



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, February 7, 2018

6:30 PM

Council Chambers

1. CALL TO ORDER AND ROLL CALL

Vice Chair, Tim Meerbott called the meeting to order at 6:35 p.m. The following members were present: Abi Bhattacharyya, Ed Wolmers and Stacy Cusano.

Terry Long joined the meeting at 7:25 p.m.

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

2. APPROVAL OF MINUTES

A. January 31, 2018 Charter Revision Commission Minutes

A motion was made by Stacy Cusano, seconded by Abi Bhattacharyya, that the Minutes be approved. The motion carried by an unanimous vote. (4-0) Terry Long was absent.

3. UNFINISHED BUSINESS

A. Town Attorney Updates

B. Section 2.6 Compensation; Reimbursement for Expenses Town Manager Update

There was a motion from Ed Wolmers which received a second from Abi Bhattacharyya to discuss section 2.6 Compensation; Reimbursement for Expenses. Vice Chair Meerbott called for the vote and the motion carried 4-0. Town Manager Ralph Casals, as part of the agenda, previously provided the compensation for the Mayor and Town Council from 2014 to date. There was discussion regarding the need for clarity to reflect that an incoming Council Members' salary is equal to the outgoing Council Member's salary. Further discussion took place after the arrival of Chair Terry Long. Ed Wolmers made a motion to amend the charter after the sentence that ends with "CPI annually" to add "incoming Council Members shall receive starting compensation at the current compensation amount as of the date of the

commencement of their terms, reflecting cumulative CPI increases since 2005". The motion received a second from Terry Long and Vice Chair Meerbott called for the vote and the motion carried 5-0.

C. · Section 4.11 Borrowing
Town Attorney Update

Town Attorney Mitch Bierman explained types of municipal borrowing, special fund creation, debt limits, bonds and methods of debt payment. Terry Long, who was the sponsor of this item originally, was not currently in attendance for the discussion and there was hesitation to take action at this time. There was extensive discussion about referendums, voter approval, types of loans and how this is all handled in other municipalities. Mr. Bierman suggested that his staff bond counsel could attend a future meeting. After discussion, it was decided that Ed Wolmers will email his questions to Mr. Bierman. Town Attorney Bierman will provide responses to the questions via email to the Charter Revision Commission and cautioned them to not respond. Vice Chair Meerbott requested that the Town Clerk inform Terry Long that she will be receiving this communication. Mr. Meerbott requested that Town Attorney Bierman provide language from other municipalities on this subject to the Charter Review Commission for their consideration.

A motion to end the discussion was made by Ed Wolmers. The motion received a second from Abi Bhattacharyya. Vice Chair Meerbott called for the vote and the motion passed 4-0.

D. · Section 9.4 Local Patrol Police Services
Town Attorney Update

Town Attorney Haydee Sera explained that a change to this section would result in going before the Board of County Commissioners for approval. Vice Chair Tim Meerbott withdrew the issue and as a result there was not further action.

4. CHARTER REVIEW

A. · Town Attorney's Charter Sections for Consideration
Section 2.3(E)(2)
Section 2.5(C)(3)
Section 4.11(C)(i)

Section 2.3(E)(2) Term Limits

Town Attorney Mitch Bierman provided information regarding the discussion of previous Charter Revision Commissions and how they reached the current language. A motion was made by Terry Long to discuss this item. The motion received a second from Ed Wolmers. Vice Chair Meerbott called for the vote and the motion carried 5-0. Based upon suggested language from the Town Attorney, it was moved by Terry Long to add the following to the Town Charter: "No person who has served the maximum time allowed under the above provisions shall be eligible to run for office again until the next regularly scheduled election in the next even numbered year." A second was provided by Ed Wolmers. Vice Chair Meerbott called for the vote and it carried 5-0.

Section 2.5(C)(3) Filling of Vacancies

Town Attorney Haydee Sera explained that in this section there should be a clarification to the last sentence of paragraph (C)(3) to add the words "election

or" to read as follows: "The election or appointment of the person to complete the term of the vice-mayor shall be automatically rescinded." After further explanation, a motion to adopt this change was made by Terry Long, which received a second from Stacy Cusano. Vice Chair Meerbott called for the vote and the motion carried 5-0.

Section 4.11 (c)(i) Borrowing

Town Attorney Haydee Sera explained that this section regarding debt is the same section that was discussed at length earlier. Legal is suggesting that the Charter Review Commission may wish to consider adding to section (i) human caused or terrorist caused disasters. After discussion, Town Attorney Bierman suggested that human caused would be sufficient to cover all. Terry Long made a motion to add "human caused" to the section. Abi Bhattacharyya provided a second. Vice Chair Meerbott called for the vote and the motion carried 5-0.

B. Eduardo Wolmers

Ed Wolmers indicated that the community has an interest in protecting wetlands. He inquired about putting the use or development of wetlands to a vote from a legal view. Town Attorney Mitch Bierman discussed the various levels of protection already applicable to wetlands property and the implications of adding an additional layer of restrictions or hoops. There was a discussion about the current referendum process provisions already provided in the Town Charter. It was decided that the Town Attorney will do further research regarding this and bring back this item for further discussion. A motion was made by Ed Wolmers to continue the discussion at a later date. The motion received a second from Terry Long. Vice Chair Meerbott called for the vote and the motion carried 5-0.

2015 Quarterly Report

Ed Wolmers explained that the inclusion of this item referred to the prior discussion on section 4.11 and that he will withdraw this item from further discussion. Because it was withdrawn by the sponsor, no action was taken.

Section 7.6 Lobbyists, Principals and Vendors

Ed Wolmers explained that he is suggesting a change to the Charter to distribute lobbyist reports, make them part of the agenda package and require the applicant to certify the reports as true and correct. A motion to discuss this item was made by Stacy Cusano and received a second from Abi Bhattacharyya. Vice Chair Meerbott called for the vote and the motion carried 5-0.

There was discussion on the current process and how Mr. Wolmers suggestion can be applied, whether someone can be prevented from speaking at a public hearing and who will be responsible to certify reports. After discussion, Ed Wolmers made a motion to strike out in the last sentence of Section 7.6(A) "make available", and to replace it with "the ordinance shall also direct the Town Clerk to distribute to the Town Council and make available to the public prior to any public hearing all lobbyist reports". The motion received a second from Terry Long. Vice Chair Meerbott called for the vote and the motion carried 5-0.

Ed Wolmers explained that he also would like to add the following: required disclosure shall also be made part of the agenda package at the time the matter is scheduled to be discussed by the Council and the burden of full disclosure falls upon the applicant and must be certified as true and correct by the applicant before the item is heard. There was discussion regarding the applicant, lobbyist for the applicant and other lobbyists that might be hired for different scenarios.

Ed Wolmers made a motion to insert the following: "Required disclosure shall be made part of the agenda item package presented at the time the matter is scheduled to be discussed by 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." The motion received a second from Terry Long. Vice Chair Meerbott called for the vote and the motion carried 5-0.

Golden Parachute

Ed Wolmers provided a document regarding Town Manager termination benefits policy and asked that the Committee review it for further discussion. The tenure and contract termination benefits of Town Managers were discussed along with applicable state law. The Town Attorney was requested to distribute the law regarding the cap on severance packages. It was agreed that this item will be discussed further at a later date.

5. CONFIRMING DATE & TIME of NEXT MEETING

- A. February 28, 2018 at 6:30 PM
To Adopt Commission Report For Submission to Town Council

The date and time of the next meeting was confirmed.

6. PUBLIC COMMENTS

Vice Chair Meerbott opened public comments. Mr. Tom Condon spoke in favor of keeping the term limit language to two years and not the next election, spoke in opposition to the wetlands referendum procedure and suggested that a three day cut off prior to a quasi-judicial proceeding could be imposed for lobbying. Stacy Cusano asked about Mr. Condon's email regarding allowing a sitting Council Member to finish their term if they moved to another district while sitting as a Council Member rather than requiring an election to fill the seat. Mr. Condon spoke in favor of that change.

7. OTHER BUSINESS

There was no other business.

8. ADJOURNMENT

The meeting adjourned at 8:53 p.m.