



CITY OF WEST MIAMI
MINUTES

CHARTER REVIEW BOARD MEETING

WEDNESDAY, JULY 9TH, 2014

5:30 PM

COMMISSION CHAMBERS
901 S.W. 62ND AVENUE
WEST MIAMI, FLORIDA

1. **PLEDGE OF ALLEGIANCE.** The City Attorney led the Pledge of Allegiance.
2. **ROLL CALL.** The Vice-Mayor called the meeting to order at 5:40 P.M. Present were Vice-Mayor Juan M. Blanes, Commissioner Rhonda A. Rodriguez, Commissioner Candida Blanca and Commissioner Luciano L. Suarez. Mayor Eduardo H. Muhiña was excused.

From the Charter Review Board present were Frank Hernandez, Ralph Orelle, Jr., Joan Parker, Irene Rodriguez and Alex Soto. Maria Diaz, Neyda Galvez, Evelyn Paz and Mitchell Zuriarrain were excused.

3. **CITIZENS PRESENTATIONS.** No presentations.
4. **APPROVAL OF MINUTES OF July 2nd, 2014:** Commissioner Rodriguez motioned to approve the Minutes as presented. The motion was seconded by Joan Parker. All voted in favor.
5. **UNFINISHED BUSINESS:**

A. Follow up on request by Mayor Muhiña at the Charter Review Board Meeting of June 25th, 2014 Re: To whom the City Clerk is answerable to?

The City Clerk informed a survey conducted by her office was included in the meeting packet, which was forwarded to Mayor Muhiña. The survey reflected that in the majority of municipalities in Miami-Dade County the City Clerk is answerable to the City Commission. The City Attorney also informed that inclusive in the "Charter Amendment Summary" submitted by his office was the information regarding a referendum held on April 12th, 1986 and approved by 69% of the voters as follows:

"Providing that the City Commission shall have the sole power of appointment and removal of the City Clerk to be answerable and under the supervision and control of the City Commission with no prohibition or direct communication, and that the City Manager may make recommendation to appoint the City Clerk.

Commissioner Blanca motioned in support of the item, seconded by Commissioner Rodriguez. All voted in favor.



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B. Follow up on proposed amendment question 13 deferred at the request of the City Attorney at the Charter Review Board Meeting of July 2nd, 2014:

Amendment 13. proposed at the July 2nd, 2014 meeting was as follows:

Article VIII - Transition Schedule

13. Shall Sections 8.1, 8.05, 8.06 and 8.07 referring to provision of chapters, special acts and provisions adopted in 1949 as well as first elections of commissioner and mayor and provisions adopted in 1978 and 1980 in conflict with the rest of the Charter and provisions of the proposed amendments be repealed?

Shall the above described amendment be approved?

- for approval against approval

The City Attorney informed that the question was reviewed by his office and the proposed amendment was included in the "SAMPLE AMENDMENT QUESTIONS ON ISSUED REVIEWED BY CHARTER REVIEW COMMITTEE as approved by CRB on 7/2/2014)" submitted to the consideration of the Charter Review Board on that evening as Amendment 7.

C. Follow up on proposed amendment question 14 deferred at the request of the City Attorney at the Charter Review Board Meeting of July 2nd, 2014:

14. Shall the schedule of elections remain to be conducted on the second Tuesday of April commencing with the April elections of 2014?

Shall the above described amendment be approved?

- for approval against approval



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The City Attorney informed that the question was reviewed by his office and the proposed amendment was included in the "SAMPLE AMENDMENT QUESTIONS ON ISSUES REVIEWED BY CHARTER REVIEW COMMITTEE as approved by CRB on 7/2/2014)" submitted to the consideration of the Charter Review Board on that evening as Amendment 8.

6. NEW BUSINESS

A. **Opening Remarks (City Mayor).** The Vice-Mayor gave the opening remarks.

B. **Schedule of next Charter Review Board meeting.** After a brief discussion all voted in favor of holding a meeting on Tuesday, July 15th, 2014 at 5:30 P.M.

NOTE FOR THE RECORD: At the Charter Review Board Meeting of July 2nd, 2014 the Board unanimously agreed to hold a meeting on July 9th, 2014 and if necessary on July 16th, 2014.

C. **Charter Questions on issues reviewed by the Charter Review Committee.**

NOTE : Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

The City Attorney proceeded to present to the Board the following:

**SAMPLE CHARTER QUESTIONS ON ISSUES REVIEWED BY CHARTER
REVIEW COMMITTEE
(as approved by CRB on 7/2/14)**

Article III, Section 3.02 – Qualifications to Hold Office

1. Shall sentence 1 and 2 of Article III, Section 3.02(a) and (b) be repealed and rewritten to read:



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(a) "Any elector who has been a resident for two (2) years preceding the qualifying date for an election may qualify for a candidacy of Mayor or City Commissioner by filing a written notice of candidacy with the City Clerk in such manner as prescribed by Ordinance and by paying the Clerk a qualifying fee and by complying with all city/county ordinances and state statutes."

(b) "The City Clerk acting as supervisor of elections of the City shall be empowered as the qualifying agent for city elections."

Shall the above described amendment be approved?

for approval against approval

Ralph Orelle, Jr. motioned in favor of keeping the foregoing Charter amendment proposal question on the ballot. The motion was seconded by Frank Hernandez. All were in favor.

~~Article III, Section 3.02 – Qualifications – Grounds for Forfeiture of Office~~

~~2. Shall the 3rd sentence of Article III, Section 3.02 be renumbered without changes to Section 3.05(b)?~~

~~Shall the above described amendment be approved?~~

~~for approval against approval~~

Commissioner Rodriguez motioned in favor of deleting the foregoing Charter amendment proposal question. The motion was seconded by Commissioner Blanca. All were in favor.



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Article III, Section 3.04 – Compensation and Expenses

3. Shall Article III, Section 3.04, paragraph 4 be amended to read, "The Commission may, at a regular called meeting and only by a 4/5 affirmative vote, approve expenses for Commission members for travel and/or per diem expenses, provided however, that such travel and per diem expenses are for the direct benefit and/or direct city business. Expenses for travel and per diem shall be limited as provided by the statutes of the State of Florida.

Shall the above described amendment be approved?

for approval

against approval

Commissioner Rodriguez motioned in favor of keeping the foregoing Charter amendment proposal question on the ballot. The motion was seconded by Frank Hernandez. All were in favor.

Article III, Section 3.07 – Referendum by Petition

4. Shall Article III, Section 3.07(5) be amended to read "when a referendum petition is filed with the City Clerk or other official designated by the Commission, the ordinance sought to be reconsidered shall be deemed valid until results from such referendum are certified.

Shall the above described amendment be approved?

for approval

against approval

Commissioner Rodriguez motioned in favor of keeping the foregoing Charter amendment proposal question on the ballot. The motion was seconded by Commissioner Blanca. All were in favor.



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Article III, Section 3.08 - Mayor and Vice-Mayor

5. Shall Article III, Section 3.08 be amended to delete that the Mayor executes contracts and deeds since these are duties of the City Manager?

Shall the above described amendment be approved?

for approval against approval

Commissioner Rodriguez motioned in favor of keeping the foregoing Charter amendment proposal question on the ballot. The motion was seconded by Commissioner Blanca. All were in favor.

Article VI, Section 6.04 - Recall

6. Shall Section 6.04 be amended to read, "The qualified electors of the City shall have the power to recall and remove from office any elected official of the City as provided by Florida statute, provided that in no event, such recall take place before the expiration of one year after such elected official has been elected?"

Shall the above described amendment be approved?

for approval against approval

Commissioner Rodriguez motioned in favor of keeping the foregoing Charter amendment proposal question on the ballot. The motion was seconded by Commissioner Suarez. All were in favor.



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Article VIII – Transition Schedule

7. Shall Sections 8.1, 8.05, 8.06 and 8.07 referring to provision of chapters, special acts and provisions adopted in 1949 as well as first elections of commissioner and mayor and provisions adopted in 1978 and 1980 in conflict with the rest of the Charter and provisions of the proposed amendments be repealed?

Shall the above described amendment be approved?

for approval against approval

8. Shall the schedule of elections remain to be conducted on the second Tuesday of April commencing with the April elections of 2014?

Shall the above described amendment be approved?

for approval against approval

Commissioner Rodriguez motioned in favor of reconsider the foregoing Charter amendment proposal. The motion was seconded by Vice-Mayor Blanes. All voted in favor.

7. **GOOD OF THE ORDER:** None

8. **ADJOURNMENT.** There being no further business before the Charter Review Board, the meeting was declared adjourned at 7:05 P.M.

RESPECTFULLY SUBMITTED BY ANNERY GONZALEZ, CITY CLERK