

City of Opa-locka

*Commission Chambers
215 Perviz Avenue
Opa-locka, FL 33054*



CHARTER REVIEW BOARD

Agenda

**Wednesday, May 18, 2022
6:00 PM**

Charter Review Board Members

**Chair Jannie Russell
Vice Chair Nikisha Williams
Board Member Christina Banks
Board Member Mykeisha Fenn
Board Member John Riley
Board Member Audrey Edmonson
Board Member Frank Vega**

CITY OF OPA-LOCKA
“The Great City”

CHARTER REVIEW BOARD
MEETING

Wednesday, May 18, 2022
6:00 p.m.

AGENDA

- 1. CALL TO ORDER:**
- 2. ROLL CALL:**
- 3. INVOCATION:**
- 4. PLEDGE OF ALLEGIANCE:**
- 5. ADDITIONS/CHANGES/DELETIONS:**
Request to add, change or delete items from the agenda
- 6. APPROVAL OF MINUTES:**
Charter Review Board Meeting Minutes – April 7, 2022
- 7. PUBLIC COMMENT:**
Please limit to no more than three (3) minutes
- 8. DISCUSSION ON RECOMMENDATIONS FOR CHARTER AMENDMENTS:**
- 9. PUBLIC COMMENT:**
Please limit to no more than three (3) minutes
- 10. ITEMS FOR NEXT MEETING AGENDA:**
- 11. ADJOURNMENT:**

APPROVAL OF MINUTES

CITY OF OPA-LOCKA
"The Great City"

CLERK'S ACTION SUMMARY MINUTES

CHARTER REVIEW BOARD MEETING

Thursday, April 7, 2022

6:00 p.m.

1. CALL TO ORDER:

Board Chair Jannie Russell called the meeting to order at 6:07 PM on Thursday, April 7, 2022 at Sherbondy Village, 215 Perviz Avenue, Opa-locka, Florida.

2. ROLL CALL:

The following members of the Charter Review Board were present: Board Member Christina Banks, Board Member Audrey Edmonson, Board Member Mykeisha Fenn, Board Member Frank Vega, Board Vice Chair Nikisha Williams and Board Chair Jannie Russell. Board Member John Riley arrived at 6:13 PM. Also in attendance were City Attorney Burnadette Norris-Weeks and Deputy City Clerk Chris Wills.

3. INVOCATION:

The invocation was delivered by Board Member Banks.

4. PLEDGE OF ALLEGIANCE:

The pledge of allegiance was recited in unison.

5. ADDITIONS/CHANGES/DELETIONS:

Request to add, change or delete items from the agenda

There were none.

6. APPROVAL OF MINUTES:

Charter Review Board Meeting Minutes – March 17, 2022

It was moved by Board Member Banks, seconded by Board Vice Chair Williams to approve the minutes from the **Charter Review Board Meeting Minutes – March 17, 2022**.

There being no discussion, the motion to approve the minutes passed by a 4-0 vote.

Board Member Fenn	Yes
Board Member Riley	Not Present
Board Vice Chair Williams	Yes
Board Member Banks	Yes
Board Chair Russell	Yes

7. PUBLIC COMMENT:

Please limit to not more than three (3) minutes

Ms. Dorothy Johnson of 13724 NW 22nd Place commended the Charter Review Board for having 2 spots for public input on the Agenda, noting that she heard it suggested during one of their previous meetings. Recalling having been involved with the previous revision to the Charter and acknowledging that they did a lot of copying with Joe Geller as the City Attorney at the time, Ms. Johnson urged the Board to pay attention to Section 1.2 of the City’s Charter where she recommended that they incorporate Miami-Dade County instead of Dade County and also pointed out that the same paragraph includes the term township despite Opa-locka not being a township, adding that they may need to get some legal advice. She also stated that she would like the Board to consider single seating areas, suggesting that the City have 5 Officials with zones for 3 people, 1 member of the Commission serving at-large, in addition to the Mayor. Ms. Johnson said that when the majority of candidates come from one area of the City and no one knows of the person on the other side, she thinks it is a disadvantage and they will get more quality and have the citizens more connected to the officials. She informed the Board that she was going to stay until the end of the meeting and that some other individuals were supposed to come, noting that they need citizens’ input for them to have a recommendation for approval by the City Commission to go to the voters. Ms. Johnson concluded by stating that she would not like to go through a petition process trying to get what they are asking for on the ballot.

Board Chair Russell asked Ms. Dorothy Johnson for clarification on her suggestion for the Board to consider single seating areas.

Ms. Dorothy Johnson stated that boundaries can be drawn and said she has seen the majority of candidates from one section since 2016. Ms. Johnson said that she had 2 situations that day with people calling her, and she said that she jokingly told them that she is not a Commissioner and is an unofficial Commissioner.

Budget Administrator Bob Anathan stated that he was not aware that the Charter Review Board was so far along with their deliberations. The Budget Administrator addressed Section 4-7 of the City Charter and pointed out that it requires that whenever a budget amendment is necessary, that it be done by ordinance which he said is a very cumbersome process. He explained that if somebody identifies a need, it’s probably going to be 8 weeks before that person can go forward and have a budget to make an expenditure if they didn’t

have it, adding that it didn't include the review by the State of Florida, which he said made it a very awkward and slow process by instituting budget control at the account level. Mr. Anathan shared that he was previously the budget director for the City of Oakland Park, where budget control was at the division level rather than at the account level, giving the City Manager the discretion to move funds from one account to another to address needs that may arise, which he said is much a more efficient way. While he acknowledged that he can't say every city does it that way, he said that most do. He added that instead of having to wait 8 weeks to go forward with a procurement, in Oakland Park it's done instantaneously and urged the Board to consider it. Mr. Anathan also said that he has never seen this type of requirement in a charter and his experience has been that it is normally in the code. He informed the Board that the subject came up as a proposal during a Commission meeting about 6 months ago and he said that a couple of people from the public expressed that they felt it was very important that there'd be 2 hearings whenever there's a budget amendment, but he also said that in the 2 years he's been serving the City of Opa-locka, every time there's been a budget amendment there's been essentially no input from the community. Budget Administrator Anathan concluded by stating that as long as Opa-locka is under the control of the State of Florida, it is going to continue to want the City to submit everything formally rather than having the City Manager to have the discretion to do it and they would do it by resolution rather than by ordinance just to save a couple of weeks, and he is discussing this because he would hope the City will be out of the State's control within 2 years and the period of time for a Committee to evaluate the Charter is much longer.

Board Member Riley asked if the movement of funds between City Departments and the amendment of the City Budget are 2 different things.

Budget Administrator Anathan stated that budget changes in a City Division would be done as a budget amendment and would have to be done by ordinance and the City Commission must do 2 hearings, which he said is equally true if funds are moved from one City Division to another Division.

Board Member Riley asked if he was correct in stating that Opa-locka's Budget appropriations are based on line items.

Budget Administrator Anathan confirmed that when the City Budget is adopted, it includes line-item appropriations.

Board Member Riley asked if the example Budget Administrator Anathan provided from Oakland Park, was referring to unencumbered dollars.

Budget Administrator Anathan stated that either case would be unencumbered dollars because you would never want to move encumbered dollars from one line item to another.

Board Member Riley stated that he is looking at the transfer of appropriations and an actual amendment to the budget as two different things but said he can understand what is being asked. The Board Member asked if any deviation to the budget from the original is an amendment.

Budget Administrator Anathan said that many places just call the moving of funds from one line to another line within a division or between divisions, an adjustment and he said it's based on whatever terminology is chosen.

Board Member Riley acknowledged that it is a matter of language. Additionally, acknowledging that it has nothing to do with the Charter Review Board, Mr. Riley also asked why Budget Administrator Anathan believes that the State of Florida's oversight of Opa-locka would continue for another 2 years, wondering if there was a limit.

Budget Administrator Anathan stated that his understanding was that there is not a limit and he said he believes the State of Florida's oversight of Opa-locka is going to continue until the State is comfortable that the City is fully up to speed in terms of organization, procedures and that the finances and reserves are sufficient. The Budget Administrator said that it takes time, and he doesn't think it's going to occur within the next 6 months to a year, asserting that he thinks it'll be closer to 2 years.

Board Member Riley asked if his assertion was correct that the State of Florida didn't have anything to do with it, adding that they haven't put any investment in except for time.

Budget Administrator Anathan stated that the State of Florida made no financial investment in Opa-locka to directly assist the City in its effort to emerge from its financial emergency, but he added that the State has been very accommodating while working with the City.

Board Chair Russel asked that they stick to the question at hand because other Board Members may have questions concerning Budget Administrator Anathan's proposal. The Board Chair asked if Board Member Riley was finished.

Board Member Riley stated it was okay.

Board Chair Russel said that she wanted to make sure they stay on course because they have some other things they want to discuss and asked the Board if they had any questions for Budget Administrator Anathan.

Board Member Banks asked if the City doesn't have enough money in one of the Budgets, if the money that is transferred can be used for any Department.

Budget Administrator Anathan stated that money that is transferred in the Budget can be used for any Department but it's now very formal and time intensive, adding that it's just a question of the mechanics for how it's done.

Board Member Banks asked if it mattered where the City wanted to pull from.

Budget Administrator Anathan stated it doesn't matter where the City wants to pull from, but re-stated that they would not take money from where it was already encumbered because by definition it is already tied up and can't move.

Board Chair Russell asked if budget amendments have always been done by ordinance.

Budget Administrator Anathan stated that despite his being a newbie in Opa-locka, his understanding is that budget amendments have always been done by ordinance, adding that the footnotes in the City's Charter would indicate that it's been that way forever.

Board Chair Russell noted that she didn't see any footnotes in the City's Charter pertaining to the approval of budget amendments by ordinance, and asked City Attorney Norris-Weeks for help.

City Attorney Norris-Weeks pointed out that the in Section 4.7 of the City's Charter the footnote is the resolution that was passed in 2012, and she said the question was whether it existed prior to the revamp of the Charter or was added in 2012 when it was revised, offering to investigate that if the Board would like her to.

Board Member Riley stated that Section 4.7 of the City's Charter was created in 2012, but that the section was in another section of the Charter and the language is still the same, adding that budget amendments were always done by ordinance.

Board Chair Russell acknowledged that Budget Administrator Anathan told the Charter Review Board the pros for his proposal to not have budget amendments approved by ordinance and asked him to tell them some of the cons, including what the argument was that was presented by the citizens that were against it the last time it was discussed during a City Commission Meeting.

Budget Administrator Anathan stated that the opposition to not having budget amendments approved by ordinance was that the citizens felt they should be shown twice in the spirit of full transparency, but he said that he doesn't know that they spoke for the entire community.

Board Chair Russell stated that the Charter Review Board will take Budget Administrator Anathan's proposal to not have budget amendments approved by ordinance, into

consideration. The Board Chair said that they can further discuss it at their next meeting and may need the Budget Administrator to come by if they have more questions.

There being no additional members of the public to address the Charter Review Board, Board Chair Russell closed Public Comment.

8. DISCUSSION ON RECOMMENDATIONS FOR CHARTER AMENDMENTS:

Board Chair Russell recalled that at the last Charter Review Board Meeting, everyone was asked to think about some of the changes to the City's Charter that they'd like for the Board to discuss. The Board Chair asked City Attorney Norris-Weeks what the number of words were that could be proposed to appear on the ballot for a Charter amendment.

City Attorney Norris-Weeks stated that she believed the limit for a proposed Charter amendment that would go before the voters, would be 200 words for the ballot title.

Board Member Edmonson recommended that the Members of the Charter Review Board research single member districts, based on the suggestion from former Commissioner Dorothy Johnson.

Board Vice Chair Williams recommended that the Charter Review Board start their discussion on their proposed amendments to the City Charter by giving their feedback on each section of the Charter.

Board Chair Russell pointed out that there are some sections of the City Charter that the Charter Review Board might not want to propose amendments for.

Board Vice Chair Williams suggested that the Charter Review Board could just skip over the sections of the City Charter that the Board does not want to propose amendments for.

Board Member Riley stated that there are some things that should be in the City Charter that are not even in the Charter now.

Board Chair Russell stated that the Charter Review Board wanted to get to those things that are not in the City Charter because they might be something they want to add, offering the example of former Commissioner Dorothy Johnson's proposal to have single member districts added to the Charter. The Board Chair said that she would like for them to dive into those things so that the Board Members have something to think about when they go home. She also pointed out that the Board went through the Charter and her understanding was that everybody made notes of what they thought would be important, adding that she didn't want them to do that exercise again in consideration of their limited time, recalling that they said they were going to have a Town Hall Meeting to bring Citizens up and she said they want to have a document to give them.

Board Member Riley stated that single member districts have been discussed in Opa-locka since 1985, adding that he doesn't know why people have never gotten it and explaining that it is a way to have actual representation with the district getting a chance to elect who they want to represent them rather than having a person have to win city-wide, with the understanding that they have to come together as a group on the Commission as representatives of the entire City. The Board Member also said that it is cost-effective and gives each area of the City an opportunity to hold accountable the people they elect in their area. Additionally, he proposed that the Civil Service portion of the City Charter be returned.

Board Vice Chair Williams stated that she'd love to get some research on what the language related to the Civil Service Board said previously and added that she'd love to hear from Board Member Riley what the purpose of it was and why he recommends that the Charter Review Board add it back into the Charter.

Board Member Riley stated that President Roosevelt created civil service to give employees of a government standing to not just be political appointees, so that the civil service employees would be the regular hires who serve regardless of how the administration changes. The Board Member said that it provides for the continuity of government, gives employees a goal and presents rights, providing due process under the Constitution if there's a grievance and giving an employee an opportunity to have something done about it rather than just going to court. He asked City Attorney Norris-Weeks how many employee related court cases the City has, what it costs the City and what the League of Cities is doing about it.

City Attorney Norris-Weeks said that she didn't know right off the top of her head how many employee related court cases the City has and what it costs the City.

Board Member Riley said that City Attorney Norris-Weeks is so brilliant.

City Attorney Norris-Weeks agreed and thanked Board Member Riley, stating that the court cases the City has had recently have been very public and have all been related to the termination of people who are the top management like the City Manager, adding that they are people who wouldn't normally be going through the Civil Service Board. Recalling that Board Member Riley was the Chair of the Civil Service Board for many years, the City Attorney suggested that he can share his experiences because she didn't know if anything she could share would be necessarily helpful for the Charter Review Board. She also informed the Board that the City has League of Cities insurance coverage and reported that the amount the City pays has gone down over the last couple of years, adding that it may not be the best gauge or validator of the point that Board Member Riley was trying to make because employee lawsuits are not there anymore.

Board Member Riley asked the Charter Review Board Members to look up the case of Angela Griffin vs. City of Opa-locka in the 11th Court of Appeals out of Atlanta, which he said really talks about Opa-locka. The Board Member pointed out that the Civil Service Board was able to do investigations.

Board Chair Russell asked if the Civil Service Board had subpoena powers.

Board Member Riley confirmed that the Civil Service Board had subpoena powers and he said that one of the things that helped the City with the Angela Griffin vs. City of Opa-locka case was that sexual harassment complaints from anyone employed by the City including elected officials to top administrators, came to the Civil Service Board. The Board Member also said that what the Court held was that there was an atmosphere among the elected and appointed officials for sexual harassment in the City, and added that if the Board Members research it, they will see it.

Board Vice Chair Williams asked why the Civil Service Board was disbanded.

Board Member Riley stated that the Civil Service Board was disbanded due to a lack of understanding.

Board Chair Russell shared that she has heard debate over the years about the Civil Service Board, and said that when Board Member Riley mentioned it, she asked if there was anything in place for the employees now that the Civil Service Board is no longer a part of the City's Charter. The Board Chair also recalled that she said that despite not having records in front of her, she remembered a lot of employees going to the Civil Service Board and the outcome seemingly always favoring the employee with the City always being left to hold the bag. Acknowledging that she did not know how many of them went to court, she said that when she inquired about having the Civil Service Board as part of the Charter, she was told that there is something in place for the employees for them to take their grievances to, and that they are well represented, adding that she didn't know whether it was through the League of Cities.

City Attorney Norris-Weeks stated her understanding that former Mayor Riley is advocating to put the Civil Service Board back in the City's Charter so that it's permanent, but she said that she thinks the City has a Civil Service Board but she doesn't know if it has all the people appointed to it yet, adding that she knows they are working on that and the Clerk's Office would know a little bit better. The City Attorney also informed the Charter Review Board that the City does have a process for whistleblower complaints, with the City's own internal process with a 3-person panel that hears the complaint and looks at the City Manager's decision with the power to overturn it. She concluded by stating that there are certain things that will allow for a review process and there is even a Civil Service Board that is just established by ordinance as opposed to being established by the City

Charter, also saying that it may operate similarly but she doesn't know if it has subpoena power, which she said seemed to be a big deal and one of the reasons she understood it was abolished, having been thought to be over reaching. The City Attorney recommended that the Board may want to have some Staff who may be able to talk about the Civil Service Board, how it was constituted and how it ran, adding that she is not the best person.

Board Member Riley stated that the ordinance reestablishing the Civil Service Board passed in 2018, but he took issue with the membership of the Board as it was established in the ordinance. The Board Member said that when the Civil Service Board was included in the City's Charter, the City Commission would appoint 2 people, the City Manager would recommend an appointment which would be confirmed by the Commission, and the employees would elect 2 members to the Board. He added that the outcome was based on the evidence presented to the Civil Service Board and said that it was an impartial thing with limited cases.

Board Chair Russell stated that Board Member Riley's proposal to include the Civil Service Board in the City's Charter is something for the Charter Review Board to think about, and she suggested that the public can come talk about it when they have the Public Workshop. The Board Chair also noted that she must fill out a yearly financial report to be on a lot of the City Boards that she is on and asked if the Members of the Civil Service Board had to fill one out.

Board Member Riley informed the Charter Review Board that filing yearly financial disclosures is a requirement of the State of Florida.

Board Chair Russell recalled that Board Member Banks was an employee of the City of Opa-locka for many years, but she didn't know whether she ever served on the Civil Service Board.

Board Member Riley stated that when you have a Constitutional right, the standing is different from a right you have under the law. Pointing out that the City's Charter is its Constitution, he said that establishing the Civil Service Board in the Charter gives City Employees a greater standing than just having it established by ordinance.

Board Member Banks stated that she would like to see a copy of whatever has been put in place with the Human Resources Department for City of Opa-locka Employee grievances, adding that she is not aware of any meetings of the Civil Service Board. The Board Member said that she thinks that if the Board saw the policy that is in place, they would have a better idea of whether the City's Employees have ground to stand on, adding that Staff needs help sometimes if the Human Resources Department is weak. Acknowledging that sometimes the City has a lever of Employee that needs to be done away with, she said that the Charter should be transparent and should include some validation for what takes

place when a City Employee has a grievance, adding that she didn't see anything in the Charter. Board Member Banks concluded by asking if the AFSCME Union Contract for the Staff had been completed.

City Attorney Norris-Weeks informed the Charter Review Board that the City Manager was going to bring the Union Contracts before the City Commission very soon because she thinks that everything is very close to being completed but said she didn't want to get into issues that were being negotiated. The City Attorney stated that Board Member Banks brought up a good point because some of the issues with City Employee grievances are laid out in the Police and AFSCME Union Contracts. She also said that the Board can look up the ordinances establishing the Civil Service Board in the Code of Ordinances including Article XI, Division 5, Section 2-532 entitled Civil Service Board Qualifications, Section 2-533 entitled Civil Service Board - General, Section 2-534 titled Divisions of Civil Service and includes language about the membership, and Section 2-535 titled Human Resource Director to prepare and maintain record of service. The City Attorney also stated that the Code of Ordinances is the law of the City just like the City Charter, unless the ordinance is abolished, with the difference being that to get rid of any provision in the Charter would require a referendum vote of the Citizens of the City, additionally offering assurances that the Code of Ordinances is strong too as the City's laws. She also pointed out that the Board can encourage the City Commissioners to appoint enough Members to the Civil Service Board, adding that it was hotly discussed when the change was made to the Charter and the prevailing thought at the time was that the best place for it would be in the Code. City Attorney Norris-Weeks recommended that the Board see how the Civil Service Board was working as established by ordinance, because they would still have the opportunity to tweak it but would have to schedule a referendum vote if it was in the Charter, making it much more difficult than making changes through 2 readings at Commission Meetings.

Board Chair Russell asked if Board Member Banks had her question answered.

Board Member Banks confirmed that her question was answered. The Board Member went on to say that since the Civil Service Board is inactive because it doesn't have enough appointees, if a City Employee has a problem and the Human Resource Department is weak, that Employee wouldn't have anything to do except pull the information and stepping forward from there probably by getting an attorney. She concluded by suggesting that the information come to the Board so that they can see it, noting that they can pull what the City Attorney gave them to look at, and they can determine what it says because she was looking for it in the Charter herself.

City Attorney Norris-Weeks stated that the Charter Review Board won't find the Civil Service Board in the City's Current Charter.

Board Member Banks stated that the only alternative to the Civil Service Board for City Employees to file a grievance is through the Union, and she asked how many lawsuit cases the City has that are not on an executive level.

City Attorney Norris-Weeks said that she did not know how many lawsuits the City has that are not on an executive level.

Board Chair Russell stated that maybe the Charter Review Board Meeting was not the right arena to discuss how many lawsuits the City has, and she suggested that maybe Board Member Banks could ask City Attorney Norris-Weeks that question privately, pointing out that it was the same thing that Board Member Riley just asked.

Board Member Banks apologized.

City Attorney Norris-Weeks pointed out that anybody can file a lawsuit, and it doesn't mean it is with merit or valid, adding that many people file lawsuits for strategic reasons all the time. The City Attorney stated that she does not believe the lawsuits against the City should be the basis upon which they make their decision, and it should be based on how strongly the Charter Review Board thinks the Civil Service Board should be in the City's Charter.

Board Chair Russell asked the City Clerk's Office to provide the Charter Review Board with the City's Code of Ordinances establishing the Civil Service Board before their next meeting so they can determine whether it needs to be in the City's Charter. The Board Chair also said that she didn't know if the Civil Service Board had to be active for a City Employee to get their due.

Board Member Fenn stated for the record that the Civil Service Board had been established but there were 3 vacancies.

Deputy City Clerk Wills informed the Charter Review Board that there were 3 vacancies on the Civil Service Board until the previous month when the City Commission made an additional appointment, bringing the Board to 2 vacancies. The Deputy Clerk also stated that per the City ordinance, each member of the City Commission has the ability to appoint 1 Resident who does not have to be a City Employee, and there are 2 members of the Commission who have not made that appointment.

Board Chair Russell asked if based on the Members of the Civil Service Board who had been appointed if there was a quorum.

Deputy City Clerk Wills stated that there are 5 Members on the Civil Service Board and with the 3 Appointed Members, there is a quorum.

Board Chair Russell stated that based on the quorum existing on the Civil Service Board, the City Employees do have representation according to the Code of Ordinances.

Deputy City Clerk Wills pointed out that the Civil Service Board was not actively meeting.

Board Chair Russell stated that when she asked for information about the grievance process for City Employees, she was told that there is something in place that is the same as what was previously in the City's Charter and acknowledged that former Commissioner Johnson who was on the Charter Review Board when it was changed in 2012. The Board Chair said that because it is something that Board Member Riley is very passionate about, the Charter Review Board wants to make sure that they have all the information that's needed so that they will make a good, informed decision and not just say it's not going to be in the Charter, adding that they can look at other cities and see what they must help them compare.

Board Member Riley stated that it was basically like the Equal Employment Opportunity Commission and what is called the Commission on Human Rights, which handles discrimination in municipalities and companies throughout Miami-Dade County. The Board Member also asked that the Civil Service rules be provided to the Charter Review Board.

Board Chair Russell asked the City Clerk's Office to have the Civil Service rules provided to the Charter Review Board.

Board Member Riley stated that he also wanted to address the City Commission's compensation.

Board Chair Russell recalled that everybody was very passionate about the City Commission's compensation.

Board Member Riley recalled that in 1956 he was 12 years old and during the Civil Rights Movement the gas boys would have to get gas for the cars for the Montgomery Bus Boycott, and gas was \$0.10 a gallon. The Board Member also said that you could get 5 family sized loaves of bread for \$1.00 and rent a house for \$20 a month, but he does not feel 1956 equates to 2022 not only in Opa-locka, but also expressing that he finds it insulting that the County Commission gets \$6,000 a year because he said that you're not going to get the quality of people through elected office that you should get. Acknowledging the discussion about public service, he said that the Charter Review Board is doing public service but attends a meeting twice a month, while the City Commission is on call. He also said that in 1956, the City Charter indicated that there would be 2 meetings per month, with no special meetings, and the Commission received \$50 per meeting. Board Member Riley proposed that the Commission salaries be established by the City's Budget, not to exceed \$18,000 a year and that they should be provided health insurance.

Board Chair Russell asked if Board Member Riley was proposing that the Commission salaries not exceed \$18,000 per Member of the Commission.

Board Member Riley confirmed that he was proposing that the Commission salaries do not exceed \$18,000 per Member of the Commission and he reminded the Advisory Charter Review Board Members that even though they don't have a vote, they can participate in everything else.

Board Chair Russell recalled that Advisory Charter Review Board Member Edmonson stated she was not telling the voting members of the Board what to do. The Board Chair recalled that the salary for the City Commission was a passionate subject when the Charter Review Board talked about it, and she said that while she didn't know if she agreed with the dollar amount, she agreed with Board Member Riley's proposal to establish a higher salary for the Commission through the City's Budget, including health insurance. She said that if Members of the Commission are not deserving of anything, then they should not be voted for, adding that she does not think that they should be asked to work for free. Acknowledging that the Commissioners are public servants, she said that it's a job and pointed out that her volunteer service on City Boards takes a lot of time and sometimes the Commission has meetings in the mornings, which means they have to take off from their job and use vacation or sick time to take care of the City's work. The Board Chair also said that she thinks that the demand they put on the Commission is a lot, expecting that they answer when called and coming to the podium at Commission Meetings to tell them if they did not answer. She asserted that she does not think so much should be expected if so little is given. Recalling that Board Member Banks had asked where the City was going to get the funds if it's not in the Budget, the Board Chair agreed with Board Member Riley that the salary for the Commission should be included in the City Budget just like every City Department. Board Chair Russell concluded by stating that she thinks they know better and should do better and asked if the Commission had life insurance at one time.

Board Member Riley confirmed that the City Commission had life insurance at one time.

Board Chair Russell said that while she doesn't know enough about how that would work, she thinks that the City Commission should be afforded the opportunity to use the City's health insurance, be compensated and they should have transportation because she said that they should not have to wear out their personal vehicles doing City work.

Board Member Fenn stated that she is an advocate for the compensation of the City Commission, to match their work, but said that she thinks the dollar amount proposed was a little high.

Board Chair Russell pointed out that the proposal was not to exceed \$18,000 a year per Member of the City Commission.

Board Member Fenn acknowledged that she understood the proposal stated that the amount each Member of the City Commission could be paid was not to exceed \$18,000 but she said that when the Charter Review Board puts that type of language in there, they give the opportunity for each one to get that amount and she asked how the City will be able to compensate them when it is just getting out of a deficit. The Board Member also said that she cringed when Board Chair Russell proposed that the City Commission should have transportation because she said that she doesn't think it's necessary due to the fact that Opa-locka is not a huge city and asked how to know that every time the vehicles are used, that it is for City purposes, in addition to the need to pay for gas and maintenance. While she asserted that she is not an advocate for the vehicle, Board Member Fenn did suggest that she could consider providing the Commission with one vehicle when needed. She also stated that she is not an advocate for cell phones but stressed that she is an advocate for increasing the City Commission's pay with an option to elect health insurance or life insurance.

Board Chair Russell asked Board Member Fenn to clarify if she agreed with the City Commission having a City paid cell phone.

Board Member Fenn stated that she is not really an advocate for the City Commission having a City paid cell phone.

Board Chair Russell asked how the City Commission would separate their City work from their personal business on their cell phone, if they don't have a City paid cell phone.

Board Member Fenn conceded that Board Chair Russell made a good point about the City Commission needing to separate their City work from their personal business on their cell phone and said that she may have to retract her statement about not being an advocate for the Commission having a City paid cell phone, acknowledging that they need a separate phone.

Deputy Clerk Wills informed the Charter Review Board that all Members of the Commission currently have a City cell phone provided to them.

Board Member Fenn noted the current City Charter did not include any language about the City Commission being provided a City cell phone and asked if the Charter Review Board would have to add that to the Charter.

Board Chair Russell stated that she doesn't think that the language in the current City Charter specifically mentions the City Commission being provided a City cell phone, but it does mention the dollar amount the Commission is paid. The Board Chair asked how the Commission Members would work if they can't have a computer or cell phone, in addition to having to use their personal money and take away from their family,

acknowledging that it's okay if they want to do it but because they are expected to be public servants and answer their phone calls, attend Commission Meetings even if there are 5 Special Commission Meetings in a month, she said that she doesn't understand why the amount they are compensated should be such a small amount, considering the cost of gas and that all the work the Commission does it not in the City limits.

Board Member Riley stated that Florida State Legislators go to Tallahassee for 2 months out of the year and are paid \$20,000 a year, adding that you get what you pay for. The Board Member also said that the structure of politics in America is designed for rich people to serve, but he asked what rich people know about the average person in the City. He said that the reason elected officials are paid those low amounts is because rich people can afford to serve while the average poor person is not able to serve, and Board Member Riley lamented that some go along with that. He also shared that 3 weeks after he was elected as Mayor of Opa-locka on April 19, 1984, he went to a meeting of the National Conference of Black Mayors and was elected to the Board of Directors out of 300 Black mayors and was elected to the World Conference of Mayors that August in addition to founding the Black Caucus in Florida that July to which he was elected as its 2nd president. Board Member Riley said that while it wasn't costing the City money, it was costing him money, with the City being the beneficiary of the influence he brought through those organizations. He concluded by asserting that if the members of the Commission don't network, they don't get resources back to the community.

Board Vice Chair Williams recognized that Board Member Fenn brought up a good point about managing a fleet of vehicles, and she suggested that the City Commission be offered a car stipend.

Board Member Fenn stated that she is in favor of the City Commission being offered a car stipend.

Board Member Banks asked why not give the City Commission a blank check. The Board Member pointed out that she is an ex-employee who handled money for the City and offered assurances that she is not against the Commission having some money and she does not want to be misrepresented, acknowledging that an adjustment is due. She said that the Commission needs to prove their worth and said that they should know that they're not going to be making any money if they take the job. The Board Member also noted that all the Board Members sitting on the dais were not being paid one penny despite them spending time. She also reminded the Charter Review Board that the Commission had insurance, cars and allowances and urged the Board to look at where it got the City. Board Member Banks added that the City must get out of arrears before it can make a profit. Additionally, she reminded the Board that they can make all the recommendations they want to make, and send it to the Commission, but it still must go before the people in the

community which she recalled voted down previous salary increases because they felt the Commission wasn't doing anything to warrant getting a raise at that time. She stressed that the City is never going to get anywhere until it learns how to balance its money. Stating on the record that she agreed the Commission should get some money and health insurance, considering that some of them do put in a great deal of time and effort. After sharing that she believes life insurance should be the City Commission's own thing, she recommended that people could vote on how much they want for the City Commission's salary on the ballot, adding that she can't make that decision because if she was to review all 5 Members of the Commission the same as regular City Employees, their salaries would be based on their review and some of them may not get a good review. Asserting her recommendation, Board Member Banks concluded by reminding the Board that taxes are sky-high.

Board Chair Russell stated that Board Member Banks is very passionate and that all the Charter Review Board Members were passionate, but she said that she tries to not look at the City Commission Opa-locka has now and how they are performing today as her standard, instead looking at the overall picture of where the City is in 2022.

Board Member Banks asked if Board Chair Russell needs \$50 to pay something that is going to come up next month, if she projects how much money she has.

Board Chair Russell said that you must do projections.

Board Member Banks stated that they can project this, make their recommendations to the City Commission and they can put it on the ballot if they want to, but she pointed out that if there's no money, the City is still not going to be able to do it. The Board Member said she is looking at the public because she will have to go vote for it.

Board Chair Russell noted that the Charter Review Board had been provided a document responding to their question about how the City comes out of financial emergency, pointing out that the response stated that the answer is not monetary, but is based on the City's ability to be current with the last 2 years of fiscal audits, ensuring that it does not exceed 90 days in paying vendors, and that all audits are completed by an outside firm that is bonded. The Board Chair also acknowledged that Board Member Riley had pointed out that the State of Florida has not given Opa-locka any money to bring the City out of financial emergency despite paying its bills on time and staying within budget. She said that she thinks the reason why the city is in financial emergency is not because it doesn't have enough money to pay bills, but because it is behind on 1 or 2 audits and the money was not being spent according to budgeted items.

Board Member Banks asked Board Chair Russell to put her statement on the record and she informed the Charter Review Board that this is the 2nd time that Opa-locka has gone into financial emergency.

Board Chair Russell acknowledged that Opa-locka had gone into financial emergency 2 times but said that the document that was provided to the Charter Review Board included the answer to their question about what it would take for the City to get out of financial emergency.

Board Member Banks asserted that the City's money must be handled in a professional way.

Board Chair Russell agreed with Board Member Banks that the City's money must be handled in a professional way.

Board Vice Chair Williams pointed out that if the Charter Review Board were to decide to increase the City Commission salary, and it was voted on, the Board and voters would simply be saying to the City Manager and their Administration that it is priority, with them being responsible for creating a budget based on what was set as a priority. The Board Vice Chair also noted that a budget is created every single year based on the priorities that are set, with money being moved around to be balanced into the budget. Additionally, she reminded her fellow Board Members that when the League of Cities presented to the Board, they made a recommendation on what a formula could look like and she highly encouraged them to look at a formula, adding that it didn't have to be the same formula that was presented to them. She acknowledged that Board Member Riley made a good point, stating that the City can't be using the same exact amount 20 or 30 years later, and said that she wants to make sure they're setting some formula and relying on something that other municipalities are using. Board Vice Chair Williams concluded by expressing her support because she said it is incredibly important, acknowledging that many of the Board Members have made some really good comments and going on to assert that the folks who are representing the City have to be valued because they put a lot of work, time and effort into it and have to be shown they are appreciated and their time is respected with the right pay.

Board Chair Russell stated that she was reminded of Representative Meek's proposed class size amendment, which she recalled they kept saying there was no money to do it, but the money was found once it became law and helped the children. The Board Chair acknowledged that the Charter Review Board may not always look at it in the same light but pointed out that they are all in agreement because Board Member Banks said she did agree that once the City comes out of financial emergency, that something should be done. She said that the Board is in the middle of the road on what the something that should be done is and what it's going to look like, and she urged them to look at it with an open mind, moving their personal feelings out of the way. Board Chair Russell said that she thinks that she is going to make a good decision, because she is not going to make it personal.

Board Member Riley recalled that in 2016, Opa-locka was told it would be bankrupt and could not make payroll, but he said that the City never missed the payroll and paid its bills with no outside help. The Board Member said that the audits are a whole different thing, but also pointed out that unlike the federal government, cities, counties and the State of Florida are required to have a balanced budget by law and can lose a lot not having a balanced budget. Board Member Riley also recalled that in 2017, Opa-locka was once again told that they were not going to meet payroll and couldn't pay its vendors, but the City got organized.

Board Member Banks lamented that in the meantime, City Departments suffered, and she stressed that when the City has debts, all City Employees must be smart with the money.

Board Member Riley stated that everything and everybody suffered.

Board Chair Russell stated that they all agree that City Employees must be smart with the money.

Board Vice Chair Williams stated that after reviewing Article 1.3 of the current City Charter, she recommends that the Charter Review Board look at Opa-locka's form of government, stressing that she is not in support of a strong mayor government. The Board Vice Chair shared that she has seen the mayor commission manager form of government in many other charters and added that she thinks it is important to outline the Mayor's responsibilities. Noting that the Mayor is doing more than what is in the Charter, as the ceremonial head who presents the State of the City Address annually, she said that other charters outline what the mayor is responsible for. Offering to bring some research that she's done to find examples like the City of Miami Gardens, the Board Vice Chair also encouraged her fellow Board Members to do some research as well. She also said that she thinks they must realize that the Commission is not just equal and are not all doing the exact same thing, adding that when a representative calls, often they're calling to have the Mayor go and represent the City, which is more work on that person, and she stressed that they should probably look at the responsibilities that are put on the Mayor.

Board Member Riley informed the Charter Review Board that Opa-locka had a strong mayor form of government from 1926 to 1956 and stated for the record that he does not have a problem with a strong mayor form of government.

Board Chair Russell stated that she thinks the position of Chief of Police should not be the sole responsibility of the City Manager, adding that she thinks the City of Miami Gardens does it in a different way with the Commission choosing the Chief along with the Manager. The Board Chair said that she thinks the Chief is such an important position in a community, that it should not be left to just one person to make the decision.

Board Member Edmonson stated that when the City Commission is involved, it becomes political and you want the Chief of Police to be a professional and not someone who can win 3 votes, adding that it is why you see the Manager promoting and hiring the Chief, just about everywhere.

Board Chair Russell said that she was not saying they don't get it right, but that although the City Manager appoints the Chief of Police in Opa-locka, that it still seems kind of a political thing and stressed that she thinks something else needs to be put into place for the process to choose a Chief because it is such a high-level position. The Board Chair clarified that she was not proposing that just the Mayor and Manager hire the Chief, but that she was thinking about the whole City Commission. She said that she understands what Board Member Edmonson said about making it very political but asserted that she thinks something else needs to go into choosing the Chief.

Board Member Riley agreed that you want to keep politics out of the selection of the Police Chief, and he suggested that there could be an authorized select committee, and he also said that in some municipalities the City Manager has the final say in hiring the Chief but needs the advice and consent of the Commission for termination of the Chief.

9. PUBLIC COMMENT:

Please limit to not more than three (3) minutes

Ms. Dorothy Johnson of 13724 NW 22nd Place recalled that an attempt was made in 2022 to get a higher salary for the City Commission, but it was turned down by the voters, but they finally got it to \$550. She recommended that the Charter Review Board be progressive with whatever formula they may use for the salary, so that it would increase by a certain percentage every certain number of years. Ms. Johnson also said that she is looking progressively at the Police Department and suggested that perhaps the Chief of Police needs to be elected by the people, not just in the City of Opa-locka, in consideration of public safety. Recalling having been very active and compassionate during the last Charter Review process, Ms. Johnson said that as a certified and trained human resource manager, she joined her colleagues to make sure that other provisions would be available to City Employees when they took the Civil Service Board out of the Charter, so that it didn't have to be voted on by the voters in the City with it being a better fit in the City's Code of Ordinances, giving the City Commission the flexibility to make sure that the Employees always had representation. Ms. Johnson went on to state that she was on the Commission from 2002 to 2014 and stated her position that the public hearings for the ordinances for proposed budget amendments are so critical, lamenting that the City hasn't done a good job promoting community engagement, but stressing that when it came down to money and the budget, the taxpayer constantly had input and an opportunity to share their view. She also shared that she was told she could only use her car for City business and said she

never used it for anything except for City business and had the lowest mileage, but she said that when she found out people were going to Homestead to do their job, she started using hers. Ms. Johnson said that she thinks carpooling and making a certain number of cars available that the Elected Officials can use, is a great idea and she said they can be maintained under the jurisdiction of the City Manager through the Public Works Department. She also stated that she is a stickler for providing the public with whatever the City Commission gets, and urged City Staff to always be expecting, adding that she was happy to see the copy of the Charter and handouts provided by the City Clerk's Office. Ms. Johnson added that she doesn't give a lot of hats off, and despite it being her first Charter Review Board Meeting, she expressed appreciation for the dialogue despite her belief that the parliamentarian was not adhered to. She concluded by urging the Charter Review Board Members to know that they are speaking for multiple people who may not have a voice and are depending on them.

Board Chair Russell apologized to Ms. Dorothy Johnson that the handout passed out by Budget Administrator Anathan was not available for the audience, recalling that she has heard Ms. Johnson say many times before that whatever the Board gets the public should have too. The Board Chair committed to making sure it is being done in the future as much as they can control.

There being no additional members of the public to address the Charter Review Board, Board Chair Russell closed Public Comment.

10. ITEMS FOR NEXT MEETING AGENDA:

Board Chair Russel asked if the Public Input Workshop had been set.

Deputy Clerk Wills stated that the Public Input Workshop had not been scheduled yet because feedback was needed from the Charter Review Board on how they wanted to handle that. The Deputy Clerk reminded the Board that at their last Meeting, they discussed whether they wanted to schedule the Workshop during one of their regularly scheduled meetings, during an additional separate date or possibly prior to one of the City Commission Meetings where the public already comes in larger numbers and could potentially come a little earlier to attend the Workshop and provide the Board feedback.

Board Chair Russell asked to confirm if May was the deadline to have the proposed Charter amendments submitted to the City Clerk's Office so that they can get on the ballot.

Deputy Clerk Wills confirmed that the deadline for Charter amendments to be submitted to appear on the ballot for the August primary election was in May.

Board Chair Russell stated that she thought everybody agreed to schedule the Public Input Workshop during one of the Charter Review Board’s regularly scheduled meetings, so they don’t have to add another night, and she proposed that the Workshop be scheduled during their first meeting in May.

Deputy Clerk Wills stated that the Public Input Workshop would be scheduled on Thursday, May 5th.

12. ADJOURNMENT:

There being no further business to come before the Charter Review Board, it was moved by Board Member Riley, seconded by Board Member Banks to adjourn the meeting at 7:46 p.m.

Jannie Russell
Board Chair

ATTEST:

Joanna Flores, CMC
City Clerk