereby deems a violation of this section an irreparable and irreversible violation. As a result, the Village of Biscayne Park adopts supplemental and alternative code enforcement procedures pursuant to F.S. §§ 162.13 and 162.22, as amended, to authorize code compliance officers to issue administrative citations for review before the code compliance board. A code compliance officer shall have the sole discretion in determining whether to issue an administrative citation or a notice of violation for the following offenses:
 - (1) Open feeding that causes a gathering of more than four (4) dogs or four (4) cats or combination thereof totaling four (4), in violation of section 3-4 of the code;
 - (2) Excessive barking or howling of dogs, in violation of section 3-21 of the code;
 - (3) Parking not on an approved surface where there is an approved parking surface as required by section 5.6.1 of the Land Development Code;
 - (4) Garbage cans and trash receptacles not placed behind face of building and screened from view, in violation of section 6.3.2 of the Land Development Code;
 - (5) Domestic trash and recycling materials placed at the property line and/or not removed under the requirements of

section 6.3.3 of the Land Development Code;

- (6) Trees and garden refuse placed at the property line and/or not removed under the requirements of section 6.3.4 of the Land Development Code;
- (7) Overgrown grass in violation of section 8.4.1 of the Land Development Code;
- (8) Offensive noise, in violation of section 10-1 of the code.

In the issuance of an administrative citation, the following procedures shall be used:

- (1) For the offenses enumerated above, a code compliance officer who, upon personal investigation, has reasonable cause to believe that there is a violation, shall have the authority to issue an administrative citation to the alleged violator and/or owner of the property.
- (2) The administrative citation issued shall be in a form approved by the village manager and shall contain:
 - a. The date and time of issuance.
 - b. The name and address of the person to whom the administrative citation is issued.
 - c. The facts constituting reasonable cause.
 - d. The section of the code that is violated.
 - e. The name of the code compliance officer.
 - f. The procedure for the person to follow in order to pay or contest the administrative citation.
 - g. The penalty, including administrative costs, if the person elects to contest the administrative citation and is found in violation.
 - h. The penalty if the person elects to pay the administrative citation.
 - i. A conspicuous statement that if the person fails to pay the penalty within the time allowed, or fails to appear before the code compliance board, that the person shall be deemed to have waived his or her right to contest the administrative citation and that, in such case, a final order and/or judgment may be entered against the person up to five hundred dollars (\$500.00).
- (3) After issuing the administrative citation, the code compliance officer shall deposit an original with the village manager or their designee.
- (4) A person who has been served with an administrative citation shall elect either to:
 - a. Correct the violation immediately and pay within fourteen (14) days of service of the administrative citation the penalty in the manner indicated on the administrative citation; or
 - b. Request a hearing before the code compliance board.

14.1.8 *Conduct of hearing.*

- (a) The chairman of the code compliance board may call hearings of the board, and hearings may also be called by written notice signed by at least three (3) members of the code compliance board. The board, at any hearing, may set a future hearing date. The board shall attempt to convene no less frequently than once every two (2) months, but it may meet more or less often as the demand necessitates. Minutes shall be kept of all hearings by the board, and all hearings and proceedings shall be open to the public. The village shall provide clerical and administrative personnel as may be reasonably required by the board for the proper performance of its duties.
- (b) Each case before the code compliance board shall be presented by a code compliance officer appointed by the village for that purpose.
- (c) The code compliance board shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The board shall take testimony from the code compliance officer, the alleged violator, and any witnesses called. Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern said proceedings.
- (d) At the conclusion of the hearing, the code compliance board shall issue findings of fact, based on evidence recorded and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted herein.

The finding shall be by motion approved by a majority of those present and voting, except that at least three (3) members of the code compliance board must vote for the action to be official. The order may include a notice that it must be complied with by a specified date and that a fine may be imposed if the order is not complied with by said date. A certified copy of such order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an order is recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the code compliance board shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

14.1.9 *Powers of the code compliance board.* The code compliance board shall have the power to:

- (1) Adopt rules for the conduct of its hearings.
- (2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the police department.
- (3) Subpoena evidence to its hearings.
- (4) Take testimony under oath.
- (5) Issue orders having the force of law commanding whatever steps are necessary to bring a violation into compliance.

14.1.10 *Fines; liens.*

- (a) The code compliance board, upon notification by the code compliance officer that a previous order of the board has not been complied with by the set time, or finds a person to be a repeat violator under subsection (c), may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set by the board for compliance or, in the case of a repeat violation, for each day the repeat violation continues past the date of notice to the violator of the repeat violation. If a finding of a violation or a repeat violation has been made as provided in this part, a hearing shall not be necessary for issuance of the order imposing the fine.

An "*uncorrectable violation*" is a violation which cannot be remedied after the violation has been committed because the violation constitutes a single prohibited act rather than an ongoing condition or circumstance. Each reoccurrence of an uncorrectable violation shall constitute a separation violation and shall subject the violator to an additional penalty in the same amount as that prescribed for the original violation. If, however, a violator has been once found guilty of an uncorrectable violation, and causes the same uncorrectable violation to occur a second time, each reoccurrence of the uncorrectable violation by such violator shall constitute a "repeat violation."

"*Continuing violations*" are those violations which remain uncorrected beyond the reasonable time period for correction contained in either the civil violation notice or the final order of the code compliance board, whichever is applicable. For each day of continued violation after the time for correction has run, an additional penalty in the same amount as that prescribed for the original violation shall be added.

A "*repeat violation*" is a recurring violation of an ordinance by a violator who has previously been guilty of the same violation within the last five (5) years. In the case of correctable violations, a repeat violation can occur only after correction of the previous violation has been made. For the first repeat violation, the amount of the civil penalty shall be double the amount of penalty prescribed for the original violation.

- (b) Amount of fine.
 - (1) The fine amount(s) are referenced in a resolution kept on file by the village clerk.
 - (2) In determining the amount of the fine, if any, the code compliance board shall consider the following factors:
 - a. The gravity of the violation;
 - b. Any actions taken by the violator to correct the violation; and
 - c. Any previous violations committed by the violator.
- (c) Reduction of fine imposed pursuant to this section.
 - (1) The code compliance board is hereby delegated the authority to hear requests for reduction of fines pursuant to

this section and make the final decision on behalf of the village.

- (2) For all requests for reduction of fine, the code compliance officer shall submit a written recommendation to the code compliance board. In formulating the recommendation, the code compliance officer shall consider criteria, which includes, but is not limited to the following:
 - a. The cooperation of the respondent, including whether the respondent had appeared before the board at the original hearing;
 - b. The documentation provided by the respondent in support of the request;
 - c. Whether the respondent has new evidence or information which could not be provided at the original hearing;
 - d. Whether there was any extraordinary hardship which existed or currently exists;
 - e. Whether the respondent has come into compliance with the order of the board;
 - f. The number of days that the violation existed;
 - g. Whether the respondent has been deemed a repeat violator by the board;
 - h. Whether the property is homestead or non-homestead property; and
 - i. The total administrative cost to the village for the handling of the case, which cost will be inclusive of staff time and recording and release of lien fees.
- (3) The code compliance board shall consider the same criteria as the code compliance officer.
- (4) The code compliance board shall not waive administrative costs incurred by the local government in enforcing its codes. In addition, the code compliance board and the administrative panel shall not waive costs of repairs incurred by the local government.

(d) A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists, or, if the violator does not own the land, upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order shall be enforceable in the same manner as a court judgment by the sheriffs of this state, including execution and levy against the personal property of the violator but such order shall not be deemed otherwise to be a judgment of a court except for enforcement purposes. A fine imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this section, whichever occurs first. After three (3) months from the filing of any such lien which remains unpaid, the code compliance board may authorize the village attorney to foreclose on the lien. No lien created pursuant to the provisions of this chapter may be foreclosed on real property, which is a homestead under the Florida Constitution, Art. X, § 4.

14.1.11 *Duration of lien.* No lien provided by the Code Compliance Boards Act shall continue for a longer period than twenty (20) years after the certified copy of an order imposing a fine has been recorded, unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction. In an action to foreclose on the lien, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that it incurs in the foreclosure. The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.

14.1.12 *Appeal.* An aggrieved party, including the village, may appeal a final order of the code compliance board to the circuit court. Such an appeal shall not be a hearing do novo but shall be limited to appellate review of the record created before the board. An appeal shall be filed within thirty (30) days of the execution of the order to be appealed.

14.1.13 *Notice and procedures.*

(a) All notices required by this part shall be provided to the alleged violator by:

- (1) Certified mail, return receipt requested, provided if such notice is sent under this subsection to the owner of the property in question at the address listed in the tax collector's office for tax notices, and at any other address provided to the village by such owner and is returned as unclaimed or refused, notice may be provided by

posting as described in subsections (b)(1) and (2) below, and by first class mail directed to the addresses furnished to the local government with a properly executed proof of mailing or affidavit confirming the first class mailing; or

- (2) Hand delivery by the sheriff or other law enforcement officer, code compliance officer, or other person designated by the local governing body; or
 - (3) Leaving the notice at the violator's usual place of residence with any person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice.
- (b) (1) In lieu of notice as described in subsection (a), such notice may be posted at least ten (10) days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two (2) locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be at the Village Hall.
- (2) Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.
- (c) Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (a), together with proof of notice or posting as provided in subsection (b), shall be sufficient to show that the notice requirements of this chapter have been met, without regard to whether or not the alleged violator actually received such notice.

14.1.14 *Enforcement procedures by code compliance officer.*

- (a) For the purposes of this chapter, a "code compliance officer" is defined to be any agent or employee of the village or Miami-Dade County whose duty is to assure the enforcement of and compliance with the village code, the Florida Building Code, or Miami-Dade County, as applicable. Prior to being provided the authority to initiate enforcement proceedings under this chapter, a code compliance officer shall be required to successfully complete a criminal background investigation as prescribed by administrative order of the county manager. Subject to the requirements of section 8CC-11, a "code compliance officer" is also defined to be any agent or employee of a municipality who has been authorized pursuant to that section to assure code compliance. Municipal employees shall also be required to successfully complete a criminal background investigation prior to being provided authority to initiate enforcement proceedings under this chapter.
- (b) For the purposes of this chapter, "violators" shall be deemed to be those persons or entities legally responsible for the violation of the village's Code of Ordinances, applicable provision of the Miami-Dade County Code, or the Florida Building Code.
- (c) A code compliance officer who finds a violation of an ordinance shall determine a reasonable time period within which the violator must correct the violation. This determination shall be based on considerations of fairness; practicality; ease of correction; ability to correct; severity of violation; nature, extent and probability of danger or damage to the public; and other relevant factors relating to the reasonableness of the time period prescribed. A time for correction need not be specified if the violation is deemed to be an uncorrectable violation.
- (d) Service shall be effected by delivering the civil violation notice to the violator or his agent, or by leaving the civil violation notice at the violator's usual place of abode with any person residing therein who is fifteen (15) years of age or older and informing that person of its contents. If such service cannot be effected, the notice may be sent by certified mail, return receipt requested, or by posting of the civil violation notice in a conspicuous place on the premises or real property upon which the violation has been observed or by mailing to or posting the civil violation notice at the property owner's mailing address as listed in the tax records of Miami-Dade County. Such posting of the notice or violation shall be deemed proper service, and the time for compliance, stated in the notice, shall commence with the date such notice is posted.
- (e) A code compliance officer is authorized to record in the public record the civil violation notice or a notice of violation which is based upon the civil violation notice. The recording of the civil violation or a notice of violation under this section shall not act as or be a lien on the property and shall not act as a notice of a lien on the property but shall merely act as public notice of the existence of the violation.
- (f) A code compliance officer must have, at a minimum, a Florida Association of Code Enforcement (F.A.C.E.) Level 1

certification within one (1) year of hire.

(Ord. No. 2015-03, § 3, 5-5-15; Ord. No. 2015-09, § 4, 12-1-15; Ord. No. 2016-04, § 5, 4-5-16; Ord. No. 2016-05, § 2, 5-3-16; Ord. No. 2016-10, § 2, 11-15-16)



Village of Biscayne Park Board Member Application

Last Name Graves		First Name Laura		M.I. M
Home Address 11725 Griffing Boulevard		City Biscayne Park	State FL	Zip Code 33161
Principal Business Address 1801 NE 123 Street, Ste. 421		City Miami	State FL	Zip Code 33181
Home Telephone Number 786-457-8001	Cell Number 786-457-8001	Work Number 305-602-4404		
E-Mail Address lauragravesrealtor@gmail.com			Are you a registered voter? Yes or No Yes	

What Board(s) are you interested in serving? (All Village Boards are listed on the reverse side of this form.) Please list in order of preference.

The Planning & Zoning Board

List all Village Boards on which you are currently serving or have previously served. Please include dates.

**Median Committee (1999-2000)
Code Compliance Board (2015/16?)
Biscayne Park Foundation (2018-Present)**

Educational qualification.

**William Smith College-Liberal Arts
FIU-Finance**

List any related professional certifications and licenses which you hold.

**Lic. Real Estate Professional (2000-Present)
CCIM Member (Florida Charter)
FLORIDA ASSOC. OF REALTORS, MIAMI REALTY BOARD OF REALTORS, NATIONAL ASSOC. OF REALTORS**

Give your present, or most recent employer, and position.

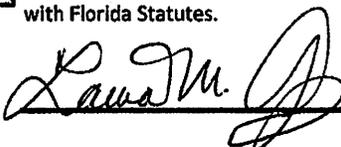
Agent-Partner, BrokerNation Real Estate

Describe experiences, skills or knowledge which qualify you to serve on this board. (Please feel free to attach a brief resume.)

I am a 21 Year Homeowner Resident and a 19 Year Lic. Realtor in the State of Florida and work both in the Residential and Commercial Real Estate sectors. I have sold many many homes in the Park over the last 19 years and I believe my experience as a Licensed Business Professional will be a great fit for the Planning & Zoning Board. I have owned and improved several homes in the community and care about the current and future growth and stability of our community in the 21st Century and beyond.

I understand that in accordance with Florida Sunshine Law, this information becomes public and may be subject to public review.

I understand that, once appointed and annually thereafter, I may be required to complete a Financial Disclosure Affidavit in compliance with Florida Statutes.


7/27/19

 Signature Date



OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 8/2/2019

Property Information	
Folio:	17-2230-031-0930
Property Address:	11725 GRIFFING BLVD Biscayne Park, FL 33161-6240
Owner	JEFFREY L JONES LAURA M GRAVES
Mailing Address	11725 GRIFFING BLVD BISCAYNE PARK, FL 33161-6240
PA Primary Zone	0100 SINGLE FAMILY - GENERAL
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths / Half	2 / 1 / 0
Floors	1
Living Units	1
Actual Area	1,864 Sq.Ft
Living Area	1,696 Sq.Ft
Adjusted Area	1,555 Sq.Ft
Lot Size	20,000 Sq.Ft
Year Built	Multiple (See Building Info.)



Assessment Information			
Year	2019	2018	2017
Land Value	\$378,000	\$378,000	\$315,000
Building Value	\$108,228	\$105,235	\$105,235
XF Value	\$20,570	\$15,000	\$15,000
Market Value	\$506,798	\$498,235	\$435,235
Assessed Value	\$240,544	\$230,593	\$225,851

Benefits Information				
Benefit	Type	2019	2018	2017
Save Our Homes Cap	Assessment Reduction	\$266,254	\$267,642	\$209,384
Homestead	Exemption	\$25,000	\$25,000	\$25,000
Second Homestead	Exemption	\$25,000	\$25,000	\$25,000

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description	
BISCAYNE PARK ESTS BLKS 8 9 10 11	
PB 5-107	
LOT 26 BLK 10	
LOT SIZE 100.000 X 200	
OR 16178-3669 1293 1	

Taxable Value Information			
	2019	2018	2017
County			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$190,544	\$180,593	\$175,851
School Board			
Exemption Value	\$25,000	\$25,000	\$25,000
Taxable Value	\$215,544	\$205,593	\$200,851
City			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$190,544	\$180,593	\$175,851
Regional			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$190,544	\$180,593	\$175,851

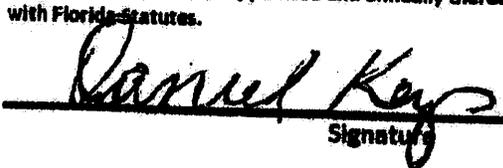
Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
01/01/2004	\$270,000	22005-4059	Sales which are qualified
12/01/1993	\$120,000	16178-3669	Sales which are qualified
10/01/1987	\$109,000	13442-2572	Sales which are qualified

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Version:



Village of Biscayne Park Board Member Application

Last Name KEYS		First Name Daniel		M.I. <input type="checkbox"/>
Home Address 1107 NE118th STREET		City Biscayne Park	State FL	Zip Code 33161
Principal Business Address		City	State	Zip Code
Home Telephone Number 305-895-9920		Cell Number 305-733-0083		Work Number
E-Mail Address fdk@aol.com			Are you a registered voter? Yes or No yes	
What Board(s) are you interested in serving? (All Village Boards are listed on the reverse side of this form.) Please list in order of preference. Parks and Parkways				
List all Village Boards on which you are currently serving or have previously served. Please include dates. VILLAGE COMMISSION (10 YEARS), MEDIAN REVIEW (ALL YEARS), PARKS AND PARKWAYS (ALL YEARS), CODE REVIEW, CHARTER REVIEW (3 OF THEM)				
Educational qualification. BS AGRICULTURE - UNIVERSITY OF FLORIDA				
List any related professional certifications and licenses which you hold.				
Give your present, or most recent employer, and position. RETIRED - CITY OF CORAL GABLES PUBLIC SERVICE DIRECTOR				
Describe experiences, skills or knowledge which qualify you to serve on this board. (Please feel free to attach a brief resume.) FORMER COMMISSIONER - BISCAYNE PARK (10 YEARS), FORMER PARKS AND RECREATION DIRECTOR - BISCAYNE PARK, MEMBER OF COMMITTEE THAT WROTE NEW CHARTER, 30 YEARS MANAGEMENT EXPERIENCE IN THE FIELD OF HORTICULTURE, PPARK MAINTENENCE AND SOLID WASTE MANAGEMENT (CITY OF CORAL GABLES AND CITY OF MIAMI BEACH), SUCCESSFUL AT WRITNG 10 HORTICULTURE GRANTS,				
<input checked="" type="checkbox"/> I understand that in accordance with Florida Sunshine Law, this information becomes public and may be subject to public review. <input checked="" type="checkbox"/> I understand that, once appointed and annually thereafter, I may be required to complete a Financial Disclosure Affidavit in compliance with Florida Statutes.				
 _____ Signature			 _____ Date	

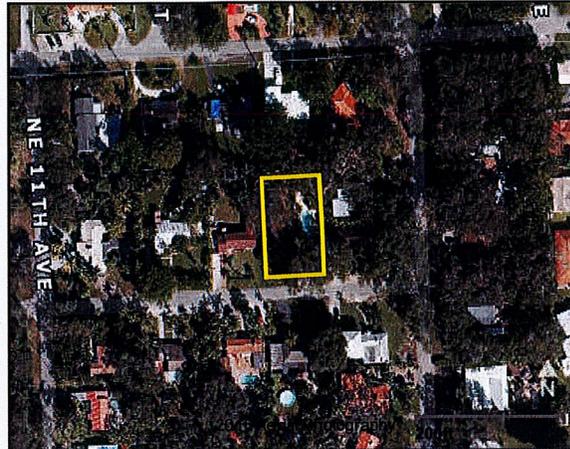


OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 8/2/2019

Property Information	
Folio:	17-2232-025-0400
Property Address:	1107 NE 118 ST Biscayne Park, FL 33161-6441
Owner	DANIEL B KEYS
Mailing Address	1107 NE 118 ST BISCAYNE PARK, FL 33161-6441
PA Primary Zone	5900 DUPLEXES - >1200 SQFT/BLD
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths / Half	2 / 2 / 0
Floors	1
Living Units	1
Actual Area	1,910 Sq.Ft
Living Area	1,860 Sq.Ft
Adjusted Area	1,784 Sq.Ft
Lot Size	10,125 Sq.Ft
Year Built	1957



Assessment Information			
Year	2019	2018	2017
Land Value	\$171,864	\$171,864	\$171,864
Building Value	\$104,899	\$104,899	\$104,899
XF Value	\$37,454	\$37,837	\$38,220
Market Value	\$314,217	\$314,600	\$314,983
Assessed Value	\$167,720	\$164,593	\$161,208

Benefits Information				
Benefit	Type	2019	2018	2017
Save Our Homes Cap	Assessment Reduction	\$146,497	\$150,007	\$153,775
Homestead	Exemption	\$25,000	\$25,000	\$25,000
Second Homestead	Exemption	\$25,000	\$25,000	\$25,000

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description
BISCAYNE LAWN AMD PLAT PB 39-48 LOT 46 LOT SIZE 75.000 X 135 OR 11819-1807 0683 4

Taxable Value Information			
	2019	2018	2017
County			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$117,720	\$114,593	\$111,208
School Board			
Exemption Value	\$25,000	\$25,000	\$25,000
Taxable Value	\$142,720	\$139,593	\$136,208
City			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$117,720	\$114,593	\$111,208
Regional			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$117,720	\$114,593	\$111,208

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description

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Version:



Village of Biscayne Park Board Member Application

Last Name <div style="text-align: center;">Raymond</div>		First Name <div style="text-align: center;">David</div>		M.I. <div style="text-align: center;"> </div>
Home Address <div style="text-align: center;">11520 NE 9 Avenue</div>		City <div style="text-align: center;">Biscayne Park</div>	State <div style="text-align: center;">FL</div>	Zip Code <div style="text-align: center;">33161</div>
Principal Business Address <div style="text-align: center;">N/A</div>		City <div style="text-align: center;"> </div>	State <div style="text-align: center;"> </div>	Zip Code <div style="text-align: center;"> </div>
Home Telephone Number <div style="text-align: center;">N/A</div>	Cell Number <div style="text-align: center;">305-588-4605</div>		Work Number <div style="text-align: center;">N/A</div>	
E-Mail Address <div style="text-align: center;">obewan@bellsouth.net</div>			Are you a registered voter? Yes or No <div style="text-align: center;">Yes</div>	

What Board(s) are you interested in serving? (All Village Boards are listed on the reverse side of this form.) Please list in order of preference.

Parks and Parkways

List all Village Boards on which you are currently serving or have previously served. Please include dates.

None

Educational qualification.

Bachelor's Degree Psychology (FIU)
Master's Degree Mental Health Counseling (Barry University)

List any related professional certifications and licenses which you hold.

Executive Education; Driving Government Performance, John F. Kennedy School of Government, Harvard University
Licensed Real Estate Broker, State of Florida

Give your present, or most recent employer, and position.

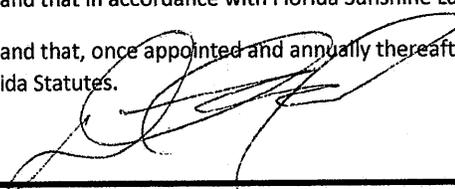
Retired-
Last position David Raymond & Associates, Inc., President- 2012-2018

Describe experiences, skills or knowledge which qualify you to serve on this board. (Please feel free to attach a brief resume.)

Experience in Urban Planning. While Executive Director of the Miami-Dade County Homeless Trust, I oversaw the development of thousands of units of affordable/special needs housing, including Verde Gardens, which housed a one of a kind 21 acre organic farm, a farmer's market, a public art mosaic tiled butterfly garden, and was Gold LEED (Leadership in Energy and Environmental Design) certified. I have 3 decades of experience serving on National, Statewide, and Local boards, and worked with many as a consultant.

I understand that in accordance with Florida Sunshine Law, this information becomes public and may be subject to public review.

I understand that, once appointed and annually thereafter, I may be required to complete a Financial Disclosure Affidavit in compliance with Florida Statutes.



Signature

7-27-19

Date

DAVID RAYMOND
11520 NE 9 AVENUE
BISCAYNE PARK, FLORIDA 33161
PHONE 305-588-4605
EMAIL OBEWAN@BELLSOUTH.NET

SUMMARY OF SKILLS

Three decades of public and private Social Service experience. Expertise in technical assistance, strategic planning, budgeting, program, and systems change. Excellent knowledge of special needs populations, particularly people experiencing homelessness, mental health, substance abuse issues, developmental disabilities, foster care youth, and Federal and State policies and funding streams which may impact them. Grant development and oversight experience involving Federal, State, and local funding streams. Knowledge of competitive contract procurement and administration, including the preparation and submission of multi-million dollar grant applications, developing and responding to requests for proposals and invitations to negotiate. Excellent verbal and written communication skills. Vast experience in the facilitation of meetings with large networks of social service providers. Implementation of several human service data systems: Homeless Management Information System, State Substance Abuse Utilization Management System, and an integrated Social Service Information for Miami-Dade County.

PARTIAL LISTING OF EXPERIENCE

2012-2018, **David Raymond & Associates, Inc.**

Miami, Fl

President

President of a consulting firm specializing in homeless and social services, providing technical assistance for a variety of clients, including but not limited to: The United States Department of Housing and Urban Development (U.S. HUD) via the Technical Assistance Collaborative, Homeless Continuums of Care ranging from not-for-profit consortiums to State and County Governments, Not-For-Profit Homeless Agencies and Community Mental Health Centers. Services include but are not limited to technical assistance in enhancing service provision opportunities, monitoring compliance, review and revamping of agency policies, strategic planning, grant writing, research and recommendations on best practices.

2003-2012 **Miami-Dade County Homeless Trust**

Miami

Executive Director

Responsible for administration and operation of the Homeless Continuum of Care for Miami-Dade County, implementation of the Miami-Dade County Homeless plan, and oversight and administration of a unique local food and beverage tax dedicated to the homeless. The Trust serves as what HUD now considers a Unified Funding Agency. Provided policy direction to the 27 member Board of Directors of the Homeless Trust. Responsible for an annual budget of \$45 million in Federal, State, and local funds providing a full array of housing and services to homeless individuals and families via over 100 contracts in a privatized system of care. In 2009, duties expanded to include supervision of the County's Domestic Violence Oversight Board and associated services.

2002	Florida Department of Children & Families	Miami
	Acting District Administrator	
	Responsible for administering the largest DCF District in the State of Florida. Duties included supervision of all programs, administration and operations for Miami-Dade and Monroe Counties.	
2001-2002	Florida Department of Children & Families	Miami
	Director of Operations	
	Served as chief operating officer, managing all operations & program areas for Miami-Dade and Monroe Counties. These duties included oversight of foster care and child welfare investigations, economic service programs & operations, as well as those areas described below. Responsible for a staff of over 3,000 and a budget of \$350 million per year.	
1998-2000	Florida Department of Children & Families	Miami
	Division Director/Deputy Division Director	
	Responsible for the operation and administration of the overall activities necessary for the provision of services to children and adults with mental health & substance issues, individuals with developmental disabilities, and the aged. Duties include managing a budget of over \$120 million per year, interfacing with a large network of service providers, & community entities, contracting, licensing and monitoring oversight, interaction with the judicial system, oversight of protective investigations for the aged and individuals with disabilities, serving as the District's Alcohol, Drug Abuse, and Mental Health Program Supervisor and the District Homeless Coordinator, as well as Liaison to Medicaid.	
1997-1998	Jewish Vocational Service, Inc.,	North Miami
	Assistant Executive Director	
	Responsible for administration and programming of a multi-faceted, tri-county, Social Service agency with an annual budget of over \$7 million, with 100 staff members serving 8,000 individuals annually. Populations served include, but were not limited to: elderly, substance abuse, mental illness, physical and developmental disabilities, homeless people, refugees, and TANF recipients. Duties included budgeting, human resources, staff and program development, community relations, grant writing, planning, implementing board policy, accreditation, contracting, and acting on behalf of the Executive Director.	
1993 – 1996	Jewish Vocational Service, Inc.,	North Miami
	Administrative Director	
	Responsible for the administration of a complex social service agency (duties as described above) and extensive community relations coordinating provider agencies serving the homeless, and advocating for individuals with developmental disabilities.	
1988 – 1993	Jewish Vocational Service, Inc.,	North Miami
	Educational Coordinator	
	Administered and developed programs for individuals with disabilities (inclusive of substance abuse, mental illness and physical/developmental disabilities) and homeless individuals. Responsible for grant-writing, curriculum development, group and individual counseling, creation of individual education plans, job development and placement.	
1987 - 1988	Lehman Day School	Miami Beach
	Teacher, Junior High Science	
	Taught marine biology and physical science	

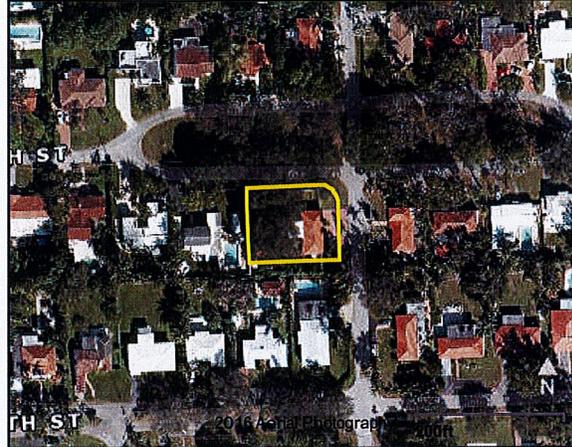


OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 8/2/2019

Property Information	
Folio:	17-2231-007-0530
Property Address:	11520 NE 9 AVE Biscayne Park, FL 33161-6708
Owner	DAVID RAYMOND AMY RAYMOND
Mailing Address	11520 NE 9 AVE BISCAYNE PARK, FL 33161 USA
PA Primary Zone	0100 SINGLE FAMILY - GENERAL
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths / Half	3 / 1 / 0
Floors	1
Living Units	1
Actual Area	1,837 Sq.Ft
Living Area	1,353 Sq.Ft
Adjusted Area	1,564 Sq.Ft
Lot Size	14,375 Sq.Ft
Year Built	Multiple (See Building Info.)



Assessment Information			
Year	2019	2018	2017
Land Value	\$324,156	\$324,156	\$259,325
Building Value	\$144,631	\$145,687	\$146,742
XF Value	\$2,352	\$2,380	\$2,408
Market Value	\$471,139	\$472,223	\$408,475
Assessed Value	\$418,773	\$410,965	\$402,513

Benefits Information				
Benefit	Type	2019	2018	2017
Save Our Homes Cap	Assessment Reduction	\$52,366	\$61,258	\$5,962
Homestead	Exemption	\$25,000	\$25,000	\$25,000
Second Homestead	Exemption	\$25,000	\$25,000	\$25,000

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description
31 52 42 PB 10-80
GRIFFING BISC PK ESTS RE-SUB
LOT 53 LESS W25FT & ALL LOT 54
BLK 25
LOT SIZE 125.000 X 115

Taxable Value Information			
	2019	2018	2017
County			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$368,773	\$360,965	\$352,513
School Board			
Exemption Value	\$25,000	\$25,000	\$25,000
Taxable Value	\$393,773	\$385,965	\$377,513
City			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$368,773	\$360,965	\$352,513
Regional			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$368,773	\$360,965	\$352,513

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
03/30/2015	\$485,000	29557-3441	Qual by exam of deed
03/11/2014	\$282,000	29065-3344	Qual by exam of deed
10/01/1994	\$117,000	16546-1734	Sales which are qualified
05/01/1989	\$85,000	14122-2291	Sales which are qualified

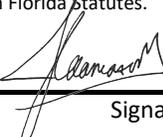
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Version:



Village of Biscayne Park Board Member Application

Last Name Caamano		First Name Jorge		M.I.
Home Address 660 NE 120th St		City Biscayne Park	State FL	Zip Code 33161
Principal Business Address		City	State	Zip Code
Home Telephone Number 305-209-0565	Cell Number 571-216-3897	Work Number 424-291-0484		
E-Mail Address caamanoj@gmail.com			Are you a registered voter? Yes or No Yes	
What Board(s) are you interested in serving? (All Village Boards are listed on the reverse side of this form.) Please list in order of preference. Planning & Zoning Board				
List all Village Boards on which you are currently serving or have previously served. Please include dates. None				
Educational qualification. I hold a Masters in Business Administration (MBA) from the University of Baltimore & a bachelor's degree in Hospitality Management from FIU				
List any related professional certifications and licenses which you hold. None				
Give your present, or most recent employer, and position. Travel Director, Global Travel Strategies & Operations, VIACOM				
Describe experiences, skills or knowledge which qualify you to serve on this board. (Please feel free to attach a brief resume.) My experience and skills are more related to streamlining processes, improve customer service, strategize, project management, automation, innovation and other business management related skills. I do have a keen interest in architecture & urban planning, since it was my first career choice, but I didn't get to go on that career path after all. I am also willing and able to be part of other boards if the opportunity arises.				

<p>I understand that in accordance with Florida Sunshine Law, this information becomes public and may be subject to public review.</p> <p>I understand that, once appointed and annually thereafter, I may be required to complete a Financial Disclosure Affidavit in compliance with Florida Statutes.</p>	
 <hr style="width: 100%;"/> Signature	7/31/2019 <hr style="width: 100%;"/> Date



OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 8/2/2019

Property Information	
Folio:	17-2230-043-0490
Property Address:	660 NE 120 ST Biscayne Park, FL 33161-6211
Owner	JORGE ALEXIS CAAMANO
Mailing Address	1900 N BAYSHORE DR #1619 MIAMI, FL 33132 USA
PA Primary Zone	0100 SINGLE FAMILY - GENERAL
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths / Half	4 / 3 / 0
Floors	1
Living Units	1
Actual Area	2,813 Sq.Ft
Living Area	2,069 Sq.Ft
Adjusted Area	2,746 Sq.Ft
Lot Size	11,250 Sq.Ft
Year Built	Multiple (See Building Info.)



Assessment Information			
Year	2019	2018	2017
Land Value	\$212,625	\$212,625	\$177,188
Building Value	\$178,063	\$178,979	\$179,895
XF Value	\$35,737	\$36,135	\$36,531
Market Value	\$426,425	\$427,739	\$393,614
Assessed Value	\$426,425	\$427,739	\$393,614

Benefits Information				
Benefit	Type	2019	2018	2017
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description	
GRIFFING BISCAYNE PARK ESTS	
BLK 14 PB 8-18	
LOT 49 BLK 14	
LOT SIZE 75.000 X 150	
OR 18802-2797 09 1999 4	

Taxable Value Information			
	2019	2018	2017
County			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$426,425	\$427,739	\$393,614
School Board			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$426,425	\$427,739	\$393,614
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$426,425	\$427,739	\$393,614
Regional			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$426,425	\$427,739	\$393,614

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
04/12/2019	\$590,100	31407-0193	Qual by exam of deed
01/01/2006	\$515,000	24208-2916	Sales which are qualified
09/01/1999	\$0	18802-2797	Sales which are disqualified as a result of examination of the deed
05/01/1999	\$0	18633-0707	Sales which are disqualified as a result of examination of the deed

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report

Item # 12.c

REGULAR MEETING

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Krishan Manners, Village Manager

DATE: August 6, 2019

TITLE: Discussion Regarding a Change to Special Magistrate Presiding Over
Code Enforcement Proceedings

Recommendation

Staff recommends the Village engage a Special Magistrate to preside over Village Code Enforcement hearings.

Background

After much review, there are a number of reasons we should move to a Special Magistrate. First and foremost, it aides in protecting the Village from being sued as a special Magistrate is also a licensed attorney and will understand the intricacies of the applicable laws for the proceedings. The Special Magistrate will determine cases based upon facts presented with no pre-determined position and will be consistent with fines. The Special Magistrate is one individual making decisions without ties to the community, which allows for a more professional proceeding.

Staff requests the Commission consider piggy-backing on a neighboring municipality's existing Special Magistrate agreement(s).

Resource Impact

The cost of a Special Magistrate would be a flat rate per Code Enforcement hearing. After researching our neighboring municipality's existing agreements for these services, the estimated cost would be approximately \$800 per hearing. Staff proposes Code Enforcement hearings occur on a quarterly basis at a budgeted cost of \$3,200 per year. While it is an expense, it is a small amount to expend on this level of risk management to ensure these proceedings are presided over by a licensed attorney.

Attachments: North Miami Special Magistrate Letters of Agreement

Prepared by: Krishan Manners

November 29, 2018

Ms. Beatrice Cazeau
633 NE 127 Street, Suite 1025
North Miami Beach, FL 33162

RE: RE-APPOINTMENT AS SPECIAL MAGISTRATE

Dear Attorney Cazeau:

This correspondence sets forth a Letter of Agreement (“Agreement”) between the City of North Miami, a Florida municipal corporation (“City”), and Beatrice Cazeau, Esq., as an independent legal contractor for Code Enforcement proceedings, as may be required by the City from time to time (“Special Magistrate”). The City and Special Magistrate shall collectively be referred to as the “Parties”.

The Parties agree as follows:

1. **Appointment of the Special Magistrate:** Pursuant to the City Charter, the City Council re-appointed Attorney Beatrice Cazeau, as a Special Magistrate, effective September 26, 2018.
2. **Term:** This Agreement is for a term of one (1) year with an option to renew for an additional one (1) year term, unless earlier terminated pursuant to this Agreement.
3. **Independent Contractor:** The Special Magistrate shall be deemed as an independent contractor and not an agent or employee of the City. The Special Magistrate shall not attain any rights or benefits under the City’s Civil Service or Pension Ordinances or any rights generally afforded to City classified, or unclassified employees. Therefore, the Special Magistrate is not entitled to Florida Workers’ Compensation benefits.
4. **Compensation:** The Special Magistrate shall be compensated a flat rate of \$800.00 per Code Enforcement Hearing lasting up to five (5) hours, non-inclusive of travel time to and from Code Enforcement hearings. Additionally, Special Magistrates are required to devote thirty (30) minutes on-site (before or after scheduled hearing) to perform administrative tasks such as executions of orders, etc. In the event a Hearing goes past five (5) hours, the regular flat rate plus an hourly rate of \$125.00 will apply.
5. **Right of City to Terminate:** The City retains the right to terminate this Agreement, with or without cause, upon thirty (30) days written notice, at any time prior to the Term of this Agreement without penalty. The City shall only be responsible to pay the Special Magistrate for any services actually rendered up to the date of termination.

- 6. **Notice:** All notices or other communications which shall or may be given pursuant to this Agreement shall be in writing and shall be delivered by personal service, or by registered mail addressed to the other party at the address indicated, or as may be changed from time to time. Such notice shall be deemed given on the day on which personally served, or if by mail, on the date of actual receipt.

If to Special Magistrate: Ms. Beatrice Cazeau
633 NE 127 Street, Suite 1025
North Miami Beach, FL 33162

If to City: City Manager
City of North Miami
776 N.E. 125th Street
North Miami, FL 33161

With a copy: City Attorney
City of North Miami
776 N.E. 125th Street
North Miami, FL 33161

Code Compliance Manager
City of North Miami
776 N.E. 125th Street
North Miami, FL 33161

- 7. **Acceptance:** Please indicate your agreement with the foregoing terms and provisions by signing below and returning an executed copy of this letter to the undersigned.

For Special Magistrate:

For City of North Miami:

By: DocuSigned by:
Beatrice Cazeau
183EE7D89E51431...
Beatrice Cazeau, Esq.
12/4/2018

By: DocuSigned by:
Larry M. Spring, Jr.
C23984DEA2724CF...
Larry M. Spring, Jr., City Manager
12/14/2018

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

DocuSigned by:
Jeff P.H. Cazeau, Esq.
8AF8443D714D491...
Jeff P. H. Cazeau
City Attorney
12/5/2018

cc: Krystal Cordo, Code Compliance Manager

November 29, 2018

Mr. Christopher Benjamin
The Barrister Firm, P.A.
PO Box 694011
Miami, FL 33269-1011
cbenjamin@thebarristerfirm.com

RE: RE-APPOINTMENT AS SPECIAL MAGISTRATE

Dear Attorney Benjamin:

This correspondence sets forth a Letter of Agreement (“Agreement”) between the City of North Miami, a Florida municipal corporation (“City”), and Christopher Benjamin, Esq., as an independent legal contractor for Code Enforcement proceedings, as may be required by the City from time to time (“Special Magistrate”). The City and Special Magistrate shall collectively be referred to as the “Parties”.

The Parties agree as follows:

1. **Appointment of the Special Magistrate:** Pursuant to the City Charter, the City Council re-appointed Attorney Christopher Benjamin, as a Special Magistrate, effective September 26, 2018.
2. **Term:** This Agreement is for a term of one (1) year with an option to renew for an additional one (1) year term, unless earlier terminated pursuant to this Agreement.
3. **Independent Contractor:** The Special Magistrate shall be deemed as an independent contractor and not an agent or employee of the City. The Special Magistrate shall not attain any rights or benefits under the City’s Civil Service or Pension Ordinances or any rights generally afforded to City classified, or unclassified employees. Therefore, the Special Magistrate is not entitled to Florida Workers’ Compensation benefits.
4. **Compensation:** The Special Magistrate shall be compensated a flat rate of \$800.00 per Code Enforcement Hearing lasting up to five (5) hours, non-inclusive of travel time to and from Code Enforcement hearings. Additionally, Special Magistrates are required to devote thirty (30) minutes on-site (before or after scheduled hearing) to perform administrative tasks such as executions of orders, etc. In the event a Hearing goes past five (5) hours, the regular flat rate plus an hourly rate of \$125.00 will apply.
5. **Right of City to Terminate:** The City retains the right to terminate this Agreement, with or without cause, upon thirty (30) days written notice, at any time prior to the Term of this Agreement without penalty. The City shall only be responsible to pay the Special Magistrate for any services actually rendered up to the date of termination.

- 6. **Notice:** All notices or other communications which shall or may be given pursuant to this Agreement shall be in writing and shall be delivered by personal service, or by registered mail addressed to the other party at the address indicated, or as may be changed from time to time. Such notice shall be deemed given on the day on which personally served, or if by mail, on the date of actual receipt.

If to Special Magistrate: Mr. Christopher Benjamin
 The Barrister Firm, P.A.
 PO Box 694011
 Miami, FL 33269-1011
cbenjamin@thebarristerfirm.com

If to City: City Manager
 City of North Miami
 776 N.E. 125th Street
 North Miami, FL 33161

With a copy: City Attorney
 City of North Miami
 776 N.E. 125th Street
 North Miami, FL 33161

Code Compliance Manager
 City of North Miami
 776 N.E. 125th Street
 North Miami, FL 33161

- 7. **Acceptance:** Please indicate your agreement with the foregoing terms and provisions by signing below and returning an executed copy of this letter to the undersigned.

For Special Magistrate:

DocuSigned by:
 By: Christopher Benjamin
6CF092961AEF451...
 Christopher Benjamin, Esq.
 12/5/2018

For City of North Miami:

DocuSigned by:
 By: Larry M. Spring, Jr.
C23984DEA2724CF...
 Larry M. Spring, Jr., City Manager
 12/14/2018

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

DocuSigned by:
Jeff P.H. Cazeau, Esq.
8AE8443D714D491...
 Jeff P. H. Cazeau
 City Attorney
 12/5/2018

cc: Krystal Cordo, Code Compliance Manager

November 29, 2018

Mr. Jose Smith
887 N. Shore Drive
MiamiBeach, FL 33141
Jossmithmb@gmail.com

RE: APPOINTMENT AS SPECIAL MAGISTRATE

Dear Attorney Smith:

This correspondence sets forth a Letter of Agreement (“Agreement”) between the City of North Miami, a Florida municipal corporation (“City”), and Jose Smith, Esq., as an independent legal contractor for Code Enforcement proceedings, as may be required by the City from time to time (“Special Magistrate”). The City and Special Magistrate shall collectively be referred to as the “Parties”.

The Parties agree as follows:

1. **Appointment of the Special Magistrate:** Pursuant to the City Charter, the City Council appointed Attorney Jose Smith, as a Special Magistrate, effective September 13, 2018.
2. **Term:** This Agreement is for a term of one (1) year with an option to renew for an additional one (1) year term, unless earlier terminated pursuant to this Agreement.
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- 6. **Notice:** All notices or other communications which shall or may be given pursuant to this Agreement shall be in writing and shall be delivered by personal service, or by registered mail addressed to the other party at the address indicated, or as may be changed from time to time. Such notice shall be deemed given on the day on which personally served, or if by mail, on the date of actual receipt.

If to Special Magistrate: Jose Smith, Esq.
 887 N. Shore Drive
 Miami Beach, FL 33141
Josesmithmb@gmail.com

If to City: City Manager
 City of North Miami
 776 N.E. 125th Street
 North Miami, FL 33161

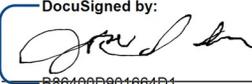
With a copy: City Attorney
 City of North Miami
 776 N.E. 125th Street
 North Miami, FL 33161

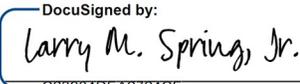
Code Compliance Manager
 City of North Miami
 776 N.E. 125th Street
 North Miami, FL 33161

- 7. **Acceptance:** Please indicate your agreement with the foregoing terms and provisions by signing below and returning an executed copy of this letter to the undersigned.

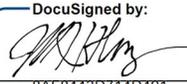
For Special Magistrate:

For City of North Miami:

By: 
DocuSigned by:
880400D901604D1...
 Jose Smith, Esq.
 1/1/2019

By: 
DocuSigned by:
C23984DEA2724CF...
 Larry M. Spring, Jr., City Manager
 1/3/2019

APPROVED AS TO FORM AND LEGAL SUFFICIENCY


DocuSigned by:
8AF8443D7141491...
 Jeff P. H. Cazcau
 City Attorney
 1/1/2019

cc: Krystal Cordo, Code Compliance Manager

Item 14.a

Reports Village Attorney

Nos. 17-1618, 17-1623, 18-107

In the **Supreme Court of the United States**

GERALD LYNN BOSTOCK, *Petitioner*,

v.

CLAYTON COUNTY, GEORGIA, *Respondent*.

ALTITUDE EXPRESS, INC., *et al.*, *Petitioners*,

v.

MELISSA ZARDA, *et al.*, *Respondents*.

R.G. & G.R. HARRIS FUNERAL HOMES, INC., *Petitioners*,

v.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,
Respondent, and AIMEE STEPHENS, *Respondent-
Intervenor*.

**On Writs of Certiorari to the
United States Courts of Appeals for
the Eleventh, Second, and Sixth Circuits**

**BRIEF OF LOCAL GOVERNMENTS AND MAYORS AS
AMICI CURIAE IN SUPPORT OF THE EMPLOYEES**

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**INTEREST OF AMICI CURIAE
AND SUMMARY OF ARGUMENT¹**

Amici curiae are 66 cities, towns, and counties, as well as 28 mayors, representing more than 25 million Americans across the country. Amici run the gamut, from metropolises with anti-discrimination laws explicitly addressing sexual-orientation and gender identity (or “transgender status”) discrimination—like Los Angeles, California—to smaller cities without such express protections—like Belfast, Maine.² Despite the variety of amici, they have this in common: as the level of government closest to the American people, amici both observe and absorb the impacts of discrimination against lesbian, gay, bisexual, and transgender (LGBT) workers.

Amici have seen firsthand the benefits to the entire community when the full scope of sex-based discrimination is prohibited. Many amici have local laws and policies expressly prohibiting discrimination on the basis of actual or perceived sexual orientation or gender identity, or are located in states with such protections. Their experiences have shown that implementing such measures presents no serious

¹ Pursuant to Supreme Court Rule 37, the parties to this matter have consented to the filing of this brief. No counsel for a party authored this brief in whole or in part, and no party or counsel for a party made a monetary contribution intended to fund its preparation or submission. No person other than the amici or their counsel made a monetary contribution to the preparation or submission of this brief.

² A complete list of amici is set forth in the appendix.

difficulties. To the contrary, in amici's experience, such laws and policies strengthen the entire community.

Amici have also seen that Title VII's longstanding promise that no one suffer discrimination in the workplace "because of ... sex," 42 U.S.C. § 2000e-2(a)(1), is critical to the health and prosperity of amici's communities. While victims of sex-based discrimination bear the primary psychological and economic costs of such discrimination, their local governments and communities also sustain harms. As providers of the primary safety net services in our nation, amici know from their own experience how workplace discrimination, in any form, strains taxpayer resources and threatens the vitality of local communities and economies.

ARGUMENT

I. Local Experience Shows That Prohibiting All Forms of Sex-Based Discrimination Benefits the Entire Community.

This Court has long recognized that governments have an interest "of the highest order" in eliminating discrimination. *Roberts v. U.S. Jaycees*, 468 U.S. 609, 624 (1984). While all amici agree that Title VII's prohibition on sex discrimination includes discrimination because someone is lesbian, gay, bisexual, or transgender, in the absence of binding precedent from this Court, many amici have made that prohibition explicit in their local laws or policies. *See, e.g.*, City of Atlanta, Ga. Ord. Code §§ 94-112 *et seq.*; City of Chicago, Ill. Muni. Code § 2-160-030; City of Columbus, Ohio Ord. Code § 2331.03; City of Driggs,

Ind. City Code §§ 5-5-1 *et seq.*; Iowa City, Iowa Muni. Code §§ 2-3-1 *et seq.*; Kansas City, Mo. Ord. Code §§ 38-101 *et seq.*; City of Los Angeles, Cal. Muni. Code §§ 49.72, 51.00 *et seq.*; New York City, N.Y.C. Admin. Code §§ 8-102(23), 8-107(1)(a). In amici's experience, barring the full range of practices that discriminate on the basis of sex has presented no serious or special difficulties in their own operations or the community.

A. Non-discrimination laws and policies enhance amici's operations.

Local governments' operations form the backbone of American life, from fire protection to sanitation. But amici have not experienced difficulties in these operations as a result of policies prohibiting sexual orientation or gender identity discrimination. Instead, amici have found that enforcing non-discrimination policies improves their effectiveness and enhances their relationship with the community.

For example, the Los Angeles Police Department (LAPD), composed of nearly ten thousand sworn officers with a critical public-safety mission, has made clear the LGBT officers within its ranks "strengthen[the] organization and help[it] maintain safe, cohesive, and vibrant communities." LAPD, *The Los Angeles Police Department Affirms Support for Transgender Community*, July 27, 2017, *archived at* <https://perma.cc/TH29-U5JX>. In particular, the LAPD has expressed its "steadfast" support for transgender officers and employees. *Id.* It has issued a handbook setting out its non-discriminatory practices on issues central to its operations, including dress code, gender-

specific job assignments, and locker and bathroom use. Under these policies, transgender officers and employees take the gender-specific assignments, wear the uniforms, and use the facilities consistent with their gender identities, just as would any other officer. In shared spaces like locker rooms and bathrooms, any individuals who desire increased privacy are reasonably accommodated. Far from interfering with operations, the LAPD regards the recruitment of LGBT officers as sufficiently important to its mission that it has partnered with a community organization to plan a job fair for prospective transgender employees.

Likewise, the New York City Police Department (NYPD) has supported transgender officers, including facilitating transgender officers' transitions by providing uniforms and bulletproof vests that correspond to their gender identity. D. Artavia, *An LGBT Group Is Changing the NYPD From Within*, *The Advocate* (July 18, 2018), *archived at* <https://perma.cc/9HYR-3M75>. As early as 1993, the NYPD began "successfully integrating gay and lesbian officers into virtually every policing function." R. Blumenthal, *Gay Officers Find Acceptance On New York's Police Force*, *N.Y. Times* (Feb. 21, 1993), *archived at* <https://perma.cc/GVQ6-LFQ2>. Today, like the LAPD and police departments across the country, the NYPD recruits directly from the LGBT community. NYPD, *NYPD Pride* (June 15, 2016), <https://youtu.be/HYQWmRpbqkw>; *see also* A. Zimmerman, *Pittsburgh Police Looking to Expand LGBT Recruitment, Training*, *Pittsburgh City Paper* (Mar. 10, 2015), *archived at* <https://perma.cc/R5NJ-8NGF>; Fort Worth Police Dep't, *LGBT Recruiting - Fort*

Worth Police Department (July 15, 2014), <https://youtu.be/YTtrpqhhFvQ>; Baltimore Police Dep't, *GLBT Recruitment* (Sept. 16, 2013), <https://youtu.be/tOvfJAY4MbQ>.

Prohibitions against employment discrimination based on sexual orientation or gender identity have not, in amici's experience, caused particular negative impacts in these or other contexts. Established laws provide extensive and well-understood mechanisms for addressing genuine job qualifications and workplace requirements, as well as concerns about appropriate behavior in shared spaces. And reasonable employment policies that do not discriminate against LGBT individuals have been developed and are similarly well-understood. *See, e.g.*, Transgender Law Center, *Model Transgender Employment Policy*, archived at <https://perma.cc/SP7P-R37J>; The Williams Inst., *Model Employment Policies for Federal Contractors Related to Sexual Orientation and Gender Identity* (Oct. 2015), archived at <https://perma.cc/K6DV-PCZD>.

B. Communities nationwide have benefitted from such anti-discrimination protections.

More broadly, amici's experience is consistent with that of communities across the nation. There is little reason to believe that communities are disrupted when anti-discrimination laws are applied to LGBT people. *See, e.g.*, *Doe v. Boyertown Area Sch. Dist.*, 897 F.3d 518, 528-29 (3d Cir. 2018) (highlighting lack of evidence of problems in accommodating transgender individual in school context); *Adams v. Sch. Bd. of St. John's Cty.*, 318 F. Supp. 3d 1293, 1314-15 (M.D. Fla. 2018) (same); *Carcaño v. McCrory*, 203 F. Supp. 3d 615,

624 -25 (M.D.N.C. 2016) (transgender students used restrooms and lockers based on gender identity without incident for years before state passed ban); *see also* A. Hasenbush et al., *Gender Identity Nondiscrimination Laws in Public Accommodations: a Review of Evidence Regarding Safety and Privacy in Public Restrooms, Locker Rooms, and Changing Rooms*, 16 Sex Res. Soc. Policy 70 (2019) (noting empirical data confirm no increase in adverse incidents after allowing restroom and locker access based on gender identity).

Further, laws that explicitly prohibit sexual orientation or gender identity discrimination provide important benefits to the entire population. When LGBT people are able to support themselves financially on the same terms as any other Americans, free from discrimination based on who they are or whom they love, they are able to contribute to their communities at a higher level. And laws barring the full scope of sex- and gender-stereotyping discrimination benefit everyone in the community, not just its LGBT members.

Social science data confirm amici's experience that local anti-discrimination laws promote the prosperity and vitality of American communities. Among other things, these laws enhance innovation and economic opportunities. For example, researchers have found that state-level non-discrimination acts barring sexual orientation and gender identity discrimination result in higher rates of innovation, as measured by patents and patent citations. H. Gao & W. Zhang, *Employment Nondiscrimination Acts and Corporate Innovation*, 63 Management Science 2773 (Jun. 2016), *archived at*

<https://perma.cc/EY3F-83L8>. Researchers have also found a positive link between anti-discrimination laws protecting LGBT individuals and per capita gross domestic product. M.V. Badgett et al., Williams Inst., *The Relationship Between LGBT Inclusion and Economic Development: An Analysis of Emerging Economies* (Nov. 2014), *archived at* <https://perma.cc/SCL7-Q9LP>. And the data consistently demonstrate “a positive relationship between LGBT-supportive policies or workplace climates and business-related outcomes.” M.V. Badgett, Williams Inst., *The Business Impact of LGBT-Supportive Workplace Policies* (May 2013), *archived at* <https://perma.cc/EL62-DFYA>.

Adopting specific protections against discrimination based on sexual orientation or gender identity has facilitated LGBT individuals’ participation in, and contribution to, their communities, enriching both the individual and the whole. And it has achieved that end with no real difficulties of implementation or administration, all while avoiding burdening taxpayer resources to remediate the harms of workplace discrimination against LGBT residents.

II. Workplace Discrimination—Including Sex Discrimination Against Lesbian, Gay, Bisexual, and Transgender People—Harms Local Governments.

Conversely, the absence of non-discrimination laws harms local governments. Local communities function best when their members can support themselves through employment, free from discrimination based on sex stereotyping or notions about how a person of particular sex should live, behave, or dress. This is the

fundamental commitment of Title VII. When that promise is denied through unlawful discrimination, the impact is far-reaching, borne foremost by the victims who experience that discrimination, but also by their communities and the local governments that serve them.

Workplace discrimination causes “terrible humiliation, pain and suffering, psychological harm and related medical problems,” H.R. Rep. No. 102-40(I) (1991), *reprinted in* 1991 U.S.C.C.A.N. 549, 604, and has a profound impact on its direct victims. After all, if a person “can earn enough money to pay for food and a place to live, all other obstacles and problems can be handled in time.” P. R. Frye, *The International Bill of Gender Rights vs. the Cider House Rules*, 7 Wm. & Mary J. Women & L. 133, 175 (2000), *archived at* <https://perma.cc/M7BF-DD9L>. It is thus not surprising that workplace discrimination inflicts deep economic wounds on its victims, imperiling access to housing, healthcare, and other basic needs. And local governments fill the gap when community members cannot provide for themselves, contributing to, providing, and administering a panoply of fundamental services for vulnerable populations, including medical services, mental health services, substance use services, income assistance, nutrition assistance, housing subsidies, services for foster children and youth, job training, and much more.

Although amici’s LGBT community members are no less qualified for employment than other Americans,³

³ In Santa Clara County, for example, lesbian and gay residents were more likely than other County residents to have a college

they and their families are already disadvantaged in securing basic needs due to various systemic barriers. So, for example, LGBT people see their limited access to medical care further diminished when, unemployed or underemployed, they lose their health insurance or become unable to afford out-of-pocket costs.⁴ And when many LGBT people—especially youth—already face

degree—but also more likely to live below 200 percent of the federal poverty level. Cty. of Santa Clara, Office of Public Health, *Status of LGBTQ Health*, 17-18 (2013), *archived at* <https://perma.cc/K9WE-5PEH>. Nationwide, transgender individuals have higher levels of educational attainment than other Americans, but are four times as likely to live below 200 percent of the federal poverty level. Center for American Progress and Movement Advancement Project, *Paying an Unfair Price, The Financial Penalty for Being Transgender in America*, 3 (Feb. 2015), *archived at* <https://perma.cc/5LJ5-VG8Q>.

⁴ LGBT individuals generally suffer from precarious access to health care. See Lambda Legal, *When Health Care Isn't Caring: Lambda Legal's Survey on Discrimination Against LGBT People and People Living with HIV*, 5 (2010), *archived at* <https://perma.cc/3U3Y-6GPX> (70% of transgender respondents and more than half of lesbian, gay, or bisexual respondents experienced discrimination in health services); G. J. Gates, Gallup, *In U.S., LGBT More Likely Than Non-LGBT to Be Uninsured* (2014), *archived at* <https://perma.cc/D3W7-J6M3> (LGBT people far more likely to be unable to afford medical care); S. Frazer & E.E. Howe, The Lesbian, Gay, Bisexual & Transgender Community Center, *LGBT Health and Human Services Needs in New York State: A Report from the 2015 LGBT Health and Human Services Needs Assessment*, 14 & 16 (2016), *archived at* <https://perma.cc/M6TW-PAMB> (one-third of LGBT respondents in New York reported having no or insufficient insurance coverage, and one-fifth reported being unable to cover healthcare costs).

housing instability, the denial of gainful employment only compounds the problem.⁵

Workplace discrimination causes an increased need among LGBT people for on-the-ground services that are typically the responsibility of local governments like amici. Like all Americans, when the bottom drops out, LGBT people turn to the safety net offered by government benefits and services. *See, e.g.,* C. Mallory et al., Williams Inst., *The Impact of Stigma and Discrimination Against LGBT People in Texas* 57 (2017), *archived at* <https://perma.cc/LCP2-5RR4>. Cities, towns, and counties are often the ones to step in, providing services like temporary and transitional housing or shelter, emergency hospital care for the uninsured, free and reduced-cost clinical health services, job training, and other social services. *See, e.g.,* New York City, *One New York: Health Care for Our Neighborhoods: Transforming Health + Hospitals* 6, 15, 23 -25 (2016), *archived at* <https://perma.cc/CN84-PU2D>; New York City, *Turning the Tide on Homelessness in New York City* 11 (2017), *archived at* <https://perma.cc/5QVC-MPMT>. The upshot is that local governments, and thus taxpayers, absorb substantial

⁵ LGBT people face systemic issues with housing. *See* Social Justice Sexuality Project, City Univ. of N.Y., *Intersecting Injustice: Addressing LGBTQ Poverty and Economic Justice for All: A National Call to Action*, 45-47 (L.A. Hunter et al., eds., 2018) (noting prevalence of discrimination against LGBTQ people by landlords, that many others find themselves without stable housing due to rejection by their families and communities, and that 40% of the nation's runaway or homeless youth identify as LGBT); Frazer, *supra*, at 3 (more than one-sixth of LGBT New Yorkers have experienced homelessness).

costs of workplace discrimination, including discrimination against the LGBT community. Given the limited resources of these governments, other local needs go unfulfilled.

Family stability is also at stake. Local governments like amici are on the front lines of foster care in this country, and demand for suitable parents regularly outpaces supply. Same-sex couples, who are six times more likely to raise foster children than different-sex couples, make an invaluable contribution to our nation's future by raising children who might otherwise have little or no family support. G.J. Gates, Williams Inst., *LGBT Parenting in the United States* (2013), *archived at* <https://perma.cc/E9HT-LSQB>. That contribution is threatened when LGBT parents are denied gainful employment and the means to support their families. And it would fall to local governments to meet many of the resulting needs of the children.

* * *

Some of amici have adopted local measures that explicitly prohibit discrimination based on sexual orientation and gender identity; others have not. But all amici agree that, with or without such measures in place, Title VII's ban on such sex-based discrimination has independent value. For example, retention of a nationwide prohibition on employment discrimination based on sexual orientation and gender identity addresses the reality that some people live in one jurisdiction but work in another while drawing on services from both. A consistent federal baseline follows them everywhere and prevents jurisdictions from shifting costs of discrimination to others. In addition,

retaining Title VII's ban on such discrimination ensures that victims of discrimination will not be left without a remedy because of local resource constraints. Finally, the EEOC applies unique expertise and plays a special role in preventing, investigating, and remedying discrimination under Title VII. In the end, there is no substitute for Title VII's longstanding promise that no one in America has to suffer discrimination in the workplace because of their sex.

CONCLUSION

The Court should affirm the orders of the Second Circuit and Sixth Circuit in *Zarda* and *Stephens* and reverse the order of the Eleventh Circuit in *Bostock*.

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July 3, 2019

APPENDIX

APPENDIX

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Town of Brighton, New York
Town of Carrboro, North Carolina
Mayor Pam Hemminger and the Town of Chapel Hill, North Carolina
City of Chicago, Illinois
City of College Park, Maryland
City of Columbus, Ohio
Culver City, California
City of Dallas, Texas
City and County of Denver, Colorado
City of Detroit, Michigan
City of Driggs, Idaho
City of Flint, Michigan
Township of Franklin, New Jersey
City of Gary, Indiana
City of Golden, Colorado
City of Grand Rapids, Michigan
Mayor Alex Morse and the City of Holyoke, Massachusetts
City of Iowa City, Iowa

App. 2

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City of Las Cruces, New Mexico
City of Los Angeles, California
County of Los Angeles, California
Mayor Victor DeLuca and the Township of Maplewood, New Jersey
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Mayor Dan Gelber and the City of Miami Beach, Florida
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City of New Rochelle, New York
City of New York, New York
City of Northampton, Massachusetts
City of Oakland, California
City of Olympia, Washington
City of Palm Springs, California
City of Philadelphia, Pennsylvania
Mayor Kate Gallego and the City of Phoenix, Arizona
City of Pittsburgh, Pennsylvania
Mayor Jorge O. Elorza and the City of Providence, Rhode Island
City of Sacramento, California
City of Saint Paul, Minnesota
City of Salem, Massachusetts
City of San Diego, California
City and County of San Francisco, California
City of San Leandro, California
County of San Mateo, California
County of Santa Clara, California
City of Santa Cruz, California
City of Santa Fe, New Mexico

App. 3

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Mayor Domenic J. Sarno, City of Springfield,
Massachusetts
Mayor Steve Schewel, City of Durham, North Carolina
Mayor Jeffrey Z. Slavin, Town of Somerset, Maryland
Mayor Ron Strouse, Doylestown Borough, Pennsylvania
Mayor Ted Terry, City of Clarkston, Georgia
Mayor Tracy Truppman, Village of Biscayne Park,
Florida
Mayor Victoria Woodards, City of Tacoma, Washington

CHAPTER 2019-155

Committee Substitute for House Bill No. 1159

An act relating to private property rights; creating s. 163.045, F.S.; prohibiting local governments from requiring notices, applications, approvals, permits, fees, or mitigation for the pruning, trimming, or removal of trees on residential property if a property owner obtains specified documentation; prohibiting local governments from requiring property owners to replant such trees; providing an exception for mangrove protection actions; amending s. 163.3209, F.S.; deleting a provision that authorizes electric utilities to perform certain right-of-way tree maintenance only if a property owner has received local government approval; creating s. 70.002, F.S.; creating a Property Owner Bill of Rights; requiring county property appraisers to provide specified information on their websites; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 163.045, Florida Statutes, is created to read:

163.045 Tree pruning, trimming, or removal on residential property.—

(1) A local government may not require a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property if the property owner obtains documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree presents a danger to persons or property.

(2) A local government may not require a property owner to replant a tree that was pruned, trimmed, or removed in accordance with this section.

(3) This section does not apply to the exercise of specifically delegated authority for mangrove protection pursuant to ss. 403.9321-403.9333.

Section 2. Section 163.3209, Florida Statutes, is amended to read:

163.3209 Electric transmission and distribution line right-of-way maintenance.—After a right-of-way for any electric transmission or distribution line has been established and constructed, no local government shall require or apply any permits or other approvals or code provisions for or related to vegetation maintenance and tree pruning or trimming within the established right-of-way. The term “vegetation maintenance and tree pruning or trimming” means the mowing of vegetation within the right-of-way, removal of trees or brush within the right-of-way, and selective removal of tree branches that extend within the right-of-way. The provisions of this section do not include the removal of trees outside the right-of-way, which may be allowed in compliance with applicable local ordinances. Prior to conducting scheduled routine vegetation maintenance and tree pruning or trimming

activities within an established right-of-way, the utility shall provide the official designated by the local government with a minimum of 5 business days' advance notice. Such advance notice is not required for vegetation maintenance and tree pruning or trimming required to restore electric service or to avoid an imminent vegetation-caused outage or when performed at the request of the property owner adjacent to the right-of-way, ~~provided that the owner has approval of the local government, if needed.~~ Upon the request of the local government, the electric utility shall meet with the local government to discuss and submit the utility's vegetation maintenance plan, including the utility's trimming specifications and maintenance practices. Vegetation maintenance and tree pruning or trimming conducted by utilities shall conform to ANSI A300 (Part I)—2001 pruning standards and ANSI Z133.1-2000 Pruning, Repairing, Maintaining, and Removing Trees, and Cutting Brush—Safety Requirements. Vegetation maintenance and tree pruning or trimming conducted by utilities must be supervised by qualified electric utility personnel or licensed contractors trained to conduct vegetation maintenance and tree trimming or pruning consistent with this section or by Certified Arborists certified by the Certification Program of the International Society of Arboriculture. A local government shall not adopt an ordinance or land development regulation that requires the planting of a tree or other vegetation that will achieve a height greater than 14 feet in an established electric utility right-of-way or intrude from the side closer than the clearance distance specified in Table 2 of ANSI Z133.1-2000 for lines affected by the North American Electric Reliability Council Standard, FAC 003.1 requirement R1.2. This section does not supersede or nullify the terms of specific franchise agreements between an electric utility and a local government and shall not be construed to limit a local government's franchising authority. This section does not supersede local government ordinances or regulations governing planting, pruning, trimming, or removal of specimen trees or historical trees, as defined in a local government's ordinances or regulations, or trees within designated canopied protection areas. This section shall not apply if a local government develops, with input from the utility, and the local government adopts, a written plan specifically for vegetation maintenance, tree pruning, tree removal, and tree trimming by the utility within the local government's established rights-of-way and the plan is not inconsistent with the minimum requirements of the National Electrical Safety Code as adopted by the Public Service Commission; provided, however, such a plan shall not require the planting of a tree or other vegetation that will achieve a height greater than 14 feet in an established electric right-of-way. Vegetation maintenance costs shall be considered recoverable costs.

Section 3. Section 70.002, Florida Statutes, is created to read:

70.002 Property Owner Bill of Rights.—Each county property appraiser office shall provide on its website a Property Owner Bill of Rights. The purpose of the bill of rights is to identify certain existing rights afforded to property owners but is not a comprehensive guide. The Property Owner Bill

of Rights does not create a civil cause of action. The Property Owner Bill of Rights must state:

PROPERTY OWNER
BILL OF RIGHTS

This Bill of Rights does not represent all of your rights under Florida law regarding your property and should not be viewed as a comprehensive guide to property rights. This document does not create a civil cause of action and neither expands nor limits any rights or remedies provided under any other law. This document does not replace the need to seek legal advice in matters relating to property law. Laws relating to your rights are found in the State Constitution, Florida Statutes, local ordinances, and court decisions. Your rights and protections include:

1. The right to acquire, possess, and protect your property.
2. The right to use and enjoy your property.
3. The right to exclude others from your property.
4. The right to dispose of your property.
5. The right to due process.
6. The right to just compensation for property taken for a public purpose.
7. The right to relief, or payment of compensation, when a new law, rule, regulation, or ordinance of the state or a political entity unfairly affects your property.

Section 4. This act shall take effect July 1, 2019.

Approved by the Governor June 26, 2019.

Filed in Office Secretary of State June 26, 2019.

8.2. - Protection of natural resources.

8.2.1 *Air pollution.* To protect and enhance the air quality of the village, all sources of air pollution shall comply with rules set forth by the United States Environmental Protection Agency and the Florida Department of Environmental Protection. No person shall operate a regulated source of air pollution without a valid operating permit issued by the department of environmental regulation.

8.2.2 *Water pollution.* Standards are necessary to protect the quantity and quality of the principal source of water, the groundwater supply, to safeguard the health, safety and welfare of residents in the village and surrounding areas. The South Florida Water Management District's use rules and regulations shall apply.

State Law reference— Water Resources Act, F.S. Ch. 373.

8.2.3 *Habitat protection.*

(a) Bird Sanctuary. It is hereby declared that all the territory embraced within the village shall be and is hereby declared to be a bird sanctuary.

(b) Killing or harming birds prohibited. It shall be unlawful for any person to shoot, trap or in any manner kill or destroy birds within the village.

Cross reference— Similar provisions, Code of Ordinances, §§ 3-1, 3-2.

8.2.4 *Tree protection.* It shall be unlawful for any person, unless otherwise permitted by the terms of the Miami-Dade County Code, as may be amended, to do tree removal work or to effectively destroy any tree without first obtaining a permit from Miami-Dade County's Department of Regulatory and Economic Resources. The following activities are exempt from tree removal permits:

(a) Removal of trees within the yard area of an existing residence, provided the trees are not specimen trees. This exemption does not apply to trees which are growing on rights-of-way and other public property.

(b) Removal of any dead tree.

(c) Removal of tree species specified by the Miami-Dade County Code.

(Ord. No. 2016-01, § 2, 3-1-16)

Cross reference— Tree removal permit, § 16.10.

16.10. - Tree removal permit.

16.10.1 *Permit required for removal of nonexempt trees.* A village tree removal permit shall be issued provided a Metro-Dade County tree removal permit has been issued previously for the same tree.

Cross reference— Tree protection, § 8.2.4.

16.10. - Tree removal permit.

16.10.1 *Permit required for removal of nonexempt trees.* A village tree removal permit shall be issued provided a Metro-Dade County tree removal permit has been issued previously for the same tree.

Cross reference— Tree protection, § 8.2.4.

305-913-0536

REBECCA.RODRIGUEZ@GRAY-ROBINSON.COM

June 7, 2019

VIA FEDEX 7754-2001-1534

Office of the Attorney General
Attn: Department of Legal Affairs
The Capitol PL-01
Tallahassee, Florida 32399

**Re: Village of Biscayne Park, Florida
Request for Advisory Legal Opinion
Charter Municipalities – Commission Authority – Removal of Mayor**

Dear Attorney General Moody,

I serve as the Village Attorney for the Village of Biscayne Park, Florida (the "Village"). The Village's Commission, as a body, has publicly voted and instructed me to request an advisory legal opinion from your office on the following inquiry:

WHETHER THE COMMISSION OF A CHARTER MUNICIPALITY HAS THE AUTHORITY TO HOLD A VOTE OF NO CONFIDENCE TO INITIATE CHARGES OF REMOVAL OF MAYOR WHERE THE MUNICIPALITY'S CHARTER AND CODE ARE SILENT AS TO PROCEDURES FOR REMOVAL OF MAYOR BY A COMMISSION VOTE.

The Village is a charter municipality located in Miami-Dade County, Florida. The Village has a manager-commission form of government. The Village Commission consists of five at-large commissioners. The Village Mayor is elected amongst the Commission pursuant to the following section of the Village Charter:

Section 2.01. - Village Commission.

There shall be a Village Commission (the "Commission") vested with all legislative powers of the Village, consisting of five members (hereinafter referred to as "Commissioners"). The Commission shall elect one of its members to the position of Mayor at the first meeting of each newly elected Commission.

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Village of Biscayne Park, Florida
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While the Charter expressly provides for the commission's election of the mayor, it is silent as to removal of mayor. The Charter provides the duties of the Mayor and Vice-Mayor are as follows:

Section 2.02. - Mayor and Vice-Mayor.

(A) *Mayor.* The Mayor shall preside at meetings of the Commission and be a voting member of the Commission. The Mayor shall be recognized as the head of Village government for all ceremonial purposes and for purposes of military law, for service of process, execution of duly authorized contracts, deeds and other documents, and as the Village official designated to represent the Village in all dealings with other governmental entities.

(B) *Vice-Mayor.* During the absence or incapacity of the Mayor, the Vice-Mayor shall have all the powers, authority, duties and responsibilities of the Mayor. Semi-annually at such times as established by ordinance of the Village, each member of the Commission shall serve for a period of six months as Vice-Mayor.

Each commissioner position receives an annual salary of \$2,000. The position of Mayor receives an annual salary of \$4,000.

The Village Charter does not provide procedures for removal of mayor by the commission. Similarly, the Village Charter does not provide for votes of no confidence. There are no Village resolutions or ordinances in the current Village code which provide for votes of no confidence, or the removal of current mayor. The Village Charter provides the following provision for removing an elected official:

Section 5.03. – Initiative, referendum, and recall.

...

(F) *Recall.* The electors shall have the power to recall and to remove from office any elected official of the Village to the extent permitted by the Constitution and laws of the State of Florida.

(G) *Results of Election.*

...

(3) *Recall.* If a majority of the electors voting on a recall vote for recall, the subject elected official shall be removed from office.

The Village Charter provides the following provision regarding the position of commissioner:

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Section 2.05 – Vacancies; forfeiture of office; filling of vacancies.

(A) *Vacancies.* The office of a Commissioner shall become vacant upon his/her death, resignation, removal from office in any manner authorized by law, or by forfeiture of his/her office.

(B) *Forfeiture of office.*

(1) *Forfeiture by disqualification.* A Commissioner shall forfeit his/her office if at any time during his/her term s/he: (a) ceases to maintain his/her permanent residence in the Village; or (b) otherwise ceases to be a qualified elector of the Village.

(2) *Forfeiture by absence.* A Commissioner shall be subject to forfeiture of his/her office, in the discretion of the remaining Commissioners, if s/he is absent without good cause from any three (3) regular meetings of the Commission during any twelve (12) month period.

(3) *Procedures.*

(a) The Commission shall be the sole judge of the qualifications of its members and shall hear all questions relating to forfeiture of a Commissioner's office, including whether or not good cause for any absence has been or may be established. The Commissioner in question shall have the burden of establishing good cause for any such absence. Any Commissioner may at any time during any duly held meeting move to establish good cause for the absence of himself/herself or any other Commissioner from any past, present or future meeting(s). If the Commission finds that good cause has been established, the matter shall be considered concluded. A Commissioner whose qualifications are in question or who is otherwise subject to forfeiture of his/her office shall not vote on matters of qualification, forfeiture or good cause.

(b) The Commissioner in question may request a public hearing regarding an alleged forfeiture of office. If a public hearing is requested, notice thereof shall be published in one or more newspapers of general circulation in the Village at least two weeks in advance of the hearing. Any final determination by the Commission that a Commissioner has forfeited his/her office shall be made by resolution. All votes and other actions taken by the Commissioner in question prior to the effective date of such resolution shall be valid regardless of the grounds of forfeiture.

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The Charter provides that commission members may be removed from office by an action brought by the State Attorney's Office upon a willful violation of Section 4.02:

Section 4.02. - Prohibitions.

(A) *Appointments and removals.* Neither the Commission nor any of its members shall interfere with the Manager's decision to appoint or remove any Village administrative officer or employee. However, the Commission may express its views and fully and freely discuss the appointment or removal of such officer or employee with the Manager.

(B) *Interference with administration.*

(1) It is the express intent of this Charter that individual Commissioners make any recommendations for improvement in Village operations to the Manager only. Individual Commissioners may discuss any matter of Village business with the Manager but are strictly prohibited from directing or otherwise ordering the Manager to take any particular action.

(2) Except for the purpose of inquiries and investigations made in good faith, the Commission and its members shall deal with Village officers and employees who are subordinate to the Manager solely through the Manager. Neither the Commission nor its members shall give orders directly to any such officer or employee, either publicly or privately.

(3) Any willful violation of this Section by any member of the Commission shall be grounds for removal from office by an action brought by the State Attorney of Miami-Dade County.

(C) *Holding other office.* A Commissioner shall not be an employee or appointed official of the Village while serving his/her term of office. A former Commissioner shall not become an employee or compensated appointed official of the Village until one (1) year after leaving office.

While Florida Statutes provide several avenues for suspension and/or removal of public officials, it is silent as to a charter municipality's commission authority to hold a vote of no confidence to initiate the removal of a sitting mayor. *See* Art. IV, § 7(a), Fla. Const. (authorizing the governor to suspend any state officer for malfeasance, neglect of duty, drunkenness, incompetence,

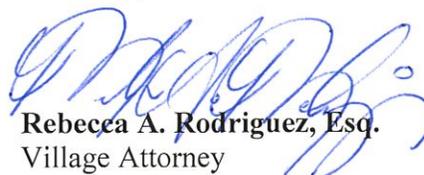
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permanent inability to perform official duties, or commission of a felony); *accord* Fla. Stat. § 112.51 (providing for suspension of municipal officials by executive order of the Governor for malfeasance, neglect of duty, habitual drunkenness, incompetence, or permanent inability to perform official duties); *see also* Fla. Stat. § 112.52 (authorizing Governor to remove public official from office by executive order upon felony conviction, or conviction of misdemeanor directly arising out of his or her official conduct or duties); *and* Fla. Stat. § 100.361 (providing for removal of elected officials by recall election).

In light of the foregoing, the Village Commission respectfully requests a legal advisory opinion as to whether the Village Commission possesses the authority to initiate removal proceedings of a sitting Mayor by conducting a vote of no confidence at a public meeting. The proposed vote of no confidence would solely be for removal as to the position of mayor on the commission, and not the status as an elected commissioner.

If you have any questions or require additional information, please feel free to contact me at Rebecca.Rodriguez@gray-robinson.com, or by phone at 305-913-0536. Thank you in advance for your guidance on this matter.

Sincerely,


Rebecca A. Rodriguez, Esq.
Village Attorney

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ORDINANCE NO. 2019-XX

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**AN ORDINANCE OF THE VILLAGE COMMISSION OF
THE VILLAGE OF BISCAYNE PARK, FLORIDA,
AMENDING SECTION 2-30 OF THE VILLAGE CODE OF
ORDINANCES, “GENERAL RULES AND POLICIES”,
PROVIDING FOR ORDINANCES IN CONFLICT,
REPEALER, CODIFICATION, SEVERABILITY, AND AN
EFFECTIVE DATE.**

WHEREAS, Section 3.06 of the Village Charter authorizes the Village Commission to establish, regulate, or terminate boards, agencies, committees, and authorities as it may deem advisable from time to time through the enactment of an Ordinance; and

WHEREAS, Section 2-30(a)(9) of the Village of Biscayne Park Code of Ordinances authorizes the Village Commission to review boards and committees at any time to determine whether they shall continue to exist, be amended, or changed as to their purpose and requirements; and

WHEREAS, the Village Commission is desirous to improve upon the rules and policies of its boards and committees to ensure compliance with all applicable public records laws; and

WHEREAS, the Village Commission is desirous to implement an annual ethics and Sunshine Law training requirement to serve on a Village board or committee;

WHEREAS, the Village Commission held a preliminary workshop on July 24, 2019 to discuss potential amendments to Section 2-30 of the Village Code;

WHEREAS, the Village Commission held a second discussion during a regular commission meeting on August 6, 2019 to discuss potential amendments to Section 2-30 of the Village Code;

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

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

3 Section 2. Section 2-30 of the Village of Biscayne Park Code of Ordinances shall be
4 amended as follows:

5 Sec. 2-30. - General rules and policies.

6 (a) Application of article; definitions; authority to appoint.

7 (1) Established. The boards and committees currently on file with the ~~v~~Village
8 ~~e~~Clerk are established as the official boards and committees of the ~~v~~Village.
9 Consistent with ~~s~~Section 3.06 of the ~~v~~Village Charter, the ~~V~~village ~~e~~Commission
10 may establish, amend, or terminate boards or committees as deemed advisable.

11 (2) Application. The provisions of this section shall apply to all appointive boards
12 and committees of the ~~v~~Village established under this article, except as otherwise
13 provided in this Code.

14 (3) Definitions. The following words, terms, and phrases, when used in this article,
15 shall have the meanings ascribed to them in this subsection, except where the
16 context clearly indicates a different meaning:

17 “Board” or “committee” for purposes of this article includes every agency,
18 authority, advisory board, regulatory board, quasi-judicial board, semi-
19 autonomous instrumentality, committee, council, task force, or any other
20 citizens' group established under this article ~~and~~ irrespective of whether it
21 receives any funding, ed in whole or in part, from ~~by~~ the ~~v~~Village
22 ~~e~~Commission. Except as otherwise provided herein, or in the ~~v~~Village
23 Charter, ~~v~~Village boards, committees, and citizens' advisory groups shall
24 only be created by action of the ~~v~~Village ~~e~~Commission, and only the

1 ∓Village eCommission, as a body, shall appoint the members to such boards
2 or committees.

3 “Relative” means any father, mother, son, daughter, husband, wife,
4 domestic partner, brother, sister, father-in-law, mother-in-law, son-in-law,
5 or daughter-in-law.

6 “Resident” means a natural person who resides within the jurisdictional
7 limits of the ∓Village for not less than six (6) months in each calendar year.

8 (4) Authority to appoint. The ∓Village eCommission may create boards and
9 committees to be composed of such number of residents as the eCommission may
10 deem ~~expedient~~ necessary to act in an advisory capacity to the Commission on
11 ~~concerning~~ any issue or subject.

12 (5) Removal. Board and committee members may be removed at any time by a
13 majority vote of the ∓Village eCommission.

14 (6) Confidentiality. Except when exempt by state law, all information received by
15 the ∓Village ~~on~~ regarding board and committee members is subject to public
16 records law.

17 (7) More restrictive requirements. That any requirements set forth in a resolution
18 or ordinance creating an individual board or committee which are more restrictive
19 than the requirements herein shall remain in effect.

20 (8) Less restrictive requirements. That the requirements herein shall supersede any
21 less restrictive requirements set forth in a resolution or ordinance creating an
22 individual board or committee.

23 (9) Review to determine continuation of existing board or committee. The ∓Village
24 eCommission may review a board or committee at any time to determine whether

1 the board or committee shall continue to exist. The Village Commission has the
2 authority to amend or change its the purpose and requirement of any Village board
3 or committee.

4 (10) Automatic trigger of review. Failure of a board or committee to ~~have~~ maintain
5 a quorum ~~at~~ for two (2) consecutive meetings shall automatically trigger review by
6 the ~~v~~Village eCommission.

7 (b) Qualifications and appointment of members.

8 (1) Manner of appointment. Any individual person appointed to any Village board
9 or committee ~~of the village~~ shall be appointed by the ~~v~~Village eCommission in the
10 following manner:

11 a. The primary consideration in appointing board and committee
12 members shall be to provide the board with the needed technical,
13 professional, financial, business or administrative expertise. The
14 membership of each board should be representative of the community at
15 large and should reflect the gender, racial, ethnic and cultural make-up of
16 the community.

17 ab. Unless otherwise agreed by the ~~v~~Village eCommission, each board or
18 committee established under this article will consist of five (5) members
19 that shall be appointed by the ~~v~~Village cCommission by a simple majority
20 vote. The ~~v~~Village eCommission may appoint alternates for any board or
21 committee as it deems necessary.

22 bc. The ~~v~~Village eClerk shall notify the ~~v~~Village eCommission, in writing,
23 of upcoming vacancies on the boards or committees. The ~~v~~Village eClerk

1 shall also post such vacancies on the ~~v~~Village's web page and outside
2 Village Hall.

3 ~~ed~~. During regular ~~v~~Village ~~e~~Commission meetings each month,
4 appointments will be made by the ~~v~~Village ~~e~~Commission to fill vacancies.

5 ~~de~~. When a vacancy due to resignation, disqualification, removal, or death
6 is filled, the appointment of a replacement member shall take effect on the
7 date of appointment, except as may otherwise be provided by state law.

8 ~~ef~~. The ~~v~~Village ~~m~~Manager shall designate a staff liaison to each board and
9 committee established under this article.

10 (2) Prohibition of appointment of relatives and co-habitants.

11 An individual cannot be appointed to any ~~v~~Village board or committee if that
12 person is a relative (as defined above) of a current ~~v~~Village ~~e~~Commissioner
13 member or has another relative is serving a term on that board or committee. A
14 person cannot be appointed to any Village board or committee if that person resides
15 with a Village Commission member or an individual currently serving a term on
16 that board or committee.

17 (3) ~~Resident/nonresident members~~. Residency required.

18 Unless otherwise specifically provided in the Village Charter or ~~the~~ Code, all
19 members of ~~v~~Village boards and committees ~~shall~~ must be residents of the ~~v~~Village
20 and maintain their residency throughout the term unless such requirement is waived
21 by the village commission by a four fifths vote of its membership. Any member
22 who ceases to reside within the Village limits during his or her term of office shall
23 be deemed to have resigned as of the date of his or her change of residence from
24 the Village.

1 (4) Simultaneous membership prohibited.

2 A resident appointed to and serving upon a Village board or committee is prohibited
3 from simultaneously serving as a member of another Village board or committee
4 during that term. In instances where no other qualified applicants to be considered
5 for a vacant seat, the Village Commission may grant, by a majority vote, an
6 exception to this prohibition and permit a simultaneous membership for purposes
7 of filling the vacancy.

8 (45) Member ceasing to be in compliance with eligibility requirements. The
9 vVillage eClerk ~~shall~~ must inform the vVillage eCommission whenever a board or
10 committee member ~~has ceased to be~~ fails to remain in compliance with the
11 eligibility requirements for board or committee membership. ~~and s~~Said board or
12 committee member shall ~~be automatically removed from the board or committee,~~
13 be brought before the Village Commission at the next regularly Commission
14 meeting to vote on whether to remove member from the board or committee. If
15 removed, The vVillage eClerk shall then must inform the vVillage eCommission
16 in writing that the position has been declared vacant and advertise the vacancy to
17 residents. Upon being advised by the vVillage eClerk of such circumstances, the
18 vacancy will be promptly filled, consistent with subsection (b) above.

19 (56) Qualification as candidate for vVillage eCommission office deemed tender of
20 resignation. No member of any vVillage board or committee shall become a
21 candidate for vVillage eCommission office without resigning from that board or
22 committee. Should any member of a vVillage board or committee qualify as a
23 candidate for vVillage eCommission office, such qualification shall be deemed a

1 tender of resignation from such board or committee as of the date on which the
2 member qualifies for ~~v~~Village eCommission office.

3 ~~(6) Compensation; Travel Expenses. All members of boards and committees shall~~
4 ~~serve without compensation. Generally, members of Village boards and~~
5 ~~committees shall serve without compensation and shall not be reimbursed for~~
6 ~~travel, mileage, or per diem expenses.~~

7 ~~(7) Travel expenses. However, R~~requests for reimbursement of travel expenses for
8 attendance by board and committee members at seminars, conferences, and
9 meetings ~~shall~~ may be submitted for consideration on a case-by-case basis during
10 the annual budget review process. ~~Unanticipated expenses~~ Reimbursement requests
11 must be approved and ratified by the ~~v~~Village eCommission during the budget
12 meeting for the fiscal year.

13 (c) Terms of members. The terms of office of the members of each Village board and
14 committee shall be up for reappointment yearly at the regular March ~~v~~Village
15 eCommission meeting.

16 (d) Attendance by members at meetings; resignation of members.

17 (1) Excessive absences defined. Except as may otherwise be provided by law, a
18 member of any board or committee may be removed by the ~~v~~Village eCommission
19 or ~~v~~Village mManager for excessive absences. For purposes of this section, Tthe
20 term "excessive absences" shall mean:

21 a. For a board or committee that meets ~~monthly~~ on a regular monthly basis,
22 more than three (3) unexcused absences in any consecutive twelve (12)
23 month period.

1 b. For a board or committee which meets less often than ~~monthly~~ on a
2 regular monthly basis, more than three (3) absences, excused or unexcused,
3 in any consecutive twelve (12) month period.

4 c. For a board or committee meeting more often than ~~monthly~~ on a regular
5 monthly basis, more than five (5) unexcused absences, in any consecutive
6 twelve (12) month period.

7 d. For an excused absence, a board or committee member must advise the
8 ~~Village~~ eClerk prior to the meeting of the fact that they will be absent and
9 provide a reason for that absence. The board or committee may vote to
10 excuse the requested absence at the same meeting the board or committee
11 member is absent. The absence, irrespective of ~~and~~ whether ~~or not~~ the
12 absence is excused or unexcused, ~~is to~~ must be reflected in the meeting
13 minutes.

14 (2) Minutes/ ~~and records~~. The Each board or committee must ensure that minutes
15 are taken and are approved by the board or committee on a regular basis. The
16 minutes must provide the vote of each member on each motion or, if absent, failing
17 to vote, all of which shall be filed with the Village eClerk promptly. The ~~Village~~
18 eClerk shall prepare a standard form to be used by all boards and committees to
19 report their member's attendance at their meetings.

20 (3) Resignation of members. Members of boards and committees may resign at any
21 time. A member who resigns will ~~not~~ become ineligible for appointment to ~~the same~~
22 any Village board or committee for a period of one (1) calendar year from the date
23 of resignation ~~one year period~~. Upon a showing of good cause, the Village
24 Commission may, by a majority vote, waive the one year prohibition in this Section.

1 (e) Chairperson; bylaws; meetings.

2 (1) Rules of procedure. The boards and committees established by the ~~the~~ Village
3 shall ensure that they duly elect a chairperson, vice-chairperson, and secretary. The
4 chairperson or, in their absence, the vice-chairperson, shall run the meeting. The
5 secretary shall ensure that minutes are kept and placed on the agenda for approval.
6 Each board and committee shall adhere to Robert's Rules of Order, Newly Revised,
7 to the extent that such rules do not conflict with this article, rules adopted by the
8 board or committee, or applicable state law.

9 (2) Removal of chairperson and other officers. Upon a super-majority vote by a
10 board or committee, the chairperson or any other officer may be removed.

11 (3) Quorum; exceptions. A quorum ~~is required~~ for all Village boards'/committees'
12 board and committee meetings. For purposes of this section, a quorum shall
13 consist of the majority of the board's total membership. The decision of a majority
14 of the board or committee members present and voting at a meeting at which a
15 quorum is present shall be the decision of the board or committee.

16 (4) Oath requirement. All board and committee members shall be required to
17 subscribe to an oath or affirmation to be filed in the office of the ~~the~~ Village eClerk,
18 swearing or affirming to support, protect and defend the Constitution and laws of
19 the United States, ~~and of the state,~~ the Constitution of the State of Florida, the
20 Village Charter, and all ordinances of the ~~the~~ Village and the Miami-Dade Ceounty,
21 and ~~in all respects~~ to faithfully discharge their duties in all respects.

22 (5) Open meetings. All meetings shall be open to the public and conducted in
23 accordance with the requirements of the "Sunshine Law", as set forth in the Florida
24 Statutes. Pursuant to the ~~the~~ Village Charter, meetings, and agenda procedures shall

1 be adopted to enhance the opportunity for public participation. All ~~v~~Village boards
2 and committees shall provide the ~~v~~Village ~~e~~Clerk for posting:

- 3 a. Written notice of meetings at least seven (7) calendar days prior to such
4 meetings, except in the case of emergency meetings;
- 5 b. To the extent available, a ~~W~~ritten agenda and supporting documentation
6 ~~to the extent available concerning~~ for the matters for discussion at least three
7 (3) calendar days prior to ~~such~~ each meetings; and
- 8 c. Minutes to document a reasonable summary of the actions taken at the
9 meeting within sixty (60) calendar days after ~~such~~ each meeting.

10 (6) Voting requirement. No Village board or committee members shall be permitted
11 to abstain from voting, except when ~~there is, or appears to be a possible~~ potential
12 conflict of interest exists, as defined in the Florida Statutes. When a potential
13 conflict ~~exists~~ occurs, the potential conflict must be disclosed publicly at the open
14 meeting, and a conflict of interest form must be filed within fifteen days after the
15 vote. The executed conflict of interest form must be incorporated into the meeting
16 minutes, and a copy shall be filed and kept in the office of the ~~v~~Village ~~e~~Clerk.

17 (7) Members transacting business with ~~v~~Village. The Miami-Dade eCounty conflict
18 of interest and code of ethics ordinance (hereinafter referred to as the "conflict of
19 interest ordinance") ~~section 2-11.1~~ of the Miami-Dade eCounty eCode shall be
20 applicable to all members of ~~commission appointed~~ Village boards and committees.

21 (8) ~~Endorsing candidates prohibited; etc. miscellaneous. No ~~v~~Village boards ~~or~~ and~~
22 committees, as a body, are prohibited from endorsing any candidates for public
23 office, shall endorse candidates for public office, or supporting a particular position
24 on a public question scheduled to appear on an official governmental ballot, or poll

1 candidates for public office as to their views, or engage in any other form of partisan
2 political activity as a ~~v~~Village board or committee. Nothing contained in this
3 subsection shall be deemed to prohibit any individual member of such a board or
4 committee from expressing a personal opinion on any candidate or issue or from
5 participating in any political campaign during hours not serving or performing
6 board or committee functions, so long as such activities are not in conflict with
7 other provisions of state, county, or ~~v~~Village law. Should any member of any
8 ~~v~~Village board or committee violate this section, in the opinion of the ~~v~~Village
9 eCommission, such violation shall be deemed a tender of resignation from the board
10 or committee.

11 (9) Fundraising; bank accounts. No board or committee may engage in fundraising
12 activities or establish bank accounts without the express authority and subject to
13 conditions as imposed by the ~~v~~Village eCommission and oversight of the Village
14 Manager.

15 (f) Board and committee communications.

16 (1) Each board and committee member will be assigned an official Village e-
17 mail account to ensure proper recordkeeping and compliance with Florida's Public
18 Records Act and Florida's Government-in-the-Sunshine Law.

19 (2) Use of the designated official email for any business which is unrelated to
20 the designated functions of that board or committee is strictly prohibited.

21 (g) Conduct and ethical standards of conduct for members.

22 (1) Applicability of Standards of Conduct for Public Officers and Employees. Each
23 member of a Village board or committee shall be subject to the Standards of

1 Conduct for Public Officers and Employees set forth in Part III, Chapter 112 of the
2 Florida Statutes.

3 (2) Applicability of Miami-Dade County Ethics Code. The provisions of the
4 Miami-Dade County Conflict of Interest and Code of Ethics Ordinance are
5 incorporated herein by reference and shall be applicable to all Village board and
6 committee members.

7 (3) Mandatory annual ethics training. Each member of a Village board or
8 committee must complete a minimum of one (1) hour of ethics training annually.
9 The Village Clerk shall maintain ethics training records and report any training
10 delinquencies to the Village Commission.

11 (fh) Creation of new boards and committees.

12 (1) Except for ad hoc or limited term special purpose boards and committees, all
13 ~~v~~Village boards and committees created after October 1, 2008, shall be created only
14 by ordinance. Such ordinance shall set forth the board/committee's purpose,
15 function, power, responsibility, jurisdiction, membership requirements and
16 restrictions, terms and conditions of appointment to or removal from the board or
17 committee, and the specific staff support, if any, to be provided to the board or
18 committee.

19 (2) After passage on first reading of an ordinance creating a new board or committee
20 and prior to the second reading of said ordinance, the ~~v~~Village ~~m~~Manager shall
21 submit to the ~~v~~Village ~~e~~Commission a report setting forth the following
22 information concerning the proposed new board or committee:

1 a. For boards and committees, whether the establishment of the board or
2 committee will create sufficient betterment to the community to justify the
3 Village Commission's delegation of a portion of its authority.

4 b. Whether another board, committee or agency, either public or private,
5 which is already in existence, could serve the same purpose.

6 c. The costs, both direct and indirect, of establishing and maintaining the
7 board or committee.

8 d. Whether the board or committee is necessary to enable the Village to
9 obtain state or federal grants or other financing.

10 e. For boards and committees other than advisory boards, whether the board
11 or committee should have the final authority or whether its decision must
12 be approved by the Village Commission.

13 f. Whether the creation of a new board or committee is the best method of
14 achieving the benefit desired.

15 g. Except in exigent circumstances, the second reading shall be held no
16 earlier than fifteen (15) calendar days after passage on first reading of the
17 proposed ordinance creating said board or committee.

18 Section 3. Severability. Should any section, provision, paragraph, sentence, clause or
19 word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction
20 to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall
21 not affect the validity of the remaining portions or applications of this Ordinance.

22 Section 4. Codification. It is the intention of the Village Commission of the Village of
23 Biscayne Park, that the provisions of this Ordinance shall become and made a part of the Code of
24 Ordinances of the Village of Biscayne Park, Florida, and that the Sections of this Ordinance may be

1 renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or other
2 word or phrase in order to accomplish such intention.

3 Section 5. Conflicts. That all Ordinances or parts of Ordinances, Resolutions or parts
4 thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

5 Section 6. Effective Date. This Ordinance shall become effective immediately upon its
6 passage and adoption, in accordance with the Village Charter.

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

9 PASSED AND ADOPTED upon first reading this ____ of September, 2019.

10 PASSED AND ADOPTED upon second reading this ____, October, 2019.

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

11
12
13
14
15 _____
16 Tracy Truppman, Mayor

Mayor Truppman: _____
Vice Mayor Samaria: _____
Commissioner Johnson-Sardella: _____
Commissioner Tudor: _____
Commissioner Wise: _____

17
18
19
20
21 Attest:

22
23
24 _____
25 Roseann Prado, Village Clerk

26
27
28 Approved as to form:

29
30
31 _____
32 Rebecca Rodriguez, Village Attorney
33