

Charter Review & Revision Board

Members:

Stephen Zack, Esq., Chair
Aaron Perry, Vice Chair
Scott Diffenderfer
Jacqueline Lalonde
Rick Kendle
Alex Fernandez
Richard "Rick" J. Preira

Appointed by:

Mayor Matti Herrera Bower
Commissioner Jerry Libbin
Commissioner Jorge R. Exposito
Commissioner Michael Góngora
Commissioner Edward L. Tobin
Commissioner Deede Weithorn
Commissioner Jonah Wolfson

Staff:

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

Meeting Agenda

Wednesday, October 2, 2013 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 Charter Review & Revision Board may move any agenda item to another meeting date. In addition, the members of the Charter Review & Revision Board may, at their discretion, adjourn the Charter Review & Revision Board meeting without reaching all agenda items.

1. **Accept Minutes Of The September 9, 2013 Charter Review & Revision Board Meeting.** (See Item 1, Page 7)
2. **Report: Promoting CRB Issues – Article That Will Appear In MB Magazine.** Rafael E. Granado, City Clerk, to present. (See Item 2, Page 15)
3. **Report Of Memorandum Presented By The City Attorney To The City Commission On September 30, 2013, Regarding The Florida Third District Court Of Appeal Decision In: Let Miami Beach Decide V. City Of Miami Beach And SBACE, LLC, Third District Court Of Appeal, Case #3D13-2243; Lower Tribunal Case No. 13-025234 CA13.** (See Item 3, Page 19)
4. **Section 2.02 – Compensation** - Review the amendments to the Compensation Section drafted by the City Attorney's Office at the request of the CRB. Debora Turner to present.
 - a. **Discussion Of Pensionable Benefits** – Don Papy, Chief Deputy City Attorney, to present

5. **Preservation of Beaches** – Proponent Rick Preira
 - a. **Section 1.03 – Power of City** – Proponent Rick Kendle
(Items deferred from September 9, 2013)
6. **Section 2.07 – Vacancies In City Commission** - Review the amendments to the Section drafted by the City Attorney’s Office at the request of the CRB. Debora Turner to present.
(Item not reached on September 9, 2013)
7. **Discussion Of Section 2.07 – Vacancies In City Commission Relating To Succession For The Office Of The Mayor In The Event Of A Vacancy** – Proponent Alex Fernandez
(Item not reached on September 9, 2013)
8. **Discussion Of Section 2.02 – Term** - Item added to the agenda by acclamation during the August 19, 2013 CRB meeting.
 - a. Discussion of the Term of Office for the Mayor (currently it is two years).
 - b. Discussion of Term Limits
(Items not reached on September 9, 2013)
9. **Discussion Of Section 6.03 – Qualifying**
 - a. **Discussion of residency requirements** - Proponent Jacqueline Lalonde
 - b. **Discussion regarding adding a resign to run provision for Land Use Board Members who become candidates for elective office** – Proponent Alex Fernandez
(Items not reached on September 9, 2013)
10. **Items Requested By CRB Member Fernandez To Be Added To The List Of Discussion Item.** (See Item 10, Page 23).
(Item not reached on September 9, 2013)
11. **Schedule additional meeting dates.**

NEIGHBORS CALENDAR

• **CALENDAR, FROM 16NE**

of a nationwide celebration in the U.S.

6:30 p.m. Sept. 26. Colony Theater, 1040 Lincoln Rd., Miami Beach. Free. 305-433-5848.

turkishfilmfestivals-usa.com.
IDENTITY Media's Fashion + Beauty Fix at Hoxton: Celebrates fashion and it's Hoxton Urban Beach House Ladies Night. Event is hosted by Andrea Chediak, fashion correspondent, who shares her industry secrets. Cocktails provided by Little Black Dress Vodka, manicures by celebrity manicurist Ingrid Burke, makeup makeovers by Melanie Rodriguez plus a music performance by Problem Kids plus shopping.

7 p.m. Sept. 26. The Hoxton, 1111 SW First Ave., Brickell. Complimentary RSVP Encouraged. 786-281-3259. fashionandbeautyfix-es2.eventbrite.com/?rank=1.

FASHION

Macy's Presents Fall's Five Essentials: Macy's presents Fall's Five Essentials-key pieces that say fall 2013! Our stylist will show you how easily these 5 essentials will update your wardrobe for fall. Plus learn fa.

2 p.m. Sept. 28. Macy's, 7303 SW 88th St., Free.

bit.ly/MacysFallFashion13.

Modeling Everglades National Park:

11:30 a.m. Sept. 26. 94 Th Aero Squadron Restaurant, 1395 N. Red Rd., Miami International Airport.

FILM

Clean Guys of Comedy Encore:

7:30 p.m. Sept. 26. Regal South Beach Stadium 18, 1120 Lincoln Rd., Miami Beach. 305-673-6766.

7:30 p.m. Sept. 26. Cinebistro at Dolphin Mall, 11471 NW 12th St.,

7:30 p.m. Sept. 26. Movies @ The Falls 12, 9000 SW 136th St., Kendall. 305-255-5200.

7:30 p.m. Sept. 26. Cobb Miami Lakes 17, 6711 Main St., Miami Lakes. 305-558-3810.

Def Leppard Viva Hysteria Concert: Def Leppard plays at The Joint at the Hard Rock Hotel, Las Vegas.

8 p.m. Oct. 2. Regal South Beach Stadium 18, 1120 Lincoln Rd., Miami Beach. 305-673-6766.

8 p.m. Oct. 2. AMC Sunset Place 24, 5701 Sunset Dr. Suite 300, South Miami. 888-262-4386.

8 p.m. Oct. 2. AMC Aventura 24, 19501 Biscayne Blvd., Aventura. 305-466-0450.

8 p.m. Oct. 2. Cobb Dolphin 19 Cinemas, 11471 NW 12th St., 305-591-0785.

Film Screening of "Tea" by Mario Garcia Torres: Pérez Art Museum Miami and Miami Beach Cinematheque present this film with an introduction by the artist. This film essay documents artist Torres' journey to One Hotel in Kabu.

3 p.m. Sept. 28. Miami Beach Cinematheque at Historic City Hall, 1130 Washington Ave., Miami Beach. \$10; \$9 students and seniors; \$8 PAMM and MBC members. 786-345-5643. www.pamm.org/calendar/2013/film-screening-tea-mario-garcia-torres.

L'Estate di Martino Outdoor Screening: Monthly courtyard screening to celebrate 2013 as the Year of Italian Culture in the U.S. Film is an award-winning, romantic drama directed by Massimo Natale. In Italian English subtitles.

8 p.m. Sept. 28. Coral Gables Museum, 285 Aragon Ave., Coral Gables. Free. 306-603-8067. www.coralgablesmuseum.org.

Paragon Theaters Girl's Movie Night Out - "Don Jon": Grab your girlfriends and make a plan for Paragon Theater's Girl's Movie Night Out on Wednesday, October 2nd at 8 PM.

"Don Jon" stars Jon Martello (Joseph Gordon-Levitt) as.

8 p.m. Oct. 2. Paragon Grove 14 Theaters in Cocowalk, 3015 Grand Ave., Northeast Coconut Grove. \$15 includes ticket and medium popcorn. 305-446-6843. www.paragontheaters.com/p/girls-movie-night-out-donjon/.

Turkish Passport: Screening of Turkish Passport at Turkish Film Festivals-USA, Miami Beach.

7 p.m. Sept. 26. Colony Theater,

1040 Lincoln Rd., Miami Beach. FREE. 305-433-5848.

turkishfilmfestivals-usa.com/.
Unstoppable: A Live Event With Kirk Cameron: Kirk Cameron discusses the moral origins of good and evil and their historical significance today.

7 p.m. Oct. 3. Regal South Beach Stadium 18, 1120 Lincoln Rd., Miami Beach. 305-673-6766.

Unstoppable: A Live Event With Kirk Cameron 2nd Showing: Actor Kirk Cameron investigates the moral origins of good and evil and their significance today. Includes an introduction by Cameron.

7 p.m. Oct. 3. Cobb Dolphin 19 Cinemas, 11471 NW 12th St., 305-591-0785.

7 p.m. Oct. 3. AMC Aventura 24, 19501 Biscayne Blvd., Aventura. 305-466-0450.

7 p.m. Oct. 3. Cobb Miami Lakes 17, 6711 Main St., Miami Lakes. 305-558-3810.

FOOD & DINING

Ladies Night To Karaoke: Karaoke is hosted by South Florida performer Simona Popescu and features drink specials for the ladies: \$2 Miller Lite Drafts, Well Drinks & Frozen Margaritas from 7 p.m.-midnight.

9 p.m. Oct. 2. Brother Jimmy's BBQ Miami, 900 S. Miami Ave.,

• **TURN TO CALENDAR, 22NE**

MIAMI BEACH

CHARTER REVIEW AND REVISION BOARD MEETINGS NOTICE

NOTICE IS HEREBY given that the Miami Beach Charter Review and Revision Board will meet as follows:

DATES	TIMES	LOCATION
Wednesday, October 2, 2013	4:30 PM	City Manager's Large Conference Room, 4th Floor, City Hall
Monday, October 21, 2013	4:30 PM	Commission Chambers, Third Floor, City Hall

City Hall is located at 1700 Convention Center Drive, Miami Beach, Florida, 33139.

Pursuant to Section 8.01 of the Miami Beach City Charter, review of the Charter shall occur every ten years. The Charter Review Board (CRB) has been formed for the purpose of reviewing the City Charter, seeking public input thereon, and eventually presenting its recommendation to the Miami Beach City Commission.

Please visit the Charter Review Board's website at <http://www.miamibeachfl.gov/scroll.aspx?id=72572> for the latest meeting information and agendas.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to CharterReview@miamibeachfl.gov, or by mail to Charter Review Board, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Inquiries may also be directed to the City Clerk at 305.673.7411.

One or more members of the Miami Beach City Commission may be in attendance and participate in discussions.

Rafael E. Granado, Esq., City Clerk

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by this Board with respect to any matter considered at this meeting or hearing, such person must 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. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities and/or any accommodation to review any document or participate in any City-sponsored proceeding, please contact us five days in advance at 305.673.7411 (voice) or TTY users may also call the Florida Relay Service at 711.

Ad #843

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ITEM 1

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MIAMIBEACH

Charter Review & Revision Board

Members:

Stephen Zack, Esq., Chair	-	Present
Aaron Perry, Vice Chair	-	Present
Scott Diffenderfer	-	Absent
Jacqueline Lalonde	-	Present
Rick Kendle	-	Present
Alex Fernandez	-	Present
Richard "Rick" J. Preira	-	Absent

Staff:

Donald Papy, Chief Deputy City Attorney	-	Present
Debora Turner, First Assistant City Attorney	-	Present
Rafael E. Granado, City Clerk	-	Present
Liliam Hatfield, OAV, City Clerk's Office	-	Present

MINUTES

Monday, September 9, 2013 at 4:30 p.m.
Commission Chambers, Third Floor, City Hall
Email: CharterReview@miamibeachfl.gov

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

Meeting called to order at 4:35:25 p.m. by Chair Zack.

Roll call by Rafael E. Granado, City Clerk. Member Diffenderfer notified the City Clerk by telephone that he will be late due to a conflict with another meeting; however, he was absent. Member Preira is also absent.

1. Accept Minutes Of The August 19, 2013 Charter Review & Revision Board Meeting.

Motion by Member Fernandez to approve the minutes; seconded by Vice-Chair Perry; Voice-vote: 5-0. Absent: Members Diffenderfer and Preira.

INFORMATIONAL ITEMS

Chair Zack asked when the traffic issue would be placed on the agenda, and City Clerk Granado explained that the Transportation & Parking Committee is meeting today, and since there were no future dates scheduled, the item is still pending.

Chair Zack informed that he met with Mayor Bower, at her request, to discuss the board's accomplishments, and the issue of whether the new Commission will extend jurisdiction until next year. A report will be given to the new Commission for their consideration. Mayor Bower expressed her gratitude to all CRB members for the work done.

2. Promoting CRB issues in social media – Nannette Rodriguez to present.

Chair Zack introduced the item.

Nannette Rodriguez, Communications Office Director, introduced the item and stated that they will include some articles on MB Magazine, on MBTV, and in addition, they will add something on the Employee Newsletter.

Vice-Chair Perry suggested promoting a synopsis of what the CRB has worked on and Ms. Rodriguez stated that users will be redirected to the CRB website, which already has a lot of information. Discussion held.

Ms. Rodriguez explained that traffic is a topic of interest for residents, especially in social media, and their department will share any comments made on social media.

Rafael E. Granado, City Clerk, added that a copy of the agenda is also sent to The Miami Herald.

Vice-Chair Perry suggested sending information to the Miami Beach News community newspaper.

Discussion continued.

Member Kendle suggested adding questions for future discussion on social media, and invite residents to attend meetings when discussed. She explained that they can definitely add this to the social media and report of any feedback received.

There was some discussion regarding the Charter Review email and that no recent correspondence has been received.

Member Fernandez stated, for the record, that the issue of getting more people to discuss these issues has come up many times, and the neighborhood associations are what bring people to the Chambers. He thinks they also need to do their part in speaking to sectors in the community that will help bring feedback and active members of the community to the Chambers.

Nannette Rodriguez explained that these meetings are televised and replayed.

Chair Zack stated that on average only 3% of people read the newspaper editorial pages and they get their communication through the Internet and the Social Media. How they communicate is problematic. The question is how to find a medium that will capture the public's attention. Nannette Rodriguez will promote meetings and CRB link on social media.

Announcement

Mr. Granado announced that there is a meeting scheduled after 6 PM in the Chambers.

Request from Member Fernandez

Member Fernandez explained that at previous meetings he had asked the City Manager to reach out to department heads to see if they had any recommendations for the CRB to take up as new items. He suggested following up on this item. **Rafael E. Granado to handle.**

3. Preservation Of Beaches – Proponent Rick Preira
Item deferred.

a. Section 1.03 – Power of City – Proponent Rick Kendle
Item not reached.

4. Section 2.02 – Term And Compensation - Review the amendments to the Compensation Section drafted by the City Attorney's Office at the request of the CRB. Debora Turner to present.

Debora Turner, First Assistant City Attorney, explained that the amendments proposed attempt to resolve the language issue with regard to compensation and salary, since there was compensation used in the title, and they defined it to mean salary and benefits, and also they have referred to the dollar amount that each Commissioner or the Mayor receives, they have referred to this as "the salary," and they have also provided that benefits shall also be provided via resolution or ordinance.

Discussion held. Chair Zack explained that compensation refers to salary and compensation, why should the language not be salary and benefits. Ms. Turner explained that the Mayor and Commission receive other types of benefits that are beyond the dollar value.

Chair Zack made a motion to replace language "salary" to "compensation." Discussion continued.

Member Lalonde explained that they need to include the disclosure of total compensation, and salary is a separate item. They want to vote on salary as being a dollar number and the rest is total compensation, in order to have a clear delineation of what salary is and a clear disclosure of compensation is, which will be salary plus benefits.

Discussion continued. Ms. Turner distributed Version 2 of the proposed text, which establishes based on today's dollars what the salary should be.

Ms. Lalonde asked if the annual disclosure for total compensation would be added in this paragraph, and Ms. Turner stated that it will be added. There was a lengthy discussion regarding language to define salary and compensation.

Ms. Turner clarified that the salary will be the same.

Member Lalonde suggested adding that the salaries will be approved via the budget process.

Chair Zack stated that they need two paragraphs: 1) defining compensation; "Compensation shall include salary and benefits; and benefits are defined as anything of value received by a Commissioner, including but not limited to expenses, travel, leave time, etc. All benefits must be approved by ordinance. This is one paragraph. Then 2) The annual salary of the Commission shall be \$6,000; two separate paragraphs might make it clear. Discussion continued regarding the definitions of benefits received and retained, stipends and salary/compensation.

Chair Zack explained that if a person receives a benefit, even if it is given away, it is received, either in the form of a charitable recognition or public relations promotion.

Discussion continued regarding expenses, receipt of tickets for events and “true” benefits and perks.

Discussion continued and Member Kindle suggested leaving the last paragraph that reads, “benefits and expenses for the Mayor and City Commission shall be approved by the City Commission by ordinance,” and suggested including “that the salaries be kept at \$6,000 and adjusted retroactively at this date per CIP.”

Member Lalonde agreed that the amended language should read, “the Office of Commissioners shall receive \$6,000 and adjusted retroactively based on CPI”; **Debora Turner, First Assistant City Attorney to provide draft of amended language.**

Discussion held about the definition of benefit (including allowances, stipend and/or expenses), and transparency issues.

MOTION ON BENEFITS AND COMPENSATION:

Motion by Member Kindle; seconded by Vice-Chair Perry, with amendments offered by Member Lalonde to amend language as follows: create two paragraphs to: 1) define compensation; “Compensation shall include salary, benefits and expense allowance; benefits are defined as anything of value received by a Commissioner, including but not limited to expenses, travel, leave time, etc. All benefits and allowance must be approved by ordinance; and 2) the annual salary of the Commission shall be \$6,000 retroactively adjusted to the annual CPI rate from 1966. Voice-vote: 5-0; Absent: Members Diffenderfer and Preira. **Don Papy, Chief Deputy City Attorney, to research pensionable benefits language.**

Question and answers period was held regarding pensionable allowance.

Don Papy, Chief Deputy City Attorney, stated that the way the Code is written, salary and other allowances language is broad.

Member Fernandez thinks that language should be added that “other allowances” are not pensionable. Discussion continued.

Mr. Papy explained that the pension ordinance requires amendment, and these are technical questions that require research. The pension calculation is made by the Pension Office.

Member Fernandez stated that they are proposing an increase based in CPI and also proposing that they approve benefits and allowances approved as part of the ordinances; he is requesting, regardless of what the Pension Ordinance reads, that these benefits are not going to be pensionable. Discussion continued. Don Papy

5. Section 2.07 – Vacancies in City Commission - Review the amendments to the Section drafted by the City Attorney’s Office at the request of the CRB. Debora Turner to present.

Item deferred by City Attorney’s Office.

6. Sections 3.01, 4.01 and 4.03 – City Attorney, City Manager and City Clerk – Review cleanup language to the Sections proposed by the City Attorney’s Office. Debora Turner to present.

Debora Turner, First Assistant City Attorney, distributed copies of Sections discussed with proposed amendments. She suggested clean up language to match how the language will go in accordance with the City Manager and City Clerk context. She added similar language to state: "the City Attorney shall be appointed by the City Commission." In addition, there is no word for compensation in the City Attorney's Office, and to make it uniform all three sections will include similar language. Compensation, the City Attorney's provision language deals with salary and other benefits and total packages, and she has added that to the City Attorney section.

MOTION:

Motion by Member Fernandez, seconded by Member Kindle to approve clean-up language for Sections 3.01, 4.01 and 4.03. Voice-vote: 5-0; Absent: Members Diffenderfer and Preira.

7. Discussion of Section 2.02 – Term And Compensation - Item added to the agenda by acclamation during the August 19, 2013 CRB meeting.

- a. Discussion of the Term of Office for the Mayor (currently it is two years).
- b. Discussion of Term Limits

Item not reached.

8. Discussion of Section 6.03 – Qualifying

- a. Discussion of residency requirements - Proponent Jacqueline Lalonde
- b. Discussion regarding adding a resign to run provision for Land Use Board Members who become candidates for elective office – Proponent Alex Fernandez

Item not reached.

9. Discussion of Section 2.07 – Vacancies In City Commission Relating To Succession For The Office Of The Mayor In The Event Of A Vacancy – Proponent Alex Fernandez

Item not reached.

10. Whistle Blowing Protection for Employees – Proponent Frank Del Vecchio.

Item withdrawn by Mr. Del Vecchio.

11. Items Requested By CRB Member Fernandez To Be Added To The List Of Discussion Item. (See Item 11, Page 27).

Item not reached.

12. Schedule additional meeting dates.

The next meetings were scheduled as follows:

Wednesday, October 2 at 4:30 p.m. in the City Manager's Large Conference Room, and Monday, October 21, 2013 at 4:30 p.m. in the Commission Chambers, Third Floor, City Hall.

PENDING ITEMS:

Inspector General – Proponent Rick Kendle

Chief Zack announced that he will apparently be unavailable during the week through the end of December, as he will be out of the City. He will notify when the assignment is confirmed, and he will be available via Skype or by phone. He recognized Mayor Bower in the audience, and he stated that he met with them over the weekend and had an interesting and positive discussion regarding Mayor salaries. The question of a new Chair was raised, but Chair Zack cannot disclose any more at this time.

Mayor Bower recognized the work done by the Board and thinks that the new Commission group will extend their jurisdiction for the betterment of the community.

Handouts or Reference Materials:

1. Proposed Charter Text – Version 1
2. Proposed Charter Text – Version 2
3. Proposed Charter Text – Sec. 3.01
4. Proposed Charter Text – Sec. 4.01 and Sec. 4.03

ITEM 2

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YOUR SPACE

The City of Miami Beach Charter establishes the rules by which our city operates; serving as the city's constitution. It begins with a Citizens' Bill of Rights, which guarantees important rights to all city residents, including access to government, truth in government, the right to be heard, the right to a public hearing, adequate audits and ethics in government.

Every 10 years, the Charter is reviewed by seven board members appointed by the City Commission known as the Charter Review Board (CRB). The CRB reviews the City Charter for relevancy, fairness and efficiency to help ensure the best governmental system possible for our city. They ultimately present their recommendations to the Miami Beach City Commission.

Most recently, the CRB recommended having ballot questions number **x** and **x** on the upcoming elections. *(See election guide, page x)*

Recent discussion items by the CRB include the election of officials by open seats, preserving the historical value of Miami Beach and whistle blowing protection for employees. Upcoming discussions, among others, will include the preservation of beaches, commission salary/compensation and term limits for mayor.

To learn more about the current charter review process and to provide public input, visit **QR CODE HERE**
<http://web.miamibeachfl.gov/cityclerk/scroll.aspx?id=72572>.

You can express public views by sending an email to CharterReview@miamibeachfl.gov or contact the City Clerk's Office at 305.673.7411.

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ITEM 3

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MIAMI BEACH

OFFICE OF THE CITY ATTORNEY

JOSE SMITH, CITY ATTORNEY

COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower
Members of the City Commission and
Jimmy Morales, City Manager
Rafael Granado, City Clerk

FROM: Jose Smith, City Attorney

DATE: September 24, 2013

SUBJECT: **Let Miami Beach Decide v. City of Miami Beach and SBACE, LLC,**
Third District Court of Appeal, Case # 3D13-2243;
Lower Tribunal Case No.13-025234 CA13

I recently forwarded a copy of the Third District Court of Appeal's Order in the above-referenced case. The appeal was filed by Let Miami Beach Decide ("LMBD"), seeking review of the trial court's August 28, 2013 Order approving the "Convention Center Project" and the Section 1.03 Charter Amendment ballot questions, and dismissing LMBD's Counterclaim seeking the removal of the Project question from the ballot

The Appellate Court ruled that City Charter Section 1.03 **requires approval by the City of the actual lease(s)** and its material terms prior to placing the issue on the ballot. In its ruling, the Court stated that its decision was based upon a need for voters to have sufficient information to cast their vote. The Court noted that terms such as the amount of rent; the amount and specific location and square footage of the properties to be leased; and the height of air rights being transferred, were material provisions of any final leases between the City and the developer, and that voters had a right to know these material terms, prior to voting on the Project ballot question. Without such information, the court held that voters are "simply not in a position to intelligently cast their ballots to approve or disapprove the lease."¹

Having determined that the "Convention Center Project" ballot question lacked the material terms of the Project leases, the Third District ordered that it be removed from the November 5th ballot. The court also ordered that the last line of the Charter Amendment ballot question (... "This Charter change inapplicable to 'Convention Center Project' question below") also be removed. In light of the September 21, 2013 deadline by which the City was required to inform the County Department of Elections of any changes/corrections to its November 5, 2013 Master Ballot, the City Clerk instructed the DOE of the subject changes, as mandated by the Third District.

¹ The Appeals Court held that this information could not be gleaned from SBACE's letter of intent (LOI), as the LOI, by its terms, is only a basis for negotiation and does not bind the parties.

Agenda Item R9A
Date 9-30-13

The City's November 5, 2013 ballot contains the Charter Amendment ballot question, as revised by the Third District (i.e. **without** the last line stating that the Charter Amendment does not apply to the Convention Center Project). Further, any future ballot question seeking voter approval of the City's Convention Center Project, must contain the material terms of the Project leases.

Please let me know if you have questions regarding the case.

JS/RA/ld/mmd

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ITEM 10

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RECEIVED

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OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM
CITY CLERK'S OFFICE

TO: Mr. Stephen Zach, Esq., Chairman
Mr. Ralf Granado, City Clerk

FROM: Alex J. Fernandez, CRB Member 

DATE: August 26, 2013

SUBJECT: Referral to Charter Review and Revisions Board

Gentlemen:

During the August 19th, 2013 meeting of the Charter Review and Revisions Board and I referred multiple items for discussion to which I would like to add the following:

1. Section 2.03 Powers of the City Commission

Amend the Powers of the City Commission to require that all increases to the pension benefits require a 5/7 vote of the City Commission until unfunded pension liability is retired or reduced to a less than nominal amount.

2. Section 3.01 City Attorney; Duties Generally; Appointment of Personnel

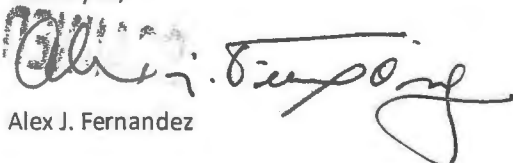
Discuss the possibility, benefits and drawbacks, of amending Section 3.01(h) to require input and/or consent of the City Commission prior to the City Attorney's expenditure of funds on outside legal counsel representing the City.

As a reminder, I referred the following items for discussion during last Monday's meeting:

- Adding a non-interference clause to the City Charter for the day to day operations of the City.
- Clarify Section 2.07, Vacancies in the City Commission, to detail succession for the Office of the Mayor in the event of a vacancy.
- Providing the Commission on Ethics and Public Trust with enforcement authority over the Miami Beach Citizens Bill of Rights to provide a free alternative to residents who cannot afford counsel for litigation.
- Require stricter reporting requirements for political organizations that engage in local Miami Beach elections.
- Expanding upon the State's resign to run law to require members of the City's Land Use Boards to resign from their current office prior to qualifying as a candidate for the office of City Commissioner or Mayor.

Should you have any questions and/or concerns, please do not hesitate to contact me at extension 6528.

Thank you,


Alex J. Fernandez

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