

City of Opa-locka

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



CHARTER REVIEW BOARD Agenda

**Thursday, April 7, 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

Thursday, April 7, 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 – March 17, 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:**

NEXT MEETING DATE
Thursday, April 21, 2022 at 6:00 p.m.

Pursuant to F.S. 286.0105, if a person decides to appeal any decision made by the Board, Agency or Commission with respect to the proceedings, and that, for such purpose, that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 953-2800 for assistance at least two (2) business days prior to the meeting to request such accommodation. If you are hearing or speech impaired, please contact the Florida Relay Service by using the following numbers: 1-800-955-8770 (voice) or 1-800-955-8771 (TDD).

Procedures for Public Participation

Participation at Charter Review Board Meetings

The Charter Review Board will meet in-person while allowing virtual participation via Zoom.

Charter Review Board Meeting location for in-person meetings

Charter Review Board Meetings are held in the Auditorium at Sherbondy Village, 215 Perviz Avenue, Opa-locka, Florida, with offsite participants joining by Zoom.

How to watch the meeting

Members of the public are encouraged to watch the public meeting at <https://www.youtube.com/user/CityofOpaLocka>

How to participate

Charter Review Board Meetings are held in-person with virtual participation; members of the public wishing to address the Commission on any agenda item may do so in person or virtually.

To participate virtually, please register prior to the start of the meeting at www.opalockafl.gov.

APPROVAL OF MINUTES

CITY OF OPA-LOCKA
"The Great City"

CLERK'S ACTION SUMMARY MINUTES

CHARTER REVIEW BOARD MEETING

Thursday, March 17, 2022

6:00 p.m.

1. CALL TO ORDER:

Board Chair Jannie Russell called the meeting to order at 6:10 PM on Thursday, March 17, 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 Frank Vega, Board Vice Chair Nikisha Williams and Board Chair Jannie Russell. Board Member Mykeisha Fenn arrived at 6:21 PM. Also in attendance were City Attorney Burnadette Norris-Weeks and City Clerk Joanna Flores. Board Member John Riley was not in attendance.

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

City Clerk Flores informed the Board that in lieu of the presentations from Budget Administrator Robert Anathan and Financial Consultant Gerri Lazare, the Clerk provided a memorandum from the City Manager's Office which addresses the questions posed at the March 3, 2022 Charter Review Board Meeting.

Board Chair Russell stated her understanding that during the Presentations portion of the Agenda, the Board will just go over the document provided to the Board by Clerk Flores.

City Clerk Flores confirmed that the Board could review the memorandum provided by the City Manager's Office during the Presentations portion of the Agenda.

6. APPROVAL OF MINUTES:

Charter Review Board Meeting Minutes – March 3, 2022

It was moved by Board Member Banks, seconded by Board Vice Chair Williams to approve the minutes from the **March 3, 2022 Charter Review Board Meeting**.

There being no discussion, the motion to approve the minutes passed by a 3-0 vote.

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

7. PUBLIC COMMENT:

Please limit to not more than three (3) minutes

There were none.

8. MEMORANDUM FROM CITY CLERK:

City Clerk Flores reminded the Board that they had requested some information during their March 3rd meeting, and reviewed a memorandum prepared by the Clerk’s Office, to address the questions they had.

Board Chair Russell thanked the Clerk’s Office, stating that they did a really great job in providing the Board the information and clearing up any questions that were unanswered, adding that it was the information that was needed.

Board Member Edmonson noted that the formula for salaries is a recommendation from the State of Florida and she said that it’s up to each municipality or county whether to use it. The Board Member recalled that when Miami-Dade County tried to use it, it was voted down, even though it was the recommendation from the State of Florida.

Board Chair Russell asked if Board Member Edmonson could, in her professional opinion, provide some reasoning as to why the formula recommended by the State of Florida is not used in Miami-Dade County.

Board Member Edmonson stated that the formula recommended by the State of Florida is not used in Miami-Dade County because it was voted down by the voters and she said that she guesses they don’t want their elected officials to be compensated. The Board Member pointed out that Broward County uses the formula, but for the Miami-Dade Board of

County Commissioners to have a raise, it must be on the ballot and voted on by the citizens of the County.

9. PRESENTATIONS:

- 1. Lynn S. Tipton, Director**
Florida League of Cities University
Re: Forms of Government

Ms. Lynn Tipton, Director of the Florida League of Cities University, made a presentation to the Board on the forms of government.

- 2. Robert Anathan, Budget Administrator**
City of Opa-locka
Re: City of Opa-locka Financial Oversight Status

- 3. Gerri Lazarre, Financial Consultant**
City of Opa-locka
Re: Opa-locka Elected Officials Benefits

City Clerk Flores stated that in lieu of the presentations from Budget Administrator Robert Anathan and Financial Consultant Gerri Lazarre, the Clerk provided the Board with a memorandum from the City Manager's Office.

Board Chair Russell reviewed the memorandum from the City Manager's Office, and she stated her understanding that the cancellation of the benefits provided to the Members of the Commission had nothing to do with audit findings but is based on the Charter and a Charter review is necessary for it to change because the Commission can't just pass an ordinance or resolution to change their own salary and benefits.

City Clerk Flores confirmed that in order to change the salary and benefits for the Members of the Commission, a ballot question would have to go before the voters, and they would have to vote in favor.

Board Vice Chair Williams stated that she thought the answer to the Board's question about the cancellation of the Commission's benefits was clear, but that she felt the answer to their question about how much money the City requires to get out of financial emergency, was not clear. The Board Vice Chair said that she thinks the question was asked to help determine what room there is to make changes to the salaries of the Members of the Commission and asked if they can get additional clarification.

Board Chair Russell shared her understanding that Commission salaries wouldn't have a direct effect on the budget because it would be a part of the budget and they would just

have to find where to take the money from to have it added in. The Board Chair added that she doesn't think it will really have an impact.

City Clerk Flores pointed out that if there is a salary increase for the Members of the Commission, it would have to be budgeted for moving forward, but that if it happens in the middle of a budget year, then a budget amendment would be necessary to compensate for the dollar amount.

Board Vice Chair Williams stated that she still doesn't necessarily think that the response to the Board's question about how much money the City requires to get out of financial emergency, answers that question, but she said that for now, they can move on.

City Clerk Flores offered to follow-up and see if the City Manager's Office can provide further clarification on their response to the Board's question about how much money the City requires to get out of financial emergency, and she will be able to bring that back before them at the next meeting.

Board Chair Russell reminded her colleagues on the Board that the City must deal with the amount of money they have and can't over budget, nor is it good to under budget.

10. REVIEW / DISCUSSION ON ARTICLE I THROUGH VIII OF THE CHARTER:
Continuation from previous Charter Review Board Meeting on March 3, 2022 (Section 2.5 of the City Charter)

City Attorney Norris-Weeks reviewed the remaining portions of Article II through VIII of the current City Charter for the Board.

Board Chair Russell stated that she didn't see any language in the current Charter relating to the appointment or removal of the City Attorney or the City Clerk, and that it only refers to the City Manager.

City Attorney Norris-Weeks stated that the appointment and removal of the City Attorney and the City Clerk is an inherent power, and the powers stipulated in Article II, Section 2.5 of the current City Charter are not intended to cover all their powers, pointing out that it includes a "without limitation to the foregoing" clause. The City Attorney added that the City Commission obviously has the power to hire and fire the City Attorney and the City Clerk. She added that she did not know, but that the Clerk could have been independently selected at one time. City Attorney Norris-Weeks also said that she can think of a whole lot of things that the City Commission can do that may not be listed in Article II, Section 2.5 of the Charter and assured the Board that it is not unusual or shocking and she recommended that it's not something they may want to spend time changing.

Board Chair Russell stated that the current City Commission had to deal with this issue.

City Attorney Norris-Weeks noted that the provisions for the City Manager, City Attorney and City Clerk are in another section of the current City Charter.

Board Chair Russell said that her concern is that Article II, Section 2.5 of the current City Charter addresses the City Manager but does not address the City Attorney or the City Clerk, acknowledging that she is aware the provisions for those offices can be found in other sections of the Charter. The Board Chair also asked if the title of Interim City Manager is the same as Acting City Manager.

City Attorney Norris-Weeks stated that based on the provisions of the current City Charter, the title would be Acting City Manager, but she said that sometimes those terms are used interchangeably. The City Attorney also said that in the final resolution dealing with the City Manager, the Acting title was used.

Board Member Vega asked if Mr. Wright is the Interim City Manager.

City Attorney Norris-Weeks stated that after a certain number of days expired, the City Commission reconsidered Mr. Wright's appointment and he is now the permanent City Manager. The City Attorney added that when Mr. Pate was still serving as City Manager, Mr. Wright was the Acting City Manager because Mr. Pate was still contractually the City Manager. She also said that the Acting City Manager title was temporary until the City Commission hired Mr. Wright and he became the permanent City Manager.

Board Chair Russell asked City Clerk Flores if she had any comments.

City Clerk Flores stated she did not have any comments at the time.

11. ITEMS FOR NEXT MEETING AGENDA:

Board Chair Russell recalled that her colleagues on the Board started with some concerns including the compensation of elected officials and the form of government, and she asked that they go through the information they've received and come back with some solid concerns they can discuss at their next meeting. The Board Chair acknowledged that the Board meetings are advertised, but she asked what they can do to get more citizens to give input, asking if the Board needs to have a workshop just for citizens. Noting that when she looked at her phone, she saw about 6 people watching the meeting, she stressed that they really need to get the information out in the community to get the residents involved in the process because she thinks that's the only way to get people to really understand why the proposed changes to the Charter will be put on the ballot. Board Chair Russell asked if any of her colleagues on the Board had any suggestions on how they can get the residents more involved and asked if they wanted to keep the input of residents during Citizen's Forum during their meetings.

Board Vice Chair Williams recommended that the Board schedule a workshop and suggested that the Public Comments section be put at the end of the Agenda as well, so it gives people who do participate the opportunity to listen and then provide feedback.

Board Chair Russell asked her fellow Board Members if they wanted to move Public Comments to the end of the meeting, so that the Public can hear what the Board has to say as they go through the agenda items. The Board Chair also noted that there was one person that had been sitting diligently in the audience, and she stressed the importance of people having input.

Board Member Edmonson stated that she would not suggest that the Public speak at the end of the Board meetings because the Public would be speaking after the Board makes their decisions, and she recommended that the Public speak at the beginning and the end of the meeting or just at the beginning. The Board Member also pointed out that it would give her colleagues on the Board the opportunity to address any concerns expressed by the Public, during the meeting.

City Clerk Flores informed the Board that when she originally drafted the agenda for their first meeting, she had Public comment at the beginning and end of the meeting, but she took off the one at the end of the meeting pending direction from the Board.

Board Chair Russell asked her colleagues on the Board what they thought about having Public comment at the beginning and the end of their meetings.

The Board Members unanimously stated they all supported having Public comment at the beginning and the end of their meetings.

Board Chair Russell asked her fellow Board Members if they think the Board should have a separate workshop to try and get the public to come out or should plan one of their meetings as a workshop, pointing out that they are already meeting 2 times a month, and everybody has a lot going on.

Board Vice Chair Williams thanked Board Chair Russell for being respectful of everyone's calendars and suggested using one of the Board's meetings, adding that since they meet for 2 hours, they could make the first half of their meeting a workshop and then take up some stuff under a Board meeting after, adding that they could all agree to stay an extra 30 minutes just in case they need the extra time.

Board Member Banks stated that she would second the proposal to schedule the workshop during one of the Board's meetings, pointing out that they can always defer agenda items to their next meeting.

Board Chair Russell stated that she thinks the Board is going to come up with very important questions to go on the ballot and stressed that they want the citizens to be informed.

City Clerk Flores acknowledged that the members of the Board proposed to have a workshop on one of their meeting dates and she asked which date they would propose.

Board Chair Russell stated that she would like for the areas of the Charter the Board should look at to be brought back before them to discuss, so that when they have the workshop, they will already have some groundwork done that the public can give some input on. She also noted that City Attorney Norris-Weeks said that the City Commission had voted for Mr. Wright to become the permanent City Manager but pointed out that the document the Board was provided from the Manager states Interim Manager, and she asked that something be brought before the Board to let them know the correct title.

City Attorney Norris-Weeks said that the inclusion of the Interim City Manager title on the document provided to the Board may be a mistake, adding that without spending any more time on it she can tell the Board that Mr. Wright is definitely the City Manager now. The City Attorney went on to say that after Mr. Pate's contract expired, pursuant to the City's directive, Mr. Wright became the City Manager and she asked City Clerk Flores if she concurred to put it on the record so that Chair Russell is comfortable.

Board Chair Russell explained that the reason she is asking about the correct title for the City Manager is because the audience is listening and are the same people who watch the City Commission meetings, and she wants to make sure that the Board is giving sound information when they go back into the community.

City Clerk Flores informed the Board that Resolution 22-9934 states in the 2nd whereas, that the City Commission appointed James Wright as Interim City Manager on January 14, 2022 to serve for a term not to exceed 9 months, starting at 12:01 AM on February 1, 2021 and requiring a national search for the appointment of a permanent City Manager.

City Attorney Norris-Weeks stated that she thought Mr. Wright was the permanent City Manager because there was a later resolution that appointed him, but she said that she will do the research like Chair Russell suggested and will bring the information back before the Board.

City Clerk Flores clarified that initially the City Commission appointed Mr. Wright as Deputy City Manager and a resolution amended that legislation because the title of Deputy City Manager is not in the City Charter. The Clerk added that Mr. Wright was the Acting City Manager up until Mr. Pate was terminated and then became the Interim City Manager.

She offered to share the resolutions with City Attorney Norris-Weeks so she can read them for herself and make sure that the Clerk's interpretation is correct.

City Attorney Norris-Weeks asked if she thought it was an issue with the Charter.

Board Chair Russell explained that she brought up her question about the City Manager's title because the current City Charter included the title Acting City Manager, and she said that while it might be a small thing to the Members of the Board, the audience and residents want to know if the correct title for the City Manager is Acting or Interim and whether those words are interchangeable.

City Attorney Norris-Weeks stated that she tried to explain that the title of Acting City Manager as included in the current City Charter is for a temporary period of time when the Manager is temporarily away, offering the example of him having to be away for a month due to a surgery. The City Attorney said that the title of Interim City Manager is being used now because Mr. Wright is serving in that role until the Commission determines otherwise or the nine months expire. She added that she wanted to make clear that Mr. Wright's period as Acting City Manager is over, after the correction was made to the Deputy City Manager title. City Attorney Norris-Weeks asked Board Chair Russell if she was thinking of a change being made to the City Charter or if she had asked about the City Manager's title just for clarification.

Board Chair Russell said that she asked about the City Manager's title in consideration of the changes that may be proposed for the City Charter and for clarification because the Board wants to give the Public information so that they will have full knowledge and are going to understand, pointing out that 2 different titles are being used.

City Attorney Norris-Weeks reviewed Section 3.4 of the current City Charter, outlining the role of the Acting City Manager, pointing out that it stipulates that the role is for a specific period of time if there's a temporary disability or absence. The City Attorney also acknowledged that according to City Clerk Flores, nobody's been named as permanent City Manager, and because he's not Temporary City Manager, he is Interim City Manager. She added that Mr. Wright can't be Acting City Manager because there's nobody that he's filling the place for. City Attorney Norris-Weeks also said that she just wanted to spend a second on it, if Board Chair Russell thinks people will be confused by that.

Board Member Banks asked City Clerk Flores to provide the Board with the resolutions which the City Commission passed to appoint Mr. Wright as City Manager to validate what his position is at this time. The Board Member agreed with Board Chair Russell and said that a lot of the public doesn't know whether Mr. Wright is the Interim City Manager, Acting City Manager or permanent City Manager.

Board Chair Russell stated that the Members of the Board have the responsibility to go through the City Charter and she said that if words are being used that are not in the current Charter, it becomes an issue for some people even if it isn't for everybody. The Board Chair also said that when people ask questions, they try to address them to the best of their ability. She expressed her appreciation for City Attorney Norris-Weeks, stating that she respectfully asked about the City Manager's title because she has been asked what the Charter says.

City Attorney Norris-Weeks pointed out that the current City Charter doesn't address the title of Interim City Manager, but she said that it's widely understood and used. The City Attorney also said that the Charter doesn't need to address the title of Interim City Manager because Mr. Wright is not the Acting City Manager.

Board Member Fenn stated that when she thinks of the title of Interim City Manager, it is because the City doesn't have a permanent City Manager and the Manager is acting until a permanent Manager can be found. The Board Member asked if the Commission just hasn't given Mr. Wright the power as the permanent City Manager.

Board Chair Russell said that she thinks Mr. Wright has all the powers of the City Manager and the Board just needs to see if the wording of the title is something they want to address in the City Charter.

City Attorney Norris-Weeks said that it is helpful for her to understand that people have questions about the City Manager's title because they can look at crafting language if the Board wants to go in the direction of making it clearer.

Board Chair Russell thanked everyone for being so diligent and urged those listening in the audience who have questions or concerns, to send them to the City Clerk who will make sure that the Board gets them to address them. The Board Chair asserted that they want the process to be reflective of the community and they want to make sure they're doing what's in the best interest of everyone because all the residents are important.

12. ADJOURNMENT:

There being no further business to come before the Charter Review Board, it was moved by Board Vice Chair Williams, seconded by Board Member Fenn to adjourn the meeting at 8:20 p.m.

Jannie Russell
Board Chair

ATTEST:

Joanna Flores, CMC
City Clerk