



City Clerk's Office

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**CITY CHARTER REVIEW BOARD
Minutes of May 20, 2004 Meeting**

Board Members in attendance:

Chairman Steve Zack
Vice-Chair Jonathan Beloff (Absent)
Board Member Ricky Arriola
Board Member Victor Diaz
Board Member Larry Herrup (Absent)
Board Member Abraham Laeser
Board Member Seymour Gelber (Absent)

Board Liaison Personnel

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

Meeting called to order at 4:23 p.m.

Absent: Vice-Chair Beloff, and Members Gelber and Herrup.

Chairman Zack explained that no action will be taken today due to the lack of five members present; however, the meeting will be held and speakers will be heard.

I. APPROVAL OF MINUTES OF APRIL 22, 2004

ACTION: Motion made by Member Diaz; seconded by Member Arriola; to approve the minutes of April 22, 2004. Vote: 4-0. Absent: Vice-Chair Beloff and Members Gelber and Herrup.

II. ISSUES FOR DELIBERATION

A. Personnel Board:

Related Special Acts, Art IV – Personnel Board

Discussion held. Member Diaz explained that Jorge Gonzalez, City Manager, in his proposed list of revisions to the Charter, recommended deleting that part of the Charter that provides for a Personnel Board procedure. This was discussed but action was never taken. At the last meeting, there was a vote to move that issue forward to discuss for recommendation to the Commission.

Jorge Gonzalez, City Manager, explained that the Personnel Board under the Related Special Acts has essentially ultimate authority over Human Resources Director and Human Resources budget, and he would like these matters considered by the CRB. Regarding disciplinary issues, he thought there was a better way to handle the remedy by having a hearing examiner. He never recommended eliminating the Personnel Board entirely from the Related Special Acts. There are things the Personnel Board can and should continue to do, such as when new jobs are created, grading job classification, etc, but when it comes to disciplinary hearings and establishing minimum standards for the requirements of the job, it's better to have skilled and professional individuals provide this function.

Discussion continued.

Member Diaz explained that the following powers of the Planning Board were discussed and voted on (6-0) at the meeting of February 2, 2004:

- 1) **Appointing and Terminating the Human Resources Director - RSA. Art. IV, (Sec. 11)**
- 2) **Budget – RSA – Art. IV, (Sec. 12 A)**
- 3) **Amend City Personnel Rules – RSA – Art. IV, (Sec 12 B)**

Section 12 (D) and (E) are issues currently for discussion, to decide whether to eliminate any role of the Personnel Board regarding hearing appeals for being the enforcement mechanism for compliance with personnel procedures, and/or the Board can discuss, if that is eliminated, whether we need to have a Personnel Board that continues to review classifications and pay scales.

Kathlyn Phillips, representing Fraternal Order of Police (FOP) and International Association of Fire Fighters (IAFF) spoke. She stated that before directly appealing disciplinary action to the Personnel Board, the Unions agreed to substitute for that hearing purpose only the hearing officer, but specifically reserving the right to go to the Personnel Board with respect to grievances of certain non-disciplinary matters such as disagreements as to the waiving or application of changes to personnel rules or other work rules or policies which may be filed before the Personnel Board.

Linda Gonzalez, City of Miami Beach Office of Labor Relations, distributed a Disciplinary Action Graph which is an overview of what Ms. Phillips explained. Ms. Gonzalez also informed the Board that AFSCME has expressed their interest in the disciplinary process approved by both Police and Fire.

Member Diaz stated that it would be imprudent to abolish the Personnel Board entirely and that at a minimum it would be prudent to reserve to the Personnel Board those duties which the City negotiated and agreed to allow the Board to retain. It seems wiser for the employees to have professionals who are trained in labor relations who have specific training and course work and experience in handling labor dispute and engaging in fact finding exercises, to be the vehicle that the employee has, as opposed to putting lay people, who despite their best intentions are not versed in dispute or labor laws, and that is why it seems a good idea to create as the alternative disciplinary rule a Hearing Officer, as opposed to the Personnel Board.

Richard McKinnon, CWA Union President, spoke.

Member Diaz stated that the Charter Review Board will present at a future date the Personnel Board issue, those that had been previously voted on as well as pending issues, grouped together in order to present to the City Commission.

B. Charter Section 2.02

Good Government Issues

Member Diaz explained the issues of good government to include increasing the salary of the Mayor and Commissioners in order to fairly compensate them for their responsibilities, and expanding the prohibitions that they operate under while in office and after they leave office in terms of their ability to profit, directly or indirectly by virtue of their office; and making it possible for

people not independently wealthy to run for office or be able to run for office. Other issues, such as campaign financing, expenditure caps on elections and other issues can be written into the City Charter. The CRB asked Legal to look to see at what other communities have done.

Jean Olin, Deputy City Attorney, stated the one municipality in Florida that seems to be the most progressive on those issues is the City of Aventura. Generally speaking, the Florida Statutes provide that a City Commissioner or Mayor may not have any employment or contractual relationship with any entity which is subject to the regulation or presently doing business with the City. Aventura has gone beyond that, by prohibiting certain contracts with entities that have already done business with the City. Commissioner Garcia proposed two years ago some restrictions on contractual relationships of elected officials during the remaining of their term as well as post term, but the issue was never acted on. This City Commission passed a law that states that Commissioners cannot have any contractual relationship with any entity which is coming before the Commission for business and they cannot have a contract with any entity that is considering doing business with the City.

Discussion continued.

Chairman Zack requested a full review of the State Ethics Code and various "Good Government Ordinances" in place, not only in South Florida, but throughout the country, to see what those types of governments are doing to be provided at the next meeting. He added that there needs to be more transparency in government, and the disclosure part of the issue is one that is important. He excused himself from the meeting at 5:25 p.m.

Jean Olin, Deputy City Attorney, asked for guidance from the Board to compile materials for the next meeting.

Some of the cities suggested to look at were Cambridge, Massachusetts, New York, (Conflict of Interest), Oregon, Maryland and San Francisco.

C. District Representation

David Kelsey, the proponent, was not in attendance. Item deferred.

III. ADJOURNMENT

Meeting adjourned at 5:50 p.m.

The City Clerk's Office Secretary will coordinate the next meeting date.

PUBLIC COMMENTS:

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

REP:JO/lh

Attachment: Sign-In Sheet

Disciplinary Action Process Graph