

Ad Hoc Charter Review Board (CRB)

Members:

Stephen Zack, Esq., Chair
Jonathan Beloff, Vice-Chair
Richard Alhadeff
Sherry Kaplan Roberts
Rick Kendle
Sarah Johnston
Richard "Rick" J. Preira

Appointed by:

Mayor Philip Levine
Commissioner Joy Malakoff
Commissioner Micky Steinberg
Commissioner Michael Grieco
Commissioner Edward L. Tobin
Commissioner Deede Weithorn
Commissioner Jonah Wolfson

Staff:

Jose Smith, City Attorney
Debora Turner, First Assistant City Attorney
Gary M. Held, First Assistant City Attorney
Donald Papy, Chief Deputy City Attorney
Rafael E. Granado, City Clerk
Liliam Hatfield, OAV, City Clerk's Office

MINUTES

Friday, February 21, 2014 at 4:30 p.m.
City Manager's Large Conference Room, 4th Floor, City Hall
Email: CharterReview@miamibeachfl.gov

Special Note: In order to ensure adequate consideration, if necessary, the members of the Miami Beach Ad Hoc Charter Review Board may move any agenda item to another meeting date. In addition, the members of the Miami Beach Ad Hoc Charter Review Board may, at their discretion, adjourn the Miami Beach Ad Hoc Charter Review Board meeting without reaching all agenda items.

Meeting commenced at 4:45 p.m. All board members were present.

1. Approve the February 3, 2014 CRB minutes.

ACTION: Motion made by Board Member Beloff; seconded by Mr. Kendle to approve the minutes of February 3, 2014; Voice-vote: 7-0.

2. Board Member Orientation – Debora Turner, First Assistant City Attorney.

ACTION: Each board member and City staff introduced himself or herself. Debora Turner, First Assistant City Attorney, offered to give a refresher course on Sunshine Laws and Public Records if anyone required it, and members were encouraged to contact Ms. Turner regarding any legal questions they may have.

3. Selection of Vice-Chair.

ACTION: Ms. Kaplan Roberts nominated Jonathan Beloff as Vice-Chair, seconded by Board Member Kendle; Voice-vote: 7-0.

Discussion held.

Chair Zack explained that the CRB meeting is being videotaped for transparency. He added that the CRB's jurisdiction ends May 2, 2014. Ms. Turner explained that an extension of the CRB would require a resolution by the City Commission. Chair Zack added that at the CRB meeting of February 3, 2014, Commissioner Malakoff discussed the issue of having a committee periodically review the City's boards. Chair Zack suggested at that time that this could be a function of the CRB.

TO DO: CRB extension issues and additional functions, if any, to be placed in a future agenda, if deemed necessary.

Board Member Kaplan Roberts suggested that since this is a new group, they could start by reviewing some of the issues the 2012/2013 Ad Hoc Charter Review And Revision Board discussed to get additional feedback. She asked the status of Miami Beach United's (MBU) proposed Charter Amendment, and Chair Zack clarified that the MBU Charter amendment draft contained language problems, it was vague and lacked definitions of many terms. Gary Held, First Assistant City Attorney, worked with MBU representatives, but the item was tabled by the 2012/2013 Ad Hoc Charter Review And Revision Board. Mr. Zack added that he does not believe it is necessary to include MBU's proposals in the Bill of Rights.

4. Discussion Of Charter Amendments Proposed By The 2012/2013 Ad Hoc Charter Review And Revision Board, Which Was Created Pursuant To Resolution 2012-28072:

I. Proposed Amendments To The Bill Of Rights –

(A) 18 Ethics *in Government*.

ACTION: Motion made by Vice-Chair Beloff, seconded by Board Member Kaplan Roberts to remove this item in its entirety from the agenda, as it is redundant and unnecessary. **Item removed.**

II. Proposed Charter Section Amendments

A. Section 2.02 – *Compensation –*

ACTION: Motion made to remove the issue of salary increase and CPI adjustment and to research the issue of the stipend received by elected officials. **Debora Turner to handle.**

Motion 1: Motion made by Board Member Kendle, seconded by Vice-Chair Beloff to remove salary increase and the CPI, Voice-vote: 7-0. **Salary Increase and CPI adjustment issue removed.**

Motion 2: Motion made by Board Member Kendle to look at the \$1,500 stipend received by Commissioners, and have the Office of the City Attorney review; seconded by Board Member Kaplan Roberts; Voice-vote: 7-0. **Debora Turner to research.**

Chair Zack summarized the previous discussions held by **the 2012/2013 Ad Hoc Charter Review And Revision Board** regarding compensation, and added that the voters typically vote "no" on any type of salary increase.

Discussion continued regarding compensation and salary. Board Member Kendle proposed to make the salary increase for the year 2020, so that Miami Beach voters will not think the Commissioners want to increase the salaries for themselves. CPI

adjustments were discussed and there was unanimous consensus not to further discuss the salary increase.

Board Member Kendle stated that currently many people could not afford to run for office because the salaries for the City's elected officials are too low. Mr. Kendle added that a resident of Miami Beach could not afford to be elected as a City Commissioner or Mayor without being independently wealthy.

Board Member Johnston mentioned that voters will not agree to a "salary increase," and voters will not be receptive to it.

Board Member Kendle added that the 1099 tax form elected officials receive for their stipend does not seem to be correct. Discussion on the 1099 tax form continued.

- B. Section 2.02 – *Term (Term Limits)* – The term of office of the Mayor shall be two (2) years. The term of office of the City Commissioners shall be four (4) years.

ACTION: See Item No. 7 (Voter Reform). Motion made by Member Kaplan Roberts to approve the item with language that includes that at no time, under no circumstances, shall any individual serve more than 14 years as Mayor and/or Commissioner; seconded by Vice-Chair Beloff to approve as amended. Approved by acclamation. **Item to be placed at the March 10, 2014 CRB Agenda, with final language from the City Attorney's Office. Debora Turner to handle.**

Discussion held.

Vice-Chair Beloff, for the record, stated that the fourth line where it reads two terms (eight consecutive years) and **their** term... the word "their" should be substituted with "the."

- C. Section 2.07 – *Vacancies in the City Commission* –
ACTION: Item tabled.

Discussion held regarding the period of 120 days allowed for the special election.

Debora Turner, First Assistant City Attorney, explained that the County is in charge of holding elections.

Rafael E. Granado, City Clerk, stated that the City has to ask permission from the County in order to hold an election.

- D. Sections 3.01, 4.01, 4.03 Referring To *Compensation and Salary of the City Attorney, City Manager and City Clerk.*
ACTION: Approved by acclamation.

5. Discussion of Timeframe:

Rafael E. Granado, City Clerk, clarified that May 2, 2014 is the deadline for the Committee's final recommendation to the City Commission; no later than June 6, 2014 for passage of Resolution(s) calling for an August 26, 2014 Special Election; and no later than August 5, 2014 for passage of Resolution(s) calling for a November 4, 2014 Election.

6. Establish Future Meeting Dates And Times.

ACTION: The following dates were reserved for CRB meetings:

- ✓ Monday, March 10, 2014 and
- ✓ Monday, March 17, 2014.

The following items were discussed:

a. **Voter Reform**

ACTION: Board Member Kaplan Roberts stated voter reform could be grouped with the term limit discussion. **Item to be discussed at the next 2 upcoming CRB meetings, March 10 and 17, 2014.**

Board Member Kaplan Roberts suggested inviting Victor Diaz to speak on voter reform.

Rafael E. Granado, City Clerk, asked if the Board could suggest speakers on this item. He stated that in the past the Elections Department has not been receptive to speak on the subject.

b. **Request To Revise Citizens Bill Of Rights** – Discussion lead by Board Member Alhadeff. See Exhibit “A.”

Changing the term “Bill of Rights” to “Declaration of Rights.” Member Kaplan Roberts suggested comparing Bill of Rights language with the revised language as proposed by Member Alhadeff to see what changes had been made.

c. **Casino Gambling On Miami Beach**

ACTION: Discussion held. Member Kaplan Roberts expressed her opposition to gambling in Miami Beach, but the Board agreed that this be discussed at a future meeting, adding language in the Charter stating that the only gambling in Miami Beach allowed would be if the residents approve it via a referendum. **Debora Turner to draft language. Rafael E. Granado to place in the March 10, 2014 CRB agenda.**

Chair Zack disclosed his business relationship with Steve Winn and recused himself from the discussion.

d. **Inspector General With Subpoena Power.**

ACTION: Chair Zack deferred the item.

e. **Attendance Requirement For Committee/Board Members** – Discussion lead by Board Member Kaplan Roberts. Debora Turner, First Assistant City Attorney, explained that this is a Code amendment. **Item deleted from Board’s discussion.**

f. **Land Use Boards – Simple Majority When Only Five Members Or Appointment Of Alternates To The Land Use Boards.** (Suggested topic by Commissioner Malakoff.)

TO DO: Invite Gary Held, First Assistant City Attorney when item is discussed.

ACTION: Board Member Kaplan Roberts explained the limited powers of the boards. Rafael E. Granado, City Clerk, clarified that the reason for this item being on the agenda is that there is a lobbying component that Commissioner Malakoff wants to change, and that requires a Charter change. **Gary Held to handle.**

Chair Zack explained that Commissioner Malakoff requested allowing more professionals to sit on the board without being considered a conflict of interest. Discussion continued regarding simple versus supermajority majority.

Vice-Chair Beloff suggested considering, if it is a short board, reducing the required votes. **Gary Held to draft proposed language.**

Debora Turner, First Assistant City Attorney, explained that this item requires a Code amendment and requires a policy decision and the only one affected would be the Board of Adjustment, which is in the Special Related Acts, and it would mandate a referendum requirement. Discussion continued.

Vice-Chair Beloff suggested adding the issue of marine anchoring. **Gary Held to handle.**

- g. **Discuss Telephone Attendance At Board/Committee Meetings – ACTION:** Item deleted from the CRB Agenda per legal opinion. See handouts.

ADDITIONAL ITEMS:

- h. **Traffic Plan Concerns.** Proponent Chair Zack. **Rafael E. Granado to place at the next meeting.**
- i. **Protecting US Coast Guard From Encroachments.** Proponent Rick Kendle. **Rafael E. Granado to place at the next meeting.**

Member Preira suggested discussing the issue of medicinal marijuana. Ms. Turner explained that a straw ballot question had passed at the 2013 election, but the Commission has not passed a resolution urging the State or the Federal governments to authorize the administration of medicinal marijuana. Discussion continued. The members agreed that this item is premature to discuss.

LIST OF ITEMS FOR FUTURE DISCUSSION:

Add language in the Charter Re: Gambling/Referendum
Land Use Boards – Simple Majority – Gary Held to present
Protect US Coast Guard from Encroachments – Proponent R. Kendle
Revise Citizens Bill of Rights – “Declaration of Rights” – Proponent R. Alhadeff
Section 2.02 – Term (Term Limits) – Debora Turner To Present
Inspector General/Subpoena Power – Proponent R. Kendle
Traffic Plan Concerns – Proponent Chair Zack
Voter reform – Proponent Member Kaplan Roberts

Joanne Bondi spoke.

Meeting adjourned at 6:00 p.m.

Handouts or Reference Materials:

1. Memorandum from Jose Smith, City Attorney, to Ad Hoc Charter Review Board, dated February 21, 2014, RE: Telephonic Participation by Board Members at Board Meetings.
2. Email from Richard Alhadeff regarding flooding language.
3. Section 112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys. 2013 Florida Statutes.