

CITY OF MIAMI BEACH

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CITY CHARTER REVIEW BOARD Minutes of May 6, 2003 Meeting

Board Members in attendance:

Chairman Steve Zack
Vice-Chair Jonathan Beloff
Ricky Arriola, Esq.
Larry Herrup, CPA
Abraham Laeser, Esq.

Board Liaison Personnel

Jean Olin, Deputy City Attorney
Robert E. Parcher, City Clerk
Liliam R. Hatfield, Secretary to City Clerk

Meeting called to order at 5:30 p.m.

Chairman Zack informed the Board Members that the City Commission had adopted Resolution 2002-25201 at its April 30, 2003 meeting, amending Resolution 2003-25124, so as to enlarge its powers of review to include the City's Related Special Acts portion of the City Code.

I. APPROVAL OF MINUTES

ACTION: Motion made by Vice-Chair Beloff; seconded by Member Herrup to approve the minutes of the meeting of April 23, 2003. Vote: 5-0. Absent: Members Diaz and Gelber.

II. ISSUES FOR DISCUSSION

1. BILL OF RIGHTS

A) Diversity

Chairman Zack spoke regarding the Human Rights Ordinance in existence in Miami Beach. Donald Papy, Chief Deputy City Attorney, explained that this ordinance addresses anti-discrimination areas in a broad sense, including government service, which protects the citizens from discrimination on race, color, national origin, religion, sex, sexual orientation, disability, marital status, familial status or age. The proposal is to add some form of protection in our Citizen's Bill of Rights. He suggested inserting the following language in (a), immediately preceding the words "... the following rights are guaranteed": "regardless of race, color, national origin, religion, sex, sexual orientation, disability, marital status, familial status or age..."

Vice-Chair Beloff suggested adding language "**to not discriminate**" before language which reads "based upon race, religion, etc."

Member Herrup requested the section of the Bill of Rights and suggested language to be included in the form of a draft for Board Members' deliberation.

Morris Sunshine suggested removing "**other non-merit factors**" from the language. Vice-Chair Beloff asked to have the revised language available at the next meeting removing "other non-merit factors."

B) Sunshine Law

Jean Olin explained that the Florida Constitution has a section that guarantees citizen's right to be present at meetings in which formal action is to take place, and although that language is not presently in the City's Bill of Rights, in essence is applicable to this municipality as well, whether in the Charter or not. It is mandated by State Statute.

C) Customer Service Plan

Jorge Gonzalez, City Manager, explained the City's efforts in ensuring Customer Service and suggested that rather than including a long-term Departmental plan in the Charter, as suggested by Member Herrup, to have a policy/plan with flexibility as to amend accordingly when necessary. Chairman Zack suggested adding to the preamble of the Bill of Rights that customers are treated with respect and in a fair manner.

Mike Burke spoke.

D) Natural Resources and Scenic Beauty

Al Childress, Code Enforcement Director, explained the City's efforts towards ensuring compliance of Miami-Dade County noise ordinance to prevent problems with excessive noise. Discussion held. Jean Olin, Deputy City Attorney, stated that the Code Enforcement Department complies with Miami-Dade County noise ordinance.

Dr. Morris Sunshine spoke.

2. MISCELLANEOUS

A) Telephonic Participation

Member Laeser suggested changing the word "telephonic" to "electronic" due to the changes and advances in technology. Discussion held. Jean Olin, Deputy City Attorney explained the Attorney General's opinion on this subject and suggested amending Chapter 2 of the City Code if there is a supermajority vote from the Members. Chairman Zack requested Deputy City Attorney Jean Olin to report back at the meeting of May 13, as of the procedure to request an opinion from the Attorney General, regarding the electronic participation of this committee as long as the quorum is present.

B) Conflict of Interest

Vice-Chair Beloff, proposer of this issue, stated that after reviewing the City, County and State Statutes, he felt that there was no need to expand the Charter and withdrew this item from the agenda.

Robert Meyers, Executive Director, Miami-Dade Commission on Ethics, spoke.

PUBLIC COMMENTS:

There was a good and welfare where the public was provided an opportunity to speak.

Chairman Zack stated that the items for the next agenda would include:

1) Election Reform

- a. Runoff Election
- b. Residency Requirement
- c. Change Election Date to Even Years

2. Zoning Reform

- a. Sec. 1.03 (b)
- b. Sec. 1.03 (c)
- c. ZBA – 5 to 7

III. ADJOURNMENT

Meeting adjourned at 7:30 p.m.

The next meeting is scheduled **May 13, 2003 at 5:30 p.m.** in the Commission Chambers.

REP:JO/lh