



Town of Cutler Bay

Town Hall
10720 Caribbean Blvd
Cutler Bay, FL 33189

Meeting Minutes Charter Revision Commission

COMMISSION MEMBERS

Chair Teresa Long

Vice Chair Timothy Meerbott

Commission Member Abhijit Bhattacharyya

Commission Member Stacy Cusano

Commission Member Eduardo Wolmers

CHARTER OFFICIALS

Town Attorney Mitchell Bierman

Town Attorney Haydee S. Sera

Town Clerk Debra E. Eastman, MMC

Wednesday, January 31, 2018

6:30 PM

Council Chambers

1. CALL TO ORDER AND ROLL CALL

Chairperson Terry Long called the meeting to order at 6:30 p.m.

Present 5 - Chair Teresa Long, Vice Chair Timothy Meerbott, Abhijit Bhattacharyya, Eduardo Wolmers, and Stacy Cusano

2. APPROVAL OF MINUTES

A. January 11, 2018 Charter Revision Commission Minutes

A motion was made by Tim Meerbott, seconded by Ed Wolmers, that the Minutes be approved. The motion carried by an unanimous vote. (5-0)

3. UNFINISHED BUSINESS

A. Change to Historic Notes - Order of Names Page 1, Paragraph 4

Terry Long requested the following change to the Historic Notes as mentioned at the prior Charter Revision Commission meeting:

Page 1, Paragraph 4

On December 7, 2011 pursuant to Section 6.2 of the Town Charter, the Town Council of the Town of Cutler Bay appointed a Charter Revision Commission to draft such amendments to the Town Charter as it deemed appropriate and to submit such proposed amendments to the Town Council. Council Member Peggy Bell (Non-voting Member), Barbara Condon (Chairperson), [remove Ed Wolmers,] Terry Long (Vice Chair), [add here Ed Wolmers,] Dennis Peterson and Timothy Meerbott served as the members of the Charter Revision Commission. Town Clerk Esther ...

B. Submittal of Form 1 to Town Clerk

No Action Necessary.

4. CHARTER REVIEW

A. Teresa Long

Terry Long recommended that the following language from Page 12, Section 2.3, E Term Limits was no longer necessary in the Town Charter and that it should be removed:

"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 service for a maximum of six (6) years and eight (8) months (until the 2012 election). Stacy Cusano made a motion to delete the above. The motion received a second from Abe Bhattacharyya. Tim Meerbott confirmed that the Town Attorney was in agreement. Terry Long called for the vote and the motion carried 5-0.

Terry Long discussed the following language from Page 12, Section 2.3, E Term Limits 3:

Delete the following as the term they were serving in 2012, has expired by April 12, 2016 at the latest.:

Except for those members holding office as of April 12, 2012, Updated 3) is below:

3) Any member who resigns from office prior to the completion of his or her term of office shall be deemed to have served all four years of the term, for the purposes of applying these term limits.

After review, Ms. Long withdrew the proposal and therefore, no action was taken.

Terry Long began a discussion regarding the compensation of the Mayor and Town Council and suggested that the compensation be raised but did not offer an amount. Town Attorney Haydee Sera provided a 2016 comparison of municipal wages for elected officials to the Commission. The Commission discussed and asked questions of COLA and CPI to Town Manager Ralph Casals. After discussion, Tim Meerbott made a motion to ask the Town Manager to provide the Commission with the salaries with the compounded CPI to date. The motion received a second from Ed Wolmers. Terry Long called for the vote and it carried 5-0.

Terry Long provided the following language from Page 19, Section 4.1 (A) Council Meeting Procedure:

"Current version

(A) Meetings. The Council shall hold at least 11 regular meetings

Revision – the Council did not meet in July or December in 2017

(A) Meetings. The Council shall hold at least 10 regular meetings in each calendar year."

Ms. Long explained that she is suggested that 10 regular meetings be held in each calendar year allowing for August and December off. After discussion, Tim Meerbott made a motion that the Town Council hold 10 regular monthly meetings in each calendar year. The motion received a second from Stacy Cusano. Terry Long called for the vote and it carried 4-1 with Ed Wolmers voting in opposition.

Terry Long questioned the following:

Section 4.11 Borrowing

Question: Should there be something in the charter regarding the need to float bonds at the Taxpayer's expense?

Town Manager Ralph Casals explained the difference between a traditional loan

and bonding. Terry Long proposed the following be added to the Town Charter: "(B) lii The incurrence of debt above the limits stated above will require a bond, the amount of which must be approved by Council and the registered voters of the Town in a general election." After discussion Tim Meerbott made a motion to defer this item and ask the Town Attorney to bring back some language on this matter for further discussion. The motion received a second from Abe Bhattacharyya. There was further discussion and Terry Long called for the vote on the motion and the motion carried 5-0.

Terry Long provided the following: 5.2 (C) (3) Petitions

Looks like there is an unintentional blank line before "h/she believes them to be the genuine..."

and it was agreed that the correction can be made by the Town Attorney in the working Charter document.

Terry Long suggested that section 8.5 be deleted and asked for the Town Attorney's opinion. Ms. Sera advised that this section can be deleted. Tim Meerbott made a motion to delete section 8.5 from the Town Charter. The motion received a second from Ed Wolmers. Terry Long called for the vote and the motion carried 5-0.

Terry Long suggested that in Section 9.5 the address of the Town Police Station be listed. After discussion, Ed Wolmers made a motion to add the address of the Town Police Station at Town Hall along with other services. The motion received a second from Abe Bhattacharyya. Town Attorney Haydee Sera advised caution in adding to this section. Terry Long, the proponent of the change withdrew the proposal and therefore, no action was taken.

Abe Bhattacharyya directed the Commission to Section 9.4 and Town Attorney Haydee Sera explained the original purpose for this section to be in the Charter. Ms. Sera will review the section and bring some language back to the Commission for discussion and all agreed to deferral for that purpose.

Terry Long provided reference to Section 9.10 Community Redevelopment. Town Manager Ralph Casals explained the reason for this section within the Charter. After discussion, Terry Long withdrew the proposal and therefore, no action was taken.

Abe Bhattacharyya identified a "scrivener's error" in the title of section 9.11 and it will be corrected as part of the clean up process.

Terry Long inquired about Appendix A and whether the boundaries of the Town of Cutler Bay have changed. There was no proposal of change and therefore, no action was taken.

B. Stacy Cusano

Stacy Cusano provided the following: Section 2.4 Qualifications
Paragraph 2

"I would like to add a limit to the additional qualifying periods, open to discussion for the amount of additional qualifying periods so for now I have just put "X". If I need to give an exactly amount that I am thinking about, I would replace X with 2."

"Proposed changes (...there is no deletion of content, just addition)

A vacancy in a candidacy for the office of mayor, vice-mayor or district council

member shall occur upon the death, withdrawal or removal of a candidate. If any qualified candidate dies, withdraws or is removed from the ballot following the end of the qualifying period, and in the event such action leaves fewer than two (2) candidates for that office, then the qualifying period for that particular office shall commence at noon on the day following the day that the vacancy in candidacy occurred, and additional qualification papers shall be available for that particular office in the office of the town clerk until noon, fourteen (14) calendar days subsequent to the death, withdrawal or removal from the ballot of the original candidate. No more than X additional requalifying periods will commence. A candidate who was a qualifying candidate at the beginning of the supplemental qualified period shall not be required to re-qualify during such period. The town council shall hold a special .."

Stacy explained that she is questioning how many times could qualifying reopen. After discussion Stacy indicated she would like to keep the number of days in the qualifying period to 14 calendar days. Tim Meerbott made a motion to add the word "calendar" after 14 and that there were no further changes to this section. The motion received a second from Ed Wolmers. Terry Long called for the vote and the motion carried 5-0.

C. Abhijit Bhattacharyya

Abhijit Bhattacharyya presented the following: Section 1.2 Form of Government. The town shall have a "council-manager" form of government. There was a discussion and explanation of this form of government. There was no proposal of change, therefore no action was taken.

Mr. Bhattacharyya withdrew his item Section 1.3 Corporate Boundary as the item had previously been discussed. He inquired as to whether there is a list of Town-owned properties that may be referred to by residents. Town Manager Ralph Casals offered to provide the list and to post it on the Town's website.

Mr. Bhattacharyya introduced Section 2.2 Town Council.

(A) Powers.

There shall be a town council (the "council ") vested with all legislative powers of the town. The council shall consist of the mayor, vice-mayor, and three residential council members ("council members").

He inquired as to whether the role of a Council Member should be defined as it is defined for the Mayor. There was no proposal for change, therefore no action was taken.

Mr. Bhattacharyya provided Section 2.2 Town Council.

(A) Powers.

.....The council may create and appoint committees of the council, which may include non-council members.

and inquired if a Council Member may be a member of a committee. Town Attorney Haydee Sera explained that they cannot due to an ordinance that was adopted that limits the Council's ability for participation on a committee. There was no proposal for change, therefore there was no action taken.

Mr. Bhattacharyya presented the following Section 2.3 Election, Term of Office and Term Limits.

(C) Residential Areas. Seats 1-3. The town shall be divided into three residential

areas.

There was a discussion as to the purpose of residential districts and that when elected as a Council Member from a seat, the person represents all of Town's people, and not just those in their residential district. There was no proposal for change, therefore there was no action taken.

Mr. Bhattacharyya provided Section 2.6 Compensation; Reimbursement for Expenses.

District council members and the vice-mayor

and asked about whether in this section the word "District" is appropriately used. There was no proposal for change, therefore there was no action taken.

Mr. Bhattacharyya provided Section 2.6 Compensation; Reimbursement for Expenses.

.....CPI annually.

and asked that CPI be spelled out here forward. It was agreed that was a change that could be made by Town Attorney Sera.

Mr. Bhattacharyya provided Section 3.3 Powers and Duties of the Town Manager. The town manager shall:

.....

(4) Ensure that all laws, provisions of this charter and directives of the council, subject to enforcement and/or administration by him/her or by employees subject to his/her direction

and supervision, are faithfully executed;

There was a discussion about how this section provides for the accountability of the Town Manager. There was no proposal for change, therefore there was no action.

Mr. Bhattacharyya provided Section 3.12 Grants

.....All grants are to be approved by the town manager.....

and asked about the approval of grants. Town Manager Ralph Casals explained. There was no proposal for change, therefore there was no action taken.

Mr. Bhattacharyya provided Section 3.13 Ordinance on Sexual Predators and inquired as to whether this appears in the appropriate section within the Town Charter. After discussion, a motion was made by Tim Meerbott to move this section to 3.13 Legal to Article IV. The motion received a second from Stacy Cusano. Terry Long called for the vote and the motion carried 5-0.

5. CONFIRMING DATE & TIME of NEXT MEETING

The next meeting will be held on February 7, 2018 at 6:30 p.m.

A. February 7, 2018 at 6:30 PM

6. PUBLIC COMMENTS

There were no public comments.

7. OTHER BUSINESS

A. 2012 Charter Revision Commission Proposed Actions

The 2012 Proposed Actions for Charter Amendments Removed from Final Resolution document was reviewed item by item with an explanation from Town Attorney Haydee Sera and discussion. No action was taken.

Town Attorney Sera indicated that she will bring items deferred back to the next meeting.

8. ADJOURNMENT

The meeting adjourned at 8:20 p.m.