



Town of Surfside
Special Town Commission Meeting
MINUTES
August 2, 2023
5:00 PM
Commission Chambers

1. Opening

1.A Call to Order

Mayor Danzinger called the meeting to order at 5:02 p.m.

1.B Roll Call of Members

Town Clerk McCreedy called the roll with the following members present:

Present: Mayor Shlomo Danzinger, Vice Mayor Jeffrey Rose, Commissioner Fred Landsman, Commissioner Marianne Meisheid and Commissioner Nelly Velasquez.

Also Present: Town Attorney Lillian Arango, Town Attorney Tony Recio and Town Manager Hector Gomez.

1.C Pledge of Allegiance

Captain Marciante provided the pledge of allegiance.

2. Mayor, Commission and Staff Communication

Mayor Danzinger welcomed everyone today and thanked the members of the Charter Review Board. He provided a summary of why they are having this meeting and explained that every 10 years they have to review the charter. He spoke regarding maintaining decorum and having a productive meeting.

2.A Charter Review Board Report Presentation and Discussion

A motion was made by Vice Mayor Rose for purposes of discussion, seconded by Commissioner Meisheid.

Town Manager Gomez introduced the item and provided an overview of this meeting and reviewing the recommendations from the Charter Review Board.

Mayor Danzinger explained why they hold public comments first. Mayor Danzinger left the dais to retrieve his agenda.

Vice Mayor Rose opened the floor to public comments.

The following individuals from the public spoke:

Marta Olchek asked if they can choose some of the amendments or do they have to go with all the amendments and provided examples. She asked if they have to approve all of them or can they choose to approve some. She spoke regarding the salary for elected officials and the fact that went before the residents in the past and did not pass.

Mayor Danzinger returned to the dais. He called the next speaker.

Cynthia Callaway asked if they are looking at every single one and asked what the process is for today's meeting. She spoke regarding the time of the meetings. She stated that other proposed changes have been voted on by the residents in the past and they voted no and wants to know why the questions are being brought back.

Marta Amieva spoke regarding the changes being proposed and having checks and balances. She spoke regarding the amendment about buying and selling land. She is fine with the way the election is being conducted.

Mayor Danzinger reiterated that this is a process that by law they have to do a charter review every 10 years and today they are only deciding what is going to the voters. He stated the way they do it is by putting it out on the ballot and the process is it going to the residents. He wanted for the Town Attorney to clarify that nothing is being decided tonight.

Town Attorney Arango provided the process for tonight's meeting. She stated the process is set out in the Charter and is required to be reviewed every 10 years and it also says that the Commission shall appoint a Charter Review Board and they make recommendations to the Commission and then the Commission after public comment and commission discussion, decides the questions going on the ballot and they have a deadline they have to meet with the Miami Dade County Elections Department.

Commissioner Velasquez asked what they are voting on today will be what is going on the ballot.

Town Attorney Arango explained the process and they decide today what questions they want to go to the voters; the resolution will be brought back at another meeting and explained the entire process again.

George Kousoulas spoke regarding having too many amendments which are 10 and suggested reducing it to 3 or 4. He spoke regarding amendment 8 which is the Town Clerk and believes that one should stay. The second one is item 1 and how the houses are measured. He spoke regarding the meetings of the Charter Review Board not being televised.

Charles Burkett spoke regarding Mr. Jacobson being the Chair of the Charter Review Board and believes that there was no need to have 10 amendments. He spoke regarding the last ballot questions.

Eliana Salzhauer stated that she wanted the meetings to be video recorded and

spoke regarding the past ballot question results.

Gerardo Vildostegui stated that talking for 3 minutes for all items is not enough time. He spoke regarding the extended terms and believes that is not a good idea.

Paul O'Malley stated that the meetings at 5:00 p.m. are too early. He spoke regarding increasing the height of the buildings and asked which residents are demanding having taller buildings. He spoke regarding the extension of terms and the sale and leasing of land.

Laurie Swedroe stated she was on the Charter Review Board and thanked the Commission for allowing her to serve the Town. She stated it was a challenge and respects the Commission, Mayor and Vice Mayor for the time they have put in. She stated that there were ballot questions in the past that she voted no in the past and now she feels differently and believes the Commission should receive health care and compensation. She stated the meetings were open to the community and they did not get much of a turnout and would have liked to have seen more of the community there. She stated there was not a limit to the number of recommendations and to eliminate any of them with the fear of confusing the voters would be a mistake.

Mayor Danzinger thanked Vice Chair Swedroe. He stated that Chair Jacobson was not the only person on the Board. He stated that all of these amendments were voted on by the Board as a whole. He addressed some of the comments made by the public. He stated these were not just thrown on and there was a thought process. He stated that all special meetings have been at 5:00 p.m. and you can see it online. He spoke regarding the comments made by Mr. Burkett. He explained why they are here today and the process of government.

Chava Elgand commented on the amendments and feels it is more of an overhaul of the charter. She stated that selling and leasing of land would make the Town more like a city.

Mayor Danzinger closed the floor to public comments.

Mayor Danzinger stated this is what the Town does and the Town is changing and it is up to them to look at the charter every 10 years. He stated that they will be going item by item and they will get a brief introduction, a background and a thought process as well as voting item by item.

Town Attorney Arango went over the text amendment and the first item is Amendment No. 1, Section 4 "General Powers of the Town; Powers not Deemed Exclusive" and provided the proposed change.

Charter Review Board Chair Jacobson provided an overview of Amendment No. 1 (Section 4. General Powers of Town; Powers not Deemed Exclusive-H40 and SD-B40) the recommendations made by the Charter Review Board. He stated they went through this and what issues could be presented in the future.

Commissioner Velasquez asked Mr. Jacobson if he is an architect. She would like to know if this is for existing properties.

A motion was made by Vice Mayor Rose to recess at 5:52 p.m., seconded by Commissioner Velasquez. The motion carried with 5-0 vote.

Meeting reconvened at 6:20 p.m.

Mayor Danzinger asked Town Attorney Arango for clarification as it pertains to point of information and point of interest. He stated that the Commissioner can speak once the speaker is finished and Commissioner Velasquez was not being recognized by the Mayor. He stated the best thing is to wait for the speaker to finish.

Charter Review Board Chair Jacobson continued with the presentation. He stated that they looked for issues to resolve and brought some of them back. He stated for the record that the Charter Review Board Vice Chair Lisa Swedroe is an architect. He stated that the language that was adopted with the first amendment was proposed by George Kousoulas and they made some slight amendments and that is what you have in front of you today.

Charter Review Board Vice Chair Swedroe stated she is an architect and is grateful to be part of the Board as an architect. She spoke regarding what Mr. Kousoulas provided and the guidance he provided and they amended the language with his input.

Mayor Danzinger stated he was curious because Mr. Kousoulas was up here earlier talking about it.

Charter Review Board Vice Chair Swedroe she is also surprised with Mr. Kousoulas' comments.

Charter Review Board Chair Jacobson continued with his summary of the Board's recommendations. He stated that another suggestion brought forward was that there were too many amendments being brought forth. He stated it is very disingenuous to tell people to vote no on everything and what they have done is for it to go before the people and have all the residents vote the way they need to.

Commissioner Landsman provided a general comment and thanked the Charter Review Board that worked many hours providing their recommendations. He went to all the meetings in order to be better prepared tonight. He stated that nothing is being decided tonight and it is still up to the voters to choose. He spoke regarding the first item that relates to climate change and the flooding issues in Town. He spoke regarding the larger homes and spoke regarding FEMA's rules and one does not know when FEMA will change their rules. He spoke regarding the measurement of 30 feet from the crown of the road and at this time he is not in favor of it.

Commissioner Meischeid is also against this item and spoke regarding measuring from the crown of the road and the design flood elevation.

Commissioner Velasquez does not agree with this and believes the houses are at the appropriate size. She spoke regarding the understory which was approved. She stated she does not believe they need to create homes larger than what they are currently.

Vice Mayor Rose spoke regarding that due to the fact they are in a barrier island, there might be language that will require an understory similar to the keys. He stated that until it is required from the State or Flood Plain Manager he is not comfortable with this language.

Mayor Danzinger reiterated how these items come about and this is because of FEMA requirements and explained what could happen if FEMA continues to raise the homes. He stated that this does not have to be reviewed at this time and it is premature at this time.

A motion was made by Vice Mayor Rose to not put Amendment No. 1 (Section 4. General Powers of Town; Powers not Deemed Exclusive-H40 and SD-B40) on the ballot, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

Town Attorney Arango provided a overview on Amendment No. 2 (Section 4. General Powers of Town; Powers Not Deemed Exclusive-Sale and Lease of Town Property) which is the first paragraph of that section. She explained the stricken language and restriction.

Mayor Danzinger asked Charter Review Board Chair Jacobson why this item was brought back to be revisited when in the last elections this was a contentious item that involved the P3 project which was proposed and has been brought back.

Charter Review Board Chair Jacobson provided an overview of that item and stated this was brought to the Board by Mr. George Kousoulas and Vice Chair Swedroe will help lead them through this.

Charter Review Board Vice Chair Swedroe stated this was a difficult one but it was given to them and that the language be revised by Mr. Kousoulas and asked for the Town Attorney to read the language proposed.

Mayor Danzinger asked why is Mr. Kousoulas editing our Code when he is not an attorney nor a board member.

Charter Review Board Vice Chair Swedroe stated Mr. Kousoulas was giving them his input and guidance. She stated it was a difficult amendment to go through.

Mayor Danzinger stated this is basically allowing the Town to lease or sell Town property and this is something they all voted on last election.

Charter Review Board Vice Chair Swedroe stated correct and that is what made it most difficult. She stated that some of these items have been voted on and to bring them back to discuss.

Commissioner Velasquez stated that she is being very vague and wants to know what was the cause that brought this to the commission to be voted on.

Charter Review Board Vice Chair Swedroe stated many of the Charter Review Board members wanted to discuss the benefits of the private and public partnerships since

we are all residents of the Town.

Charter Review Board Chair Jacobson stated that one of the parts that came up was that it required 60% vote when it only was voted on but 50% of the people came out to vote. He provided an explanation which was that to remove the 50% requirement you had to remove that section.

Commissioner Landsman stated they all lived the nightmare several years ago. He stated his frustration about former commission making changes to the charter which hand strains future commission and provided examples. He does not think that is good policy and this is one of those things and agrees not to change this. He also stated if they do get a good private public partnership then it should go to the voters.

Commissioner Meisheid has a different take on this. She does not believe it was presented right and not much education on it was provided. She does believe these types of public private partnerships would be a great way to have projects done when the Town does not have the funding for them. She would say yes with a revision that it would have to be unanimously approved by the 5 commissioners.

Commissioner Velasquez stated there is a reason why this was put on the ballot and it was to protect the Town's valuable land.

Vice Mayor Rose stated he will be against this one as they already voted on it in November 2022. He does think when it was passed that it should have been with the 60% threshold.

Mayor Danzinger responded to the reason why the P3 came about a few years ago and it was due to a proposal. He stated that there is nothing wrong with a proposal. He addressed the comments made by Commissioner Velasquez as it pertains to the Town Hall building. He stated that they have tried to bring inhouse different services like beach raking but aren't able to because there is no space to store the equipment. He stated they are limited with growth and the residents need to understand they are restricted in bringing some services inhouse due to that. He also stated that if there are developers that want to come and propose a project, there is nothing wrong with going to the residents. He stated that is how it should be unless Mr. Kousoulas felt that this should have been brought back.

Mr. Kousoulas got up and disrupted the meeting and stated that he was being slandered.

Mayor Danzinger asked the Town Clerk to read the minutes into the record that pertains to the item in question with Mr. Kousoulas' recommendations.

Town Clerk McCreedy stated the minutes were distributed prior to the meeting to each Commission member on the dais. She read the section of the minutes and stated that was provided with the agenda and it was stated that the minutes and agendas were being distributed for today's meeting.

Mr. Kousoulas walked out of the chambers, slamming the door to the wall and damaging the wall.

Town Clerk McCready read the section of the minutes as it pertains to Mr. Kousoulas and stated anyone can request the audio of that meeting.

Mayor Danzinger stated that is a point he wanted to clarify and addressed the misinformation on NextDoor and thanked the board members.

A motion was made by Commissioner Landsman to not put Amendment No. 2 (Section 4. General Powers of Town; Powers Not Deemed Exclusive-Sale and Lease of Town Property) on the ballot, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

Mayor Danzinger provided a summary of Amendment No. 3 (Salary) and asked if the Commission would like to separate salary from healthcare. He requested a motion to not include this in the charter amendment.

A motion was made by Vice Mayor Rose to not put Amendment No. 3 (Salary) on the ballot, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

Mayor Danzinger introduced the next item Amendment No.4 (Section 5-Number; Selection; Term and 8-Presiding Officers).

Charter Review Board Chair Jacobson provided an overview of the item. He stated they looked at all the areas around and everyone is on 4 year terms and staggered. He stated this will create stability in staff and for the Town. He stated they took a lot of time on this item. He provided an explanation of how it would work.

Mayor Danzinger stated he does not recall the staggered term coming up at the last referendum and believes it came up in 2018. He stated the item that is up here is one of the more important items and it is stability. He provided his input and it takes time to have projects up and running. He continued asking Commissioner Velasquez to stop interrupting and he stated she does it purposely to disrupt the meeting. He continued with his view on this item and the stability the Town requires.

Commissioner Landsman made his suggestion to this Amendment No. 4 (Section 5-Number; Selection; Term and 8-Presiding Officers) and stated this item is something that needs to be given consideration with adjustments or changes. He spoke regarding every 2 years having a new commission and the challenge is continuity and stability. He would like to amend it to possibly giving the mayor 4 years, as it pertains to the commission members go with a staggered approach of 4 year terms; 2 top vote getters get the 4 year terms and the bottom 2 vote getters get the 2 year terms and in 2 years there is reelection for those 2 bottom vote getter to possibly get 4 year terms or get new people. He stated for the Mayor's seat have two options, give the mayor 2 years if not and you decide to go with 4 years and if there are more than 2 candidates for the mayoral seat, and there is no plurality in the first election, you go to a run off for the top two vote getters.

Commissioner Meischeid would vote no on this and believes 4 years is too long for a small town.

Commissioner Velasquez would vote no on this and to use our staff as a tool to make an argument that this needs to be 4 years is not accurate because our staff has been working under these conditions for a long time. She stated if you have a commission you don't like you can vote them out at the end of 2 years.

Vice Mayor Rose stated this is one he would like to see go to the voters. He spoke regarding the stability of projects is very important and not to say no to everything. He stated it is very important to have a commission with experience that want projects moved forward. He would like to see it the way it is written where the mayor and the top 2 vote getters gets 4 year terms, and the other bottom 2 vote getters get 2 year terms and staggered terms. He does not believe it should be only the top 2 vote getters. He spoke regarding the turnout when there are more candidates.

Mayor Danzinger stated this is one of the most important items being discussed and it was more than 10 years ago that this was brought up. He stated he believes many people do not understand what staggered is. He spoke regarding the projects and safety programs that will take years and what happens in 2 years you do not have time to push these projects and longer term vision for this Town. He spoke regarding runoff elections and provided some numbers and presented it on the screen.

Commissioner Landsman spoke regarding the voter turnout and runoff elections and will support it if it has the runoff included.

Commissioner Velasquez asked if they are proposing this for the 2 years or the 4 years for the rest of the commission and if the mayor will be 4 years.

Commissioner Landsman clarified his motion and the commission members will be as requested in this change.

Vice Mayor Rose asked if the Mayor is 2 years or 4 years in his proposal.

Commissioner Landsman stated if the runoff is allowed, the mayor would be 4 year terms.

Commissioner Velasquez addressed the comments made regarding the mayor having a runoff election.

Town Attorney Arango had a clarification with the comment made regarding plurality and if it is 50% plus 1 then that would be majority.

Commissioner Landsman stated correct.

Vice Mayor Rose asked when will the runoff be and can you do absentee ballots and will you end up without a mayor during the runoff.

Mayor Danzinger stated that there are ramifications for the runoffs as it pertains to ballots and other requirements.

Commissioner Landsman asked if they have the ability to articulate if it comes back as a question on the ballot, to place those items so the residents understand.

Mayor Danzinger stated that we have to understand the dates for the runoff and within what timeframe and what will happen to the Commission without a mayor or you would also have the possibility of having someone that was voted out sitting on the commission.

Commissioner Landsman stated he is not an election expert and asked for the Town Attorney to do the research as it pertains to the timeframe.

Town Attorney Arango spoke regarding the section in the code that pertains to a runoff and what needs to be proposed and amended. She stated the runoff election is viable, they just have to properly address it in the charter especially in Section 105. She stated that the absentee ballots is State regulated and should not be touched.

Town Clerk McCready stated that the charter already has a runoff section and provided them with a time frame of the runoff election.

A motion was made by Commissioner Landsman to include this Amendment No.4 (Section 5-Number; Selection; Term and Section 8-Presiding Officers) in the upcoming November election ballot with the amendment for the mayor's position that in the event there are more than 2 candidates that if one candidate does not get majority, which is 50% plus 1, to hold a runoff election with the two top vote getters, seconded by Vice Mayor Rose. The motion carried with a 3-2 vote with Commissioner Velasquez and Commissioner Meischeid voting in opposition.

Charter Review Board Chair Jacobson provided a history of the item Amendment No. 5 (Section 6. Qualifications and Section 15. Vacancies on Commission-When Deemed to Exist) and the Board's recommendations and that they need a process for the Commission to have an equitable and fair process.

Mayor Danzinger asked the Town Attorney's what constitutes a primary residency and provided examples if an elected official leases an apartment in Town but spends their time in their other residence in Cocoa Beach and their children do not go to school in town, does that constitute primary residency. He stated the clear answer is no. He stated that Florida Statutes constitutes what a permanent primary residence is and there have been recently elected officials arrested. He stated what is unclear is the second portion.

Town Attorney Arango stated that case law states a combination which is your intention of where you intend to live and facts proving you live where you state you live. They will take into account different factors like what address is stated in your driver's license, where your children go to school and other factors.

Vice Mayor Rose asked the Town Attorney if there is a way somebody could be required to sign a sworn affidavit because right now they are not having to sign a sworn affidavit. He stated that because if they do sign a sworn affidavit and they do not live here, then they are committing perjury and can be charged for that crime.

Town Attorney Arango stated the language proposed in Section 6 of the Charter actually requires a commissioner to be a resident at the time of qualification, at the

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time of the election as well as maintain residency throughout their term. So currently there is language in Section 6 and possibly his suggestion could be added to that section where the elected official would have to provide a sworn statement to the Clerk.

Town Clerk McCready stated each candidate at the time of running does sign a sworn statement of residency.

Mayor Danzinger stated they do at the time of qualification but there is no mechanism in place currently that if they move and disappear that will hold them accountable to the residents and town and the legal process. He stated if they complete a form and lie they will be held liable. He stated that not naming any names you have some that do not live in town with their families and do not live in town any longer and are still holding the rank and title of commissioner.

Vice Mayor Rose fully supports it and to add the language to require them to sign an sworn affidavit and be held responsible if they lie. He stated it is one thing to say that you live here and another thing is saying you live here when you really do not.

Town Clerk McCready asked for clarification how often do they sign the affidavit, if they sign it every year, every 6 months or how often.

Vice Mayor Rose stated that if during the process they move they need to sign it.

Mayor Danzinger stated that this is to add a process of having an affidavit attesting that the commissioner has a primary residence as per State Statute.

Mayor Danzinger does not believe it to be controversial to have the elected officials to follow the charter and State Statute that you have your permanent residency in town. This is important for those elected officials that are voting on budget and other items.

Commissioner Velasquez stated this is directed to her because she did sell her home for a nice price and is renting in Surfside. She further stated that unless you are living with her you should not make a statement. She further stated that this is being done because she does not vote in support of the Mayor and Vice Mayor's items. She stated that she made a commitment to the town to complete her term and believes this is discrimination, disgraceful and tasteless.

Mayor Danzinger stated anyone can sell their home and rent in Town as long as it is their permanent residency. He stated that he finds it difficult that a family of 6 is living in a one bedroom apartment and the children do not go to school in town.

Commissioner Velasquez stated that then she cannot send her kids off to boarding school? That does not make her not a resident. She stated that she has a one year lease and she will provide a copy to anyone that is interested in seeing it.

Mayor Danzinger stated that the question here is to enforce the charter.

Commissioner Meischeid stated she would vote no to this item and is not necessary

at this time.

Commissioner Landsman stated this issue came to the forefront because they need to have a process to make sure that the commission lives primarily in Surfside. He believes this might not be as big of a thing as it is being made to be.

Mayor Danzinger stated he does not agree that it is not a big deal because it is very important to have a mechanism in place. He stated the requirement is there but not the mechanism.

After a lengthy debate among the commission regarding the mechanism and requirement, the following motion was made.

A motion was made by Vice Mayor Rose to put Amendment No. 5 (Section 6. Qualifications and Section 15. Vacancies on Commission-When Deemed to Exist) on the ballot with a change to add a requirement for a sworn affidavit by the commissioner being questioned as part of the process, seconded by Commissioner Landsman. The motion carried with a 3-2 vote with Commissioner Meischeid and Commissioner Velasquez voting in opposition.

Charter Review Board Chair Jacobson provided an overview of the item Amendment No. 6 (Section 19. Induction of Commission into Office; Meetings of Commission) and stated that at the current time the time of the meetings are not being adhered to regardless, therefore he suggested to vote to not add this on the ballot.

Vice Mayor Rose stated we continue to violate this section.

A motion was made by Vice Mayor Rose to not put Amendment No. 6 (Section 19. Induction of Commission into Office; Meetings of Commission) on the ballot, seconded by Commissioner Meischeid. The motion carried with a 5-0 vote.

Charter Review Board Chair Jacobson gave an overview of Amendment No. 7 (Section 29. Eligibility of the Employee and Section 40.1. Nepotism) and samples of nepotism and the fact ours is outdated and should be replaced with the State Statute.

Mayor Danzinger stated one of the concerns from the residents is pertaining to the elected officials and provided examples.

Charter Review Board Chair Jacobson stated that they did address that and stated that no commission, mayor or manager can ever hire anyone to work for the Town.

Mayor Danzinger asked for clarification.

Charter Review Board Chair Jacobson provided clarification and said that you cannot have anyone under your chain of command to a second degree relative which is consistent with the State Statute.

Town Attorney Arango provided what the State Statute states in that section.

Commissioner Velasquez asked if the town's charter is more restrictive than the

State Statute.

Town Attorney Arango stated that the town's charter is more restrictive.

Charter Review Board Chair Jacobson commented on some commissioners that were present at the board meetings are now voting against topics they were in favor of when they were present at the board meetings.

A motion was made by Commissioner Landsman for purposes of discussion, seconded by Commissioner Meisheid.

Commissioner Landsman clarified what Charter Review Board Chair Jacobson stated and that he attended those board meetings as a resident and not provided any input.

Charter Review Board Chair Jacobson stated he is correcting his statement and that Commissioner Landsman was not sitting at the table at those meetings and he apologizes but Commissioner Landsman is not the one he was speaking about.

Commissioner Meisheid stated she was acting only as a liaison and she was not allowed to be part of the discussion at the board meetings.

Commissioner Landsman stated that the Mayor is not trying to have his daughter work for the town. He stated that the sample the board gave was a sanitation worker that was unable to work in the town until his grandfather retired. He stated nobody is trying to profit from this but it gives the ability to have more people be able to work for the town as long as they are not working under the supervision of their family member.

Vice Mayor Rose asked what is the normal hierarchy working order, what they have or what they are proposing.

Commissioner Landsman stated that most corporate companies will restrict the same way as the State of Florida. He stated as long as the family member works for a different department or supervisor it would work.

Commissioner Velasquez stated you are giving the town official the ability to employ a family member. She feels this item should stay the way it is.

A motion was made by Vice Mayor Rose to add this Amendment No. 7 (Section 29. Eligibility of the Employee and Section 40.1. Nepotism) on the ballot, seconded by Commissioner Landsman. The motion failed with a 1-4 vote with Mayor Danzinger, Vice Mayor Rose, Commissioner Velasquez and Commissioner Meisheid voting in opposition.

Charter Review Board Chair Jacobson provided a summary of the this section Amendment No. 8 (Section 31.1. Personnel Appeals Board). He stated that the Town Clerk is not a Charter member and therefore she has no right to appeal if she is terminated. This is to correct this to make the Town Clerk like everyone else and has the right of appeal. He stated you also removed the town prosecutor and town

judge since they do not have one.

Commissioner Velasquez asked why they would put the town clerk in there.

Mayor Danzinger stated the background is pretty easy.

Commissioner Velasquez asked why they would have the town clerk in there if she is not a charter officer.

Mayor Danzinger stated the charter is very old and there are other positions that are not relevant and do not exist anymore and that is why they need to make the change.

A motion was made by Vice Mayor Rose to add this Amendment No. 8 (Section 31.1. Personnel Appeals Board) on the ballot, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

Charter Review Board Jacobson provided a summary of Amendment No. 9 (Section 93. Limitations on Indebtedness) and stated this is something recommended by Town Staff. He stated that they would only strike to allow the revenue bond which is a self sustaining thing and explained what that would mean.

Mayor Danzinger stated this is something the commission should take some time to think about and it came from staff. He provided examples of what could happen if we have something like a water main break and have no mechanism to pay to fix a project like that. He stated that the previous commission tied the hands of the town with what they passed. He mentioned the importance of emergency bonds.

Town Manager Gomez provided further explanation of what this entails. He provided examples of a 70 year old water main that would need replacement and you only have a certain amount of revenue and you would need a bond. You do not want water quality to become a liability. He stated if you take it to a referendum vote and comes back as a no vote then you have a liability with the water quality because you would not have the funding to make the repairs. He explained what happened with the City of Fort Lauderdale. He stated that they do have a force main that goes into Miami Beach and stated if that pipe breaks they have a responsibility to repair that and how would they pay to have a long term repair. He stated currently you have to go to a referendum and if it does not pass then you have a problem. He stated that the town has an obligation as a service provider to an enterprise fund, then the town is limited in operation.

Commissioner Meischeid asked how much would a water main break cost.

Town Manager Gomez stated to fix a force main all the way to Miami Beach it would cost over \$8 million. He stated that a short term repair might not cost that much but you are still looking at \$8 million plus in today's market.

Commissioner Velasquez asked Town Manager Gomez that he is saying that they need to replace the force main break.

Mayor Danzinger stated he is giving an example.

Town Manager Gomez provided two examples, that is all it was just examples.

Mayor Danzinger stated that what the previous commission did was tie the hands of the town and there needs to be certain exemptions in the event of an emergency to take care of the emergency.

Commissioner Velasquez stated that the bond has to be more than 15% of the town's revenue and if you are saying a repair costs less than changing the whole thing than it is not an emergency.

Town Manager Gomez addressed the questions by the Commission and what he can go out without a referendum is only \$1.5 million and that is not enough.

Vice Mayor Rose stated that the previous Finance Director stated that he used the water main break as an example and you do not have time to go to a referendum to repair something like that and this is one of the most important amendments to fix.

Commissioner Meischeid would like to add a \$10 million cap, which would be big enough to fix it but not to put the town into debt.

Commissioner Landsman asked regarding reserves and if that could be used.

Town Manager Gomez stated that they did address the fund balance and they could not use that as a mechanism because it covers other levels of operation but you do not have the full amount to fund a project like that.

Commissioner Landsman asked if any indebtedness still has to go before the commission.

Town Attorney Arango stated yes and explained the process and stated all indebtedness is prohibited and restrictive and is applicable to all and explained how that would work.

Further discussion took place among the Commission on how to properly word this to go before the residents in order for the community to approve this and understand it.

A motion was made by Vice Mayor Rose to put Amendment No. 9 (Section 93. Limitations on Indebtedness-Revenue Bonds) on the ballot and add the language "a \$10 million cap and for the use of emergency and/or infrastructure", seconded by Commissioner Meischeid. The motion carried with a 5-0 vote.

Charter Review Board Chair Jacobson provided a summary of Amendment No. 10 and stated they had all these items to discuss and many sections were superseded by Florida Statutes and you can no longer do anything with those sections. He stated that most of the charter has been superseded. He stated this is the section that took the attorney's the longest.

Mayor Danzinger asked if they move forward with this will it change any of the current laws.

Charter Review Board Chair Jacobson stated it does not.

A motion was made by Commissioner Meisheid for purposes of discussion, seconded by Commissioner Landsman.

Commissioner Landsman asked by taking this language out that doesn't apply anymore and the State of Florida changes its laws what would happen with an item that was legislative by the State of Florida. He asked if that happens does that mean that they have no code to rely on?

Town Attorney Arango stated that if Florida law changes and it is applicable to the powers of a municipality then the Florida law would govern. She also provided some of the issues that are being encountered and read the law to the commission and provided an explanation.

Further discussion took place among the Commission regarding what would happen if the State of Florida changes the laws, how it would pertain to the charter, preemption, the superseded sections and regulation.

A motion was made by Vice Mayor Rose to not put Amendment No. 10 as a whole on the ballot, seconded by Commissioner Landsman. The motion carried with a 4-1 vote with Mayor Danzinger voting in opposition.

Town Clerk McCready mentioned to the Commission that they will need to have a special commission meeting because of the deadline date they have to send their questions to the Miami Dade County Elections Department and she will send out a doodle calendar to get their availability.

[Charter Review Board Final Report.docx](#)

[Exhibit A Charter Review Board Proposed Text Amendments.DOCX](#)

3. Adjournment

There being no further business to discuss before the Commission, a motion was made by Vice Mayor Rose to adjourn the meeting at 8:47 p.m., seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

Accepted this ____ day of _____, 2023.

Shlomo Danzinger, Mayor

Attest:

Sandra N. McCready, MMC, MPA
Town Clerk

