

TOWN OF CUTLER BAY 2018 CHARTER COMMISSION FINAL REPORT

Commission Members: Terry Long (Chair), Tim Meerbott (Vice-Chair), Abhijit Bhattacharyya, Stacy Cusano, Eduardo Wolmers.

Charter Officials: Town Attorney Mitchell Bierman, Town Attorney Haydee S. Sera, and Town Clerk Debra E. Eastman, MMC.

The 2018 Charter Commission met on January 11, 2018, January 31, 2018, February 7, 2018, February 28, 2018, and March 20, 2018. All sessions were recorded by the Town Clerk and minutes were taken by the Town Clerk and are available for review.

The Charter was reviewed in its entirety by the Commission, with Mitch Bierman and Haydee S. Sera providing counsel on proposals, to assure conformance with state and local laws. Ralph Casals and his staff provided detailed background materials as requested by the commission. All proposals and feedback provided by commission members or by the citizens of the Town, who were not members of the commission, were reviewed and discussed. The following proposals are the ones which a majority of commission members voted to bring forward for consideration by the Town Council, for inclusion in the Town Charter.

Current Charter

Commission Proposed Revisions in Blue

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| Section 2.3 (E) Term Limits”Notwithstanding the above the seat 1 council member, the seat 3 council member and the mayor elected in the 2005 election may serve for a maximum of eight (8) years and eight (8) months (until the 2014 election), the seat 2 council member and the vice-mayor elected in the 2005 election may serve for a maximum of six (6) years and eight (8) months (until the 2012 election).” | DELETE text as no longer applies to anyone currently in office.”Notwithstanding the above the seat 1 council member, the seat 3 council member and the mayor elected in the 2005 election may serve for a maximum of eight (8) years and eight (8) months (until the 2014 election), the seat 2 council member and the vice-mayor elected in the 2005 election may serve for a maximum of six (6) years and eight (8) months (until the 2012 election).” |
| Section 2.3 (E) Term Limits (2) “No person who has served the maximum time allowed under the above provisions | Revised Section 2.3 (E) Term Limits (2) “No person who has served the maximum time allowed under the above provisions shall be eligible to run for office again |

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| shall qualify to run or hold office again for a period of two years.” | until the next regularly scheduled election in the next even numbered year.” |
| Section 2.4 Qualifications Paragraph 2 line 7 “.....fourteen (14) days subsequent to the death, withdrawal or removal from the ballot of the original candidate. | Section 2.4 Qualifications Paragraph 2 line 7 “...fourteen (14) calendar days subsequent to the death, withdrawal or removal from the ballot of the original candidate. |
| Section 2.5 (B) Forfeiture of Office (1) Forfeiture by Disqualification The mayor, vice-mayor or council member shall forfeit his/her office if at any time during his/her term he/she: (a) ceases to maintain his/her permanent residence in the town. (b) in the case of a residential area council member, upon his/her ceasing to reside in his/her respective residential area, a residential area council member shall not forfeit his/her office under this paragraph if, in the process of relocating, within a residential area but within the town for a period of no more than 90 days. (c) intentionally commits any prohibited act pursuant to the charter as determined by a court of law. (d) otherwise ceases to be a qualified elector of the town. | Purpose: Avoid additional election costs and disruption associated with refilling a position mid-term. Proposing current (a) and (b) be combined and current (b) be modified as in blue below. (a) has not be modified, just combined. (c) and (d) would become (b) and (c) respectively. Section 2.5. (B) Forfeiture of Office (1) Forfeiture by Disqualification The mayor, vice-mayor or council member shall forfeit his/her office if at any time during his/her term he/she: " (a) ceases to maintain his/her permanent residence in the town. Provided however, that a residential council member who ceases to reside in his/her respective residential area during his/her term, but continues to reside within the town, shall not forfeit his/her office under this paragraph but shall continue to serve until the next regularly scheduled town election, at which time an election shall be held to fill the seat for the unexpired term or a new term, if applicable." (b) intentionally commits any prohibited act pursuant to the charter as determined by law. (c) otherwise ceases to be a qualified elector of the town. |
| Section 2.5 (C)(3) | Section 2.5 (C)(3) |

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| The appointment of the person to complete the term of vice-mayor shall be automatically rescinded | The appointment or election of the person to complete the term of vice-mayor shall be automatically rescinded. |
| <p>Section 2.6 Compensation; Reimbursement of Expenses</p> <p>District Council members and the vice-mayor shall receive compensation in the amount of \$599.99 per month and the mayor shall receive compensation in the amount of \$1,000 per month. Those payments shall be increased, but not decreased by CPI annually.</p> | <p>Section 2.6 Compensation; Reimbursement of Expenses</p> <p>District Council members and the vice-mayor shall receive compensation in the amount of \$599.99 per month and the mayor shall receive compensation in the amount of \$1,000 per month. Those payments shall be increased, but not decreased by the Consumer Price Index (CPI) annually. Incoming council members shall receive starting compensation at the current compensation amount, as of the date of the commencement of their terms, reflecting cumulative Consumer Price Index (CPI) increases since 2005.”</p> |
| The initials CPI wherever they occur in the Charter document | Spell out CPI (Consumer Price Index) wherever it occurs. Cleanup and clarification. |
| Recommendation by a communication method outside of the Charter. | Make the compensation package for the Mayor and Council members available to the public on an annual basis. This can be done on the website or other convenient source. |
| <p>ARTICLE III. ADMINISTRATIVE</p> <p>Section 3.13 Ordinance on Sexual Predators</p> <p>Move to Article IV Section 4.3 Ordinances</p> | <p>MOVE TO ARTICLE IV LEGISLATIVE</p> <p>From 3.13</p> <p>Section 4.3 Ordinances</p> <p>(B) Ordinance on Sexual Predators</p> <p>“The town shall have an ordinance dealing with sexual predators.....”</p> <p>Move to 4.3 as currently stated in ARTICLE III Section 3.13.</p> |
| <p>Section 4.1</p> <p>(A) Meetings</p> <p>The council shall hold at least 11 regular monthly meetings....</p> | <p>Section 4.1</p> <p>(A) Meetings</p> <p>The council shall hold at least 10 regular monthly meetings....</p> |
| <p>Section 5.2 (C)(3)</p> <p>Extraneous blank line</p> | <p>Section 5.2 (C)(3)</p> <p>Remove extraneous blank line as document cleanup item.</p> |
| 4.11 (C) Definitions | 4.11 (C) Definitions |

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| <p>i. "Debt" means ...except (a) any obligation required to be repaid in less than a year and which was incurred solely for emergency relief of natural disasters.</p> | <p>i. "Debt" means ...except (a) any obligation required to be repaid in less than a year and which was incurred solely for emergency relief of natural or human caused disasters.</p> |
| <p>ARTICLE VII Section 7.6 Lobbyists, Principals and Vendors</p> <p>(2) Disclose in writing all town government officials directly contacted by the lobbyist and any expenditures involved as defined by state law, before the public hearing.</p> <p>The ordinance shall also direct the town clerk the town council to make available to the town council, prior to any public hearing, on the event or matter for which a registered lobbyist may appear all disclosures required herein or as otherwise required by state or County law.</p> <p>.</p> | <p>ARTICLE VII Section 7.6 Lobbyists, Principals and Vendors</p> <p>(3) Disclose in writing all town government officials directly contacted by the lobbyist and any expenditures involved as defined by state law, before the public hearing.</p> <p>The ordinance shall also direct the town clerk to distribute to the town council and make available to the public all lobbyist reports, prior to any public hearing, on the event or matter for which a registered lobbyist may appear all disclosures required herein or as otherwise required by state or County law.</p> <p>Required disclosures shall be made part of the agenda package presented at the time the matter is scheduled to be discussed by the council. The burden of full disclosure shall be upon the principal who has hired the lobbyist and must be certified as true and correct by the principal before the item is heard.</p> |
| <p>Section 8.5 Initial Election of Town Council and Mayor</p> | <p>DELETE as only relevant to initial 2006 election.</p> |
| <p>Section 9.11 Formatting of Title Line to one line instead of two.</p> | <p>Section 9.11 Cleanup Move up the word Lives to same line as the rest of the section title.</p> |

Prepared by Terry C. Long, 2018 Chair