



## CITY CHARTER REVIEW BOARD Minutes of May 29, 2003 Meeting

### Board Members in attendance :

Chairman Steve Zack  
Vice-Chair Jonathan Beloff  
Ricky Arriola, Esq.  
Victor Diaz, Esq.  
Abraham Laeser, Esq.

### Board Liaison Personnel

Jean Olin, Deputy City Attorney  
Robert E. Parcher, City Clerk  
Maria E. Martinez, Secretary to City Clerk

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Meeting called to order at 5:00 p.m.

Chairman Zack informed the public that voting on the approved issues will take place at the next meeting of June 10, 2003.

### I. APPROVAL OF MINUTES

**ACTION:** Motion made by Member Diaz, seconded by Vice-Chair Beloff to approve the minutes of May 13, 2003 were approved as amended, substituting the word "appalled" with "upheld" under 1B. Absent: Members Herrup and Gelber.

### II. ISSUES FOR DISCUSSION

#### 1. ELECTION REFORM

##### A) Runoff Election

David Leahy, Supervisor of Elections, Miami-Dade County explained that the new system mandated by the Florida Legislature requires Absentee ballots to be optically scanned, which takes approximately one week to prepare after the General Election. It was recommended a minimum of two -week turnaround for runoff date. His recommendation is a minimum of two weeks, although ideally one month is beneficial to the voters because of the Absentee ballots process time.

##### B) Change Election date to even years

David Leahy explained the advantages and disadvantages of changing the election date to even years. His recommendation to keep the election date at odd numbered years and move towards a consolidated March municipal election schedule, such as Broward County.

Member Diaz, trying to determine if even or odd years voting get more participation, requested that the Elections Department provide the Board with the most number of voters voting in Municipal Elections. He also asked when Miami Beach election year was change to odd years.

##### Instant Runoff Voting (IRV)

Alan Kobrin, Innovations and Democracy Chair of the Miami-Dade Elections Reform Coalition, made a presentation and showed a video produced by the League of Women Voters.

Carol Van Arx , Program Chair of the League of Women Voters, spoke.

##### Handout Materials:

- 1) Brochure "Instant Runoff Voting," The Center for Voting & Democracy, 6930 Carroll Ave., Suite 610, Takoma Park, MD 20912 305-270-4616 [info@fairvote.org](mailto:info@fairvote.org).
- 2) Article from View magazine titled "Making Every Vote Count" by Leif Utne, dated May-June, 2003.
- 3) Webpage from flsenate.gov, Senate 1544: Relating to Primary Elections, dated 5/14/03.
- 4) Article from "The Atlanta Journal-Constitution" dated April 11, 2003, titled, "Save time, money with instant runoffs."
- 5) Article from "South Florida Sun-Sentinel" dated March 25, 2003, titled "Majority Would Really Rule."
- 6) Article from Palm Beach Post, dated December 14, 2003, titled "Let voters express will through instant runoffs."

- 7) Article from St. Petersburg Times dated September 17, 2001, titled "Instant runoff is still possible – A Times Editorial."
- 8) Article from "The Nation" dated May 27, 2003, titled "Let's Go IRV!" by Jim Hightower.
- 9) Article from USA Today, dated November 29, 2003, titled "Election Day replay poses avoidable problems."

## **2) FORM OF GOVERNMENT/COMMISSION POWERS**

### **A) Strong Mayor (Ch. §1.01)**

Mr. Vernon Garraway spoke in favor of strong Mayor form of government.  
Minnette Benson spoke against the strong Mayor form of government.  
Mike Burke spoke in favor of a strong executive Mayor form of government.  
Dr. Morris Sunshine spoke opposing the Strong Mayor form of government.

#### **Handout material:**

- 1) Letter from Mr. Vernon Belle Garraway addressed to Mr. Stephen N. Zack, Chairman, Charter Review Committee, dated 19<sup>th</sup> May, 2003.

### **B) Increase Mayor's Term (Ch. §2.02)**

Not discussed.

### **C) Increase Salaries/Extending the prohibition against lobbying – Good government (Ch. §2.02)**

Member Diaz stated that in trying to eliminate corruption and lobbyist influence, City officials should be compensated with a full-time salary and in exchange, they will be prohibited, their family members and associate of a firm to engage in any kind of lobbying activity for an indefinite period of time in an attempt to attract more people to public service.

Chairman Zack requested the Legal Department to advise on what is the strongest ethical prohibition that can be legally enforced. It has to be narrowly tailored and should have a certain period of time; the problem is the "revolving door."

### **D) Delete Subpoena Power (Ch. §2.03)**

Member Laeser stated that the problem with the City Commission having subpoena power is when the Commission is given this power of policing, it creates the potential that the person gets immunity as a result of the action. The subpoena power has not been used for ten years, but it is recommended to be deleted from the Charter.

Jo Asmundsson spoke in favor of deleting subpoena power.

## **3) CITY MANAGER/ADMINISTRATIVE CHANGES**

### **A) Department Directors Not Confirmed by Commission (Ch. §4.02) (i) and (Ch. §4.02) (b)**

Mayra Diaz Buttacavoli, Assistant City Manager, spoke. It is recommended:

- 1) deleting the language in Section 4.02 (b) "with the consent of the City Commission."
- 2) changing the language in Section 4.02 (i) "subject to the ~~approval~~ review of the City Attorney."

### **B) Amend Charter to consider long term economic impact when adopting Resolutions and allocating funds (Ch. §5.02)**

This item was placed on the Agenda by the City's Budget Advisory Committee. Item deferred due to the absence of Member Herrup.

### **C) Public Library (Ch. Art. II)**

Mayra Diaz Buttacavoli, Assistant City Manager, explained the changes that have taken place since 1949. The City Manager's recommendation is that the article be revised to represent the actions taken in 1986. Member Diaz stated that the Legislature (passed this last session) empowered the communities to create local

school boards. Member Diaz suggested finding out what the final legislative action was and perhaps this could replace Article II. Member Diaz requested Ms. Buttacavoli ask the City Manager for feedback on the subject.

Note: The interlocal Library agreement between the City and the County needs to be reviewed.

**D) Municipal Projects (Ch. Art. III) Sec. 7**

The Administration recommends that this is better addressed in the City Code and should be deleted from the Charter.

Member Diaz requested Deputy City Attorney to research the status of this section, as this seems to have been deleted.

Chairman Zack requested Ms. Olin, Deputy City Attorney, to explain, for the public, the differences between the City Charter and the Related Special Acts (RSA).

**E) Certain officers and employees constituted civil service employees (Ch. Art. IV Sec 9)**

It is the recommendation of the Administration to remove this Article and create a Personnel Advisory Board to advise the City on Human Resources matters. This should be within the Code, Chapter II.

Donald Papy, Chief Deputy City Attorney, spoke.

**F) Personnel Board (Ch. Art IV Sec 12)**

The recommendation of the Administration is to remove the entire section from the Charter.

**G) Health Plan for city officers and employees (Ch. Art V)**

This article required 50% participation by both the City and member; this changed by referendum. With the changes in health coverage challenges, it is the recommendation of the Administration to delete this Article and address this issue in the City Code rather than the RSA in order to provide better management health costs.

**PUBLIC COMMENTS:**

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

Minnette Benson spoke.

Dr. Morris Sunshine spoke.

**III. ADJOURNMENT**

Meeting adjourned at 7:40 p.m.

The next meeting is scheduled for **June 3, 2003 from 4:30 p.m. to 5:30 p.m.** in the Mayor's Conference Room. The final scheduled meeting to advertise will be June 10, 2003 at 4:30 p.m. at the same location.

**June 10, 2003 Agenda Items:**

Presentation to be given by Jorge Gomez, Planning Director and Gary Held, First Assistant City Attorney on the issues of FAR and public land.

Deliberation on approved issues

REP:JO/lh

Attachment: Sign-In Sheet