VILLAGE OF KEY BISCAYNE

*Village Council*
Michael W. Davey, Mayor
Brett Moss, Vice Mayor
Edward London, Councilmember
Luis Lauredo, Councilmember
Allison McCormick, Councilmember
Franklin H Caplan, Councilmember
Ignacio J. Segurola, Councilmember

COMMISSION MEMBERS:
The Honorable Allison McCormick,
Commission Chair
Mr. Joe Rasco, Member
Mr. Jud Kurlancheek, Member
Mr. Marco Gomez, Member
Ms. Jennifer S. Buttrick, Member

CHARTER REVISION COMMISSION
THURSDAY, MARCH 10, 2022
4:00 PM

**CALL TO ORDER/ROLL CALL OF MEMBERS**

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS:**

There is a (3) minute time limit for each speaker during public comments. Your cooperation is appreciated in observing the (3) minute rule. If you have a matter you would like to discuss during public comments, a request form is available at the entrance of the Council Chamber, please fill-it in and return it to the Village Clerk prior to the start of the meeting. When your name is called, please come forward to the podium. Or if you are joining the meeting remotely, please call (305) 365-7569 or (312) 626-6799, and enter the Zoom Meeting ID: 231 627 8415, followed by #. There is no participant ID. Press # again. Please press *9 to "raise your hand" which places you in a queue to speak. You will be called upon by the last three digits of your telephone number when

it is your turn to speak. When called upon, please press *6 to unmute yourself. PLEASE STATE YOUR NAME, ADDRESS, IF YOU ARE A HIRED CONSULTANT OR VILLAGE EMPLOYEE AND/OR IF ENGAGED IN LOBBYING ACTIVITIES AND/OR REPRESENTING AN ORGANIZATION FOR THE RECORD.

**APPROVAL OF MINUTES**

MARCH 1, 2022 MINUTES
TAB 1

**REVIEW**

Article II, Village Council; Mayor

Section 2.03. Election and term of office.
Section 2.07. No compensation; reimbursement for expenses.

Article IV, Legislative

Section 4.03. Action requiring an ordinance.
Section 4.08(c) Authentication, recording and disposition of ordinances; resolutions and charter amendments.

Section 4.10. Borrowing.
Section 4.11. Revenue Sharing.
Section 4.13. Village Code, Ordinances and Resolutions.
Section 4.15. Approved by Vote of Electors Required for Amendments to Land Development Regulations.

Article V, Elections

Section 5.01. Elections.

Article VI, Charter Amendments

Section 6.02. Procedure to amend.

Additional items for Review:

A. A global change throughout the Charter regarding Public Notice requirements by electronic means.

B. Open Government

**OTHER BUSINESS/GENERAL DISCUSSION**

A. NONE

**SCHEDULE OF FUTURE MEETINGS**

A. COMMISSION MEETING*
MONDAY, MARCH 28, 2022, 9:00 A.M., COUNCIL CHAMBER

*This meeting date has been set if needed by the Commission.

**ADJOURNMENT**

I. ANY PERSON WISHING TO ADDRESS THE CHARTER REVISION COMMISSION ON AN ITEM ON THIS AGENDA IS ASKED TO REGISTER WITH THE VILLAGE CLERK PRIOR TO THAT ITEM BEING HEARD. PRIOR TO MAKING A STATEMENT, PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.

II. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS PROCEEDING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE VILLAGE CLERK, 88 WEST MCINTYRE STREET, KEY BISCAYNE, FLORIDA 33149, TELEPHONE NUMBER (305) 365-5506, NOT LATER THAN TWO BUSINESS DAYS PRIOR TO SUCH PROCEEDINGS.

III. IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CHARTER REVISION COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY 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 (F.S.286.0105).

IV. IN ACCORDANCE WITH VILLAGE CODE SECTION 2-161, ADOPTING SECTION 2-11.1(s) OF THE MIAMI-DADE COUNTY CODE, ANY PERSON ENGAGING IN LOBBYING ACTIVITIES, AS DEFINED THEREIN, MUST REGISTER AT THE VILLAGE CLERK'S OFFICE BEFORE ADDRESSING THE CHARTER REVISION COMMISSION ON THE ABOVE MATTERS OR ENGAGING IN LOBBYING ACTIVITIES.

V. ONE OR MORE COUNCILMEMBERS MAY ATTEND THIS MEETING.

**THE ABOVE MEETINGS ARE HELD IN THE COUNCIL CHAMBER, 560 CRANDON BOULEVARD AND ARE SUBJECT TO CHANGE. ZONING MEETINGS AND SPECIAL COUNCIL MEETINGS WILL BE SCHEDULED ON AN AS NEEDED BASIS. PLEASE VISIT www.keybiscayne.fl.gov TO VIEW THE MEETING SCHEDULE.**

MINUTES

CHARTER REVISION COMMISSION
VILLAGE OF KEY BISCAYNE, FLORIDA

TUESDAY, MARCH 1, 2022

COUNCIL CHAMBER
560 CRANDON BOULEVARD

The meeting was called to order by the Chairman at 9:03 a.m. Present were Commission Members Jennifer Buttrick, Marco Gomez, Joe Rasco, Vice Chairman Jud Kurlancheek and Chairman Allison McCormick. Also present were Village Manager Steven C. Williamson, Village Clerk Jocelyn B. Koch and Village Attorneys Chad Friedman and Roger Pou.

Chairman McCormick led the Pledge of Allegiance.

> Chairman McCormick opened for public comments. Betty Conroy, 785 Crandon Boulevard addressed the Commission. Chairman McCormick closed public comments.

Chairman McCormick addressed the Commission stating that Chief Financial Officer Benjamin Nussbaum and Building, Zoning and Planning Director Jeremy Calleros Gauger are in attendance to answer any questions regarding the debt cap or zoning items that will be reviewed at the March 10, 2022 Commission Meeting for possible Charter amendments. Chairman McCormick also stated the Commission will most likely need to meet at the March 28, 2022 Commission Meeting to review final ballot language.

Member Rasco addressed the Manager regarding revenue. The Manager addressed the Commission regarding the percentage of revenue and denominators for revenue. There was extensive discussion from the Commission regarding the above items and possible Charter amendments so that items could be approved by a supermajority vote of Council and possibly excluding resiliency projects, the debt cap percentage amount and if the Village should have a debt cap. Attorney Pou will report back on supermajority votes of Council at the March 10, 2022 Commission Meeting.

CFO Nussbaum addressed the Commission regarding the existing debt cap which is the assessed taxable value of the Village at $8.3 Billion which allows for $83 Million of borrowing and that the Village currently has $9 Million dollars of outstanding debt. CFO Nussbaum stated that there are three different scenarios one could review: (1) leave it as a percentage of the assessed value which could be 1%, 2% or 3% (2) or as a percentage of operating expenses so that debt cannot exceed 5%, 10% or 15% (3) or maybe exclude the general obligation debt altogether. Municipalities do one of the three scenarios above if they even have a debt cap at all. There was extensive discussion from the Commission regarding the above items.

Chairman McCormick addressed the Commission requesting that Commission Member's report back at the March 10, 2022 Commission Meeting with one's philosophical standing on the debt cap. Chairman McCormick addressed CFO Nussbaum requesting an email on the options presented this morning so that the Commission can review this information before the March 10, 2022 Commission Meeting. The Manager addressed the Commission requesting if there are any additional questions to please let him know so that the information can be prepared for the Commission's review.

There was discussion from the Commission regarding the historical context of the debt cap's adoption into the Charter.

Director Calleros Gauger addressed the Commission regarding land use and zoning regulations and requested flexibility in the zoning code to address resiliency and sea rise issues. There was extensive discussion from the Commission regarding the above items and if the administration could report back on specific language options to propose or recommend at the March 10, 2022 Commission Meeting. Attorney Pou stated that the attorneys will work with staff regarding any proposed Charter amendment language for Section 4.15.

Attorney Friedman addressed the Commission regarding supermajority votes of Council and recommended not having a proposed requirement be a unanimous one.

Chairman McCormick made a motion to approve the minutes of the March 1st Commission Meeting. The motion was seconded by Member Gomez and approved by a 5-0 voice vote. The vote was as follows: Commission Members Buttrick, Gomez, Rasco, Vice Chairman Kurlancheek and Chairman McCormick voting Yes.

## Article V

**Section 5.01** *Elections* -
Chairman McCormick addressed the Commission regarding having a percentage of voter approval for elected representatives, running for seats, narrowing down candidates in a Primary election and wanting to make the election process a positive one but that it is not the job of the Charter but the job of the community. There was extensive discussion from the Commission regarding the above items, Primary elections having lower voter turnouts and runoffs. It was the consensus of the Commission to place Section 5.01 on the agenda for the March 10, 2022 Commission Meeting.

**Section 5.02** *Initiative and referendum*-no discussion
**Section 5.03** *Form of ballots* – no discussion

## Article VI

**Section 6.01** *Charter Amendments*-no discussion

**Section 6.02** *Procedure to amend* – Member Buttrick addressed the Commission regarding public comments given earlier in the evening and possibly adding language to this section clarifying that a Charter Revision Commission is another mode in making charter amendments. Attorneys Pou and Friedman stated there would be no real legal effect because this provision for the Charter Revision Commission is covered in Section 7.06. Attorney Friedman recommended if the Commission wanted to proceed with this clarification, the proposed language should state that Charter amendments should be in the form of a resolution and not an ordinance. It was the consensus of the Commission to place Section 6.02 on the agenda for the March 10, 2022 Commission Meeting.

**Section 6.03** *Form of ballot* – no discussion

## Article VII

**Section 7.01** *No casino gambling*-
Vice Chairman Kurlancheek addressed Attorneys Pou and Friedman regarding the above section and internet gambling. Attorney Friedman addressed Vice Chairman Kurlancheek stating that casino gambling is considered a physical presence. There was no further discussion regarding this section.

**Section 7.02** *Severability*- no discussion
**Section 7.03** *Conflicts of interest; ethical standards*- no discussion
**Section 7.04** *Village personnel system; merit principle*- no discussion
**Section 7.05** *Grants and charitable contributions*- no discussion

**Section 7.06** *Charter revision*-
Attorney Friedman addressed the Commission stating that Member Buttrick, in reviewing the 2012 election results, pointed out that the Charter was not accurate and that the proposed ballot question of having a Charter Revision Commission review the Charter every 10 years instead of every 5 years had actually failed. The former Clerk had sent the 2012 election results to the codifier, but the codifier made an error, and the result was that there was not a Charter Revision Commission in 2017. The current Clerk is addressing this issue with the codifiers. There was discussion from the Commission regarding a possible Charter amendment to review every 10 years instead of every 5 years. It was the consensus of the Commission not to further review this section for a proposed Charter amendment.

**Section 7.07** *Variation of pronouns*- no discussion

At this time Chairman McCormick addressed the Commission requesting if there are any further items to be discussed regarding any of the sections of the Charter.

Member Rasco addressed the Attorneys requesting research on how other cities conduct Primary elections and how the process works. Attorney Pou addressed the Commission regarding the above items and will report back at the March 10, 2022 Commission Meeting.

Member Buttrick addressed the Commission regarding the above items and maximizing voter turnout.

Member Buttrick addressed the Commission regarding Section 4.11 and requesting clarification that this provision does not interfere with the Village's ability to participate with Miami-Dade County on addressing the current situation with the Rickenbacker Causeway. Attorney Pou addressed the Commission stating that he did not think this section prohibited the Village and that the impetus regarding this section had to do with municipal revenue sharing regarding ad-valorem taxes county-wide. Member Rasco addressed the Commission regarding the above items and utility taxes. Attorney Friedman will report back on the historical context of the above section at the March 10, 2022 Commission Meeting.

Vice Chairman Kurlancheek addressed the Commission regarding Article VIII. Attorney Friedman stated Article VIII is kept for historical records and does not contain any operational provisions of the Charter. There was discussion from Attorney Friedman and Vice Chairman Kurlancheek regarding having the Clerk speak with the codifiers to possibly remove Article VIII. Vice Chairman Kurlancheek withdrew the request.

Member Rasco addressed the Commission regarding Section 2.05 and vacancies. Attorney Friedman addressed the Commission regarding the following items: vacancies being a two-step process, the resign to run law, the effective date of the vacancy and special elections. There was extensive discussion from the Commission regarding the above items, the history of Mayor's running uncontested in the Village and the length of Mayoral terms. It was the consensus of the Commission not to further review this section for a proposed Charter amendment.

Member Buttrick addressed the Commission requesting to confirm the agenda items to be discussed at the March 10, 2022 Commission Meeting. There was discussion from the Commission, Attorneys Friedman and Pou and the Manager confirming the agenda items for the March 10, 2022 Commission Meeting.

Attorney Friedman addressed the Commission stating proposed Charter amendments may affect multiple sections in the Charter.

Member Buttrick addressed the Commission regarding the debt cap ballot question and that the ballot question did not include what the debt cap percentage amount would be and that the ballot question passed by 168 votes. Attorney Friedman stated that ballot questions are limited to 75 words. There was discussion from the Commission, Attorney Friedman and the Manager regarding

the above items. Attorney Friedman will report back at the March 10, 2022 Commission Meeting regarding the historical context of this ballot question and amendment.

Member Buttrick addressed the Commission regarding a public comment given at a prior Commission meeting regarding open government and including this as a possible amendment to the Charter. Vice Chairman Kurlancheek addressed the Commission regarding Sunshine Meetings and having these meetings held in Village Hall, televised and/ or audio recorded, having appropriate staff attend, minutes taken by the Clerk or by other means and public notice posted on the website. Attorney Friedman addressed the Commission stating that a memo had been issued regarding Sunshine Meetings and gave a brief overview of the memo and the process for Sunshine Meetings held by Miami-Dade County. Member Buttrick asked the Attorneys inquiring if other municipalities in Miami-Dade County have open government addressed in their Charters. There was discussion from the Commission and Attorney Friedman regarding the above items and Citizens Bill of Rights. Attorney Friedman will report back on these above items at the March 10, 2022 Commission Meeting.

Member Rasco requested that the Sunshine Meeting memo be distributed to the Commission.

There was discussion from the Commission requesting that the Attorneys circulate Miami-Dade County's Citizens Bill of Rights and any others from local municipalities i.e.: South Miami and Palmetto Bay.

It was the consensus of the Commission to add open government for a possible Charter amendment for the March 10, 2022 Commission Meeting.

Attorney Friedman addressed Vice Chairman Kurlancheek requesting if the Vice Chairman could report back on specifics for a proposed Charter amendment for Sunshine Meetings. Member Rasco addressed the Commission regarding the above item and stated to not be too restrictive in a proposed Charter amendment due to emergency situations.

The meeting was adjourned at 10:55 a.m.

***Respectfully submitted:***

_____

***Jocelyn B. Koch***
***Village Clerk***

***Approved by the Commission***
***this _____ day of _____2022:***

_____

***Allison McCormick***
***Chairman***

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