

**NORTH MIAMI CRA ADVISORY COMMITTEE
REGULAR MEETING
THURSDAY, MAY 4, 2006 - 6:00 P.M.
NORTH MIAMI CRA OFFICE
615 NE 124TH STREET
NORTH MIAMI, FLORIDA**

AGENDA

- I. Call to Order/Roll Call
- II. Approval of Minutes –April 5, 2006
- III. New Member Introduction
 - Jesus Remon
 - Keith Bell
- IV. Public Disclosure Under Florida Ethics Law - Report
- V. Downtown Pride Program – Discussion
- VI. FY 2005-06 Proposed Budget Amendment – Presentation
- VII. Comprehensive Plan Visioning Workshop and Charter Review Board – Update
- VIII. Old/New Business

(Items Discussed Under Old/New Business Are For The Purpose Of Obtaining Or Providing Information Topics Or Requesting Information On Non-Agenda Topics, And No Official Action Or Vote Of The Committee Will Be Taken).

- IX. Adjournment

Informational Items: Non-Agenda Written Reports Or Documents Provided To Committee Members For Informational And Educational Purposes And Not Intended Or Required For Discussion May Be Included In The Back Of This Agenda Package.

Note: Two or more members of the City Councilman/CRA Board of Commissioners and/or other elected or appointed public officials may be present at this meeting. If any person decides to appeal any decision made with respect to any matter considered at this public meeting or hearing, he/she will 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. If you desire auxiliary services to assist in viewing or hearing the meetings, or reading meeting agendas and minutes, please contact the Office of the CRA at (305) 899-0272.

SUMMARY MINUTES

REGULAR COMMUNITY REDEVELOPMENT AGENCY ADVISORY COMMITTEE MEETING

April 5, 2006

A regular meeting of the Chairman and Members of the Community Redevelopment Agency Advisory Committee was held in the North Miami CRA Offices on Wednesday, April 5, 2006, beginning at 6:11 p.m.

(Phonetic spelling of each speaker's name may be used throughout the minutes unless correct spelling is known.)

ROLL CALL

	Absent/ Present	Cumulative From 2/9/2006	
		(P)	(A)
Blanco Cobo	P	3	0
Inez Couch	P	3	0
Judy Feldman	P	2	1
Bruce Gibson	P	2	0
Dr. Smith Joseph	P	3	0
Michael McDearmaid	P	3	0
Clark Reynolds	P	3	0
Bill Valentine	P	3	0
Duke Sorey	P	3	0

APPROVAL OF MINUTES: Regular Meeting—March 9, 2006, approved by Committee.

ITEMS FOR REVIEW AND/OR DISCUSSION

1. CRA BOARD MEMBER ISSUES - DISCUSSION

The Executive Director described a list of projects presented by individual CRA Board members to bring before the Advisory Committee, including: Olympic Training Facility, Library, Purchase of apartment buildings, purchase of the 99 cent store, assisting MOCA in their

expansion efforts, Ruck's Park, Arch Creek Preserve, the 7th Avenue Business District's streetscape and economic development efforts. The need to match budget to priority projects was discussed. Requested any projects that are not on the list, and guidance as to priorities. Inez Couch brought up Czech-Slavic American Club on Arch Creek Road as a business that may need CRA help to keep as a historical structure rather than allowing a developer to change it.

2. AFFORDABLE HOUSING

The Executive Director updated the Committee on discussions with the CRA Board regarding Ruck's Park and the purchase of Rental Apartment Buildings. On Ruck's Park, he explained how different options were presented to the board by North Miami Housing (NMH), and that the townhouse over townhouse option was selected. He explained that a timeline was presented to the board which delineates responsibilities for each of the parties involved in Ruck's Park, including the CRA, NMH, and the City. This timeline will be refined continually, including at a meeting at the CRA offices on Friday, April 14. One of the CRA's responsibilities will be to find qualified buyers for the project.

The Executive Director and Chief of Staff Chuck Adams reviewed the Memo dated April 5, 2006, "Ruck's Park Feasibility and Income Targeting Guidelines," which analyzes the affordability and economic feasibility of the project. In this presentation different scenarios were discussed to determine who would be able to purchase a unit, what subsidies would be required, and how these would affect the bottom line of the project. The layering of subsidies was explained in detail, including a private first mortgage, a second created under the Miami-Dade County Surtax program, and a third provided by the CRA, along with down payment assistance from the CRA. One key provision is that while the CRA's mortgage does not require monthly payments, it will be repaid upon sale, and the CRA will have a share in any capital appreciation.

There was a concern expressed by Bruce Gibson that there may not be enough demand for the units for those in the 90% to 120% of Area Median Income (AMI) range. Furthermore, several Committee members were concerned that not enough analysis was done prior to the CRA Board's committing to Ruck's Park. Mr. Otis Pitts, President of North Miami Housing (NMH), stated that this should not be a concern of the CRA as NMH will not be able to get a construction loan without being able to show they have willing buyers.

A motion was made by Bruce Gibson that *An economic feasibility, buyer qualification analysis, and buyer demand survey should be performed prior to the public commitment to a project by the CRA Board.* It was passed.

Various Committee members expressed concern of the time and effort being expended by the CRA on Ruck's Park, and they reiterated the policy from the previous meeting that the purchase of Rental Apartments should be the highest priority. Bill Valentine suggested that time is not on our side, as the owners of the Sun King group of buildings is ready now to convert to condo and sell on their own, forever taking this opportunity off the market. Chair Reynolds and Judy Feldman agreed that this is the priority, but supported the Board's decision to start with a small

number of apartment buildings. The Executive Director explained that he is looking at several individual building purchases, working in a willing-seller, willing-buyer structure.

The Executive Director stated that the CRA is currently working on a five year budget that the will serve as a tool to help identify and prioritize all the different programs that CRA has been asked to look into.

3. OLYMPIC TRAINING FACILITY AND LIBRARY PROJECTS – PRESENTATION

As part of the process to seek County approval of specific Redevelopment projects, assistant City Manager Dennis Kelly made a presentation on the current status of the Olympic Training Facility and City Library projects. He discussed the complex negotiations with the US Olympic Committee and the Olympic Governing Boards for each individual sport. He stated that it would be best to issue a Request for Proposals for an architect for the facility, following the City's standard guidelines. The facility was described as approximately 80,000 sq. ft., including training facilities for each sport and a 2,500 seat arena. He described the facility as a regionally significant one, attracting athletes and supporters from the area to become an engine for economic development.

Mr. Kelly then discussed the new Library, including the process of selecting the architect and some of the problems involved in getting plans finalized while the new schools are being discussed. The current conceptual plans show the library, of approximately 60,000 sq. ft., and Olympic Training Facility all fitting in the area of the current library plus one strip center on Dixie Highway right behind the existing library. Some discussion followed as to the ability to share facilities between the new schools, the library and the Olympic Training Facility.

There was also a discussion of some of the responsibilities the CRA would have to take if they took over both projects. One is the need to purchase the existing strip shopping center, as well as the \$600,000 a year fee to the sports Governing Boards, for each of the next 10 years. Mr. Kelly also suggested alternative sources of funds, such as Foundations and the Dade County Sports Commission, which can make available approximately \$2 million dollars in license tag revenues.

4. DOWNTOWN PRIDE PROGRAM

There was not time at this meeting for the Downtown Pride Program presentation. John O'Brien, Special Projects Manager promised to post the presentation on the website and it will be on the next committee agenda.

5. COMMITTEE ORGANIZATIONAL ISSUES

Committee members were reminded that the CRA needs to have notarized forms authorizing background checks, and Guylene Berry, CRA Community Relations Advisor, notarized several forms.

5. PUBLIC DISCLOSURE UNDER FLORIDA ETHICS LAW REPORT

There was not time for this issue.

6. OLD/NEW BUSINESS

The Executive Director urged all Committee members to attend the upcoming public hearing on changes to the City Charter, scheduled for April 20, 2006, with a possible additional date of April 26. The Executive Director briefly outlined the key issues involved in the changes to the charter, especially that the density and intensity limits be controlled by zoning and land development regulations, rather than by the charter itself. He also suggested that the City's Comprehensive Plan and LDRs be created as if the recommended Charter amendments have been approved. This would allow the general public to "see" what the proposed changes to the Charter would mean, rather than having to think in purely abstract terms. This will also force the City and the consultant to address any changes to infrastructure that will be required if certain changes are suggested, based on the data and analysis portion of the comprehensive plan.

ADJOURNMENT

Meeting adjourned at 8:48 PM.

MEMORANDUM

Date: April 27, 2006
To: North Miami CRA Advisory Committee
From: Frank Schnidman, Executive Director
Subject: May 4, 2006 Meeting – New Member Introduction

Since your meeting on April 5, 2006, the CRA Board has made two additional appointments. New members, Keith Bell and Jesus Remon, will be introduced at your meeting of May 4, 2006.

The current status on membership appointments is provided on **Exhibit 1**.

The revised 2006 Annual Meeting Calendar is provided as **Exhibit 2**.

FS:caa

Attachment: a/s/a



EXHIBIT 1

The North Miami Community Redevelopment Agency

Advisory Committee Members

Appointed by Kevin Burns, Chair

Bill Valentine	Resident	9/11/2007
Jesus Remon	Business	9/11/2006

Appointed by Michael Blynn

Michael McDearmaid	Resident	9/11/2007
Vacant	Business	

Appointed by Jacques Despinosse

Inez Couch	Resident	9/11/2006
Keith Bell	Business	9/11/2007

Appointed by Scott Galvin

Clark Reynolds	Business	9/11/2007
Bruce Gibson	Resident	9/11/2006

Appointed by Marie Erlande Steril

Duke Sorey	Resident	9/11/2007
Dr. Smith Joseph	Business	9/11/2006

At-large

Blanco Cobo		9/11/2007
Judy Feldman		9/11/2006



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CRA Advisory Committee Meetings

Meetings take place at the CRA Offices
615 NE 124th ST, North Miami ([Map](#))
Meetings begin at **6:00 p.m.**

REGULAR MEETING SCHEDULE First Thursday of Every Month

May 4, 2006

June 1, 2006

July 6, 2006

August 3, 2006

September 7, 2006

October 5, 2006

November 2, 2006

December 7, 2006



MEMORANDUM

Date: April 27, 2006
To: North Miami CRA Advisory Committee
From: Frank Schnidman, Executive Director
Subject: May 4, 2006 Meeting –Florida Statutory Ethics Disclosures

The NMCRA Attorney, Steve Zelkowitz, will address the Committee on certain disclosure requirements under the Florida Statutes that may be applicable to some members. Provided as **Exhibit 1** is his report.

This item was previously distributed at your meeting of April 5, 2006 and is resubmitted for discussion at your meeting of May 4, 2006.

FS:caa
Attachment: a/s/a

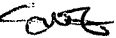
954-761-7469

SZELKOWITZ@GRAY-ROBINSON.COM

MEMORANDUM

TO: North Miami Community Redevelopment Agency Advisory Committee

CC: Frank Schnidman, Executive Director

FROM: Steven W. Zelkowitz, Esq. 

DATE: March 31, 2006

SUBJECT: Ethics Issues

As members of the North Miami Community Redevelopment Agency Advisory Committee ("CRAAC") there are two ethics issues which need to be presently addressed, as follows.

1. Disclosure of Property Interests. Pursuant to Article 1(d) of the CRAAC By-laws and in accordance with Section 163.367(2), Florida Statutes (copy attached), any CRAAC member who owns or controls property in the CRA Redevelopment Area must make a disclosure in the manner required by Florida law. The foregoing would include any residential property such as your home and any commercial property which you own individually or control through a business entity such as a corporation or limited liability company. If you are unsure as to the boundaries of the Redevelopment Area, CRA staff can provide you with assistance. In order to make the necessary disclosure, a public announcement needs to be made a CRAAC meeting and a Voting Conflict of Interest form needs to be completed and filed with the CRA Clerk (City Clerk). A copy of the Voting Conflict of Interest form and a Florida Commission on Ethics opinion regarding this matter are both attached for your reference.

2. Voting Conflicts. Article 4(l) of the CRAAC By-laws and Section 112.3143, Florida Statutes (copy attached), address voting conflicts of interest. Generally a voting conflict of interest exists if a special gain or loss could inure to the CRAAC member or relative or business associate. For example, if the action by the CRA would generally affect all properties in the Redevelopment Area equally, the measure would not inure to the special gain of any individual and no conflict would exist. The attached Florida Commission on Ethics opinion provides further detail on this issue. In the case of a voting conflict of interest, the CRAAC member must publicly announce the conflict at the CRAAC meeting prior to discussion by the CRAAC. The member cannot participate in the discussion of or vote on the item as a CRAAC

North Miami Community Redevelopment Agency Advisory Committee
March 31, 2006
Page 2

member. A Voting Conflict of Interest form must be filed with CRA Clerk (City Clerk) within 15 days of the meeting. Finally, the By-laws provide that the member may only speak on the item as a private citizen from the podium or place designated for the general public.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY COUNTY	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED	NAME OF POLITICAL SUBDIVISION:
	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, _____, hereby disclose that on _____, 20 ____:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

EXHIBIT 1Select Year: **The 2005 Florida Statutes**

Title XI
COUNTY ORGANIZATION AND
INTERGOVERNMENTAL RELATIONS

Chapter 163
INTERGOVERNMENTAL
PROGRAMS

View Entire
Chapter

163.367 Public officials, commissioners, and employees subject to code of ethics.--

(1) The officers, commissioners, and employees of a community redevelopment agency created by, or designated pursuant to, s. [163.356](#) or s. [163.357](#) shall be subject to the provisions and requirements of part III of chapter 112.

(2) If any such official, commissioner, or employee presently owns or controls, or owned or controlled within the preceding 2 years, any interest, direct or indirect, in any property which he or she knows is included or planned to be included in a community redevelopment area, he or she shall immediately disclose this fact in the manner provided in part III of chapter 112. Any disclosure required to be made by this section shall be made prior to taking any official action pursuant to this section.

(3) No commissioner or other officer of any community redevelopment agency, board, or commission exercising powers pursuant to this part shall hold any other public office under the county or municipality other than his or her commissionership or office with respect to such community redevelopment agency, board, or commission.

History.--s. 6, ch. 77-391; s. 76, ch. 79-400; s. 8, ch. 83-231; s. 905, ch. 95-147.

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EXHIBIT 1Select Year: **The 2005 Florida Statutes**

Title X
PUBLIC OFFICERS, EMPLOYEES,
AND RECORDS

Chapter 112
PUBLIC OFFICERS AND EMPLOYEES:
GENERAL PROVISIONS

View Entire
Chapter

112.3143 Voting conflicts.--

(1) As used in this section:

(a) "Public officer" includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(b) "Relative" means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

(2) No state public officer is prohibited from voting in an official capacity on any matter. However, any state public officer voting in an official capacity upon any measure which would inure to the officer's special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained; or which the officer knows would inure to the special private gain or loss of a relative or business associate of the public officer shall, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(3)(a) No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(b) However, a commissioner of a community redevelopment agency created or designated pursuant to s. 163.356 or s. 163.357, or an officer of an independent special tax district elected on a one-acre, one-vote basis, is not prohibited from voting, when voting in said capacity.

(4) No appointed public officer shall participate in any matter which would inure to the officer's special private

EXHIBIT 1

gain or loss; which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer, without first disclosing the nature of his or her interest in the matter.

(a) Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, prior to the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(b) In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(c) For purposes of this subsection, the term "participate" means any attempt to influence the decision by oral or written communication, whether made by the officer or at the officer's direction.

(5) Whenever a public officer or former public officer is being considered for appointment or reappointment to public office, the appointing body shall consider the number and nature of the memoranda of conflict previously filed under this section by said officer.

History.--s. 6, ch. 75-208; s. 2, ch. 84-318; s. 1, ch. 84-357; s. 2, ch. 86-148; s. 5, ch. 91-85; s. 3, ch. 94-277; s. 1408, ch. 95-147; s. 43, ch. 99-2.

EXHIBIT 1

CEO 86-13 -- February 20, 1986

VOTING CONFLICT OF INTEREST**CITY COMMUNITY REDEVELOPMENT AGENCY MEMBERS WITH INTEREST IN PROPERTY
WITHIN REDEVELOPMENT AREA**

To: *Mr. Paul H. Chipok, Assistant City Attorney, City of New Smyrna Beach*

SUMMARY:

Community redevelopment agency commissioners having an interest required to be disclosed under Section 163.367(2), Florida Statutes, immediately should file a memorandum of voting conflict disclosing the nature of that interest with the redevelopment agency and should announce the interest at a meeting of the agency, in accordance with Section 112.3143(3), Florida Statutes. If a commissioner subsequently is faced with a voting conflict under Section 112.3143(3), he is not required to abstain from voting but should publicly state his interest at the meeting and file a memorandum of voting conflict.

QUESTION:

What are the requirements in voting conflict of interest situations under Section 112.3143, Florida Statutes, for members of a community redevelopment agency who have interests in property located within a community redevelopment area?

Your question is answered by reference to the following provisions of law. Section 163.367, Florida Statutes (1985), provides:

(1) The officers, commissioners, and employees of a community redevelopment agency created by, or designated pursuant to, s. 163.356 or s. 163.357 shall be subject to the provisions and requirements of Part III of Chapter 112.

(2) If any such official, commissioner, or employee presently owns or controls, or owned or controlled within the preceding 2 years, any interest, direct or indirect, in any property which he knows is included or planned to be included in a community redevelopment area, he shall immediately disclose this fact in the manner provided in Part III of Chapter 112. Any disclosure required to be made by this section shall be made prior to taking any official action pursuant to this section.

(3) No commissioner or other officer of any community redevelopment agency, board, or commission exercising powers pursuant to this part shall hold any other public office under the county or municipality other than his commissionership or office with respect to such community redevelopment agency, board, or commission.

Section 112.3143, Florida Statutes (1985), provides:

(1) As used in this section, the term "public officer" includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(2) Except as provided in subsection (3), no public officer is prohibited

EXHIBIT 1

from voting in his official capacity on any matter. However, any public officer voting in his official capacity upon any measure which inures to his special private gain or the special gain of any principal by whom he is retained shall, within 15 days after the vote occurs, disclose the nature of his interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(3) No county, municipal, or other local public officer shall vote in his official capacity upon any measure which inures to his special private gain or shall knowingly vote in his official capacity upon any measure which inures to the special gain of any principal, other than an agency as defined in s. 112.312(2), by whom he is retained. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of his interest in the matter from which he is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes. However, a commissioner of a community redevelopment agency created or designated pursuant to s. 163.356 or s. 163.357 or an officer of an independent special tax district elected on a one-acre, one-vote basis is not prohibited from voting.

Section 163.367(2) requires a community redevelopment agency member to disclose immediately in the manner provided in Part III, Chapter 112, Florida Statutes, the fact that he presently owns or controls, or owned or controlled within the preceding two years, any direct or indirect interest in any property which he knows is included or planned to be included in a community redevelopment area. Although Part III of Chapter 112 (the Code of Ethics for Public Officers and Employees) contains several provisions requiring the disclosure of private financial interests, none of these provisions specifically relate to the disclosure of an interest in real property which may be affected by the actions of one's agency. However, the provision which would appear most relevant for local officials is Section 112.3143(3), which requires a public announcement at a meeting of one's agency, as well as the filing of a memorandum to be incorporated in the minutes of the meeting. Therefore, it is our view that a community redevelopment agency member who has an interest which must be disclosed under Section 163.367(2) should make that disclosure in the manner provided in Section 112.3143(3), as outlined above.

In addition to the requirements of Section 163.367(2), members of a community redevelopment agency are bound by the requirements of Section 112.3143. Section 112.3143(3) generally requires a local official to abstain from voting on matters in which he has a conflict of interest, to announce publicly the nature of the conflict, and to file a written memorandum within 15 days as part of the minutes of the meeting. Commissioners of community redevelopment agencies, however, specifically are not prohibited from voting. Therefore, such commissioners may vote on matters affecting their interests but still would be required to publicly announce the conflict and file a voting conflict memorandum.

We do not understand that any action taken by the redevelopment agency necessarily would affect all property located in the area or necessarily would trigger the disclosure requirements of Section 112.3143(3). Disclosures under that provision are required only where the measure under consideration would inure to the "special private gain" of the commissioner or to the "special gain of any principal . . . by whom he is retained." As we advised in CEO 85-5, CEO 85-62, and CEO 85-87, the question of whether a particular measure will result in "special" gain generally will turn on the size of the class of persons benefited and the nature and extent of any gain received. Clearly, if the measure under consideration by the redevelopment agency would affect only property in which a commissioner has an interest, the commissioner would be required to announce the conflict and file a voting conflict memorandum. On the other hand, for example, if the measure under consideration involved improvements which would affect all property in the redevelopment area equally, the measure would not inure to the "special" gain of any property owner.

EXHIBIT 1

Accordingly, if a community redevelopment agency commissioner has an interest required to be disclosed under Section 163.367, Florida Statutes, the commissioner immediately should file a memorandum of voting conflict disclosing the nature of his interest with the redevelopment agency and should announce his interest at a meeting of the agency. The necessity of making an oral announcement at a meeting and of filing a voting conflict memorandum on a particular matter coming before the agency would have to be determined on a case-by-case basis. As you have provided no details regarding any particular matter coming before the Community Redevelopment Agency, we are unable to give more specific advice.

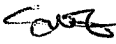
954-761-7469

SZELKOWITZ@GRAY-ROBINSON.COM

MEMORANDUM

TO: North Miami Community Redevelopment Agency Advisory Committee

CC: Frank Schnidman, Executive Director

FROM: Steven W. Zerkowitz, Esq. 

DATE: March 31, 2006

SUBJECT: Ethics Issues

As members of the North Miami Community Redevelopment Agency Advisory Committee ("CRAAC") there are two ethics issues which need to be presently addressed, as follows.

1. Disclosure of Property Interests. Pursuant to Article 1(d) of the CRAAC By-laws and in accordance with Section 163.367(2), Florida Statutes (copy attached), any CRAAC member who owns or controls property in the CRA Redevelopment Area must make a disclosure in the manner required by Florida law. The foregoing would include any residential property such as your home and any commercial property which you own individually or control through a business entity such as a corporation or limited liability company. If you are unsure as to the boundaries of the Redevelopment Area, CRA staff can provide you with assistance. In order to make the necessary disclosure, a public announcement needs to be made a CRAAC meeting and a Voting Conflict of Interest form needs to be completed and filed with the CRA Clerk (City Clerk). A copy of the Voting Conflict of Interest form and a Florida Commission on Ethics opinion regarding this matter are both attached for your reference.

2. Voting Conflicts. Article 4(l) of the CRAAC By-laws and Section 112.3143, Florida Statutes (copy attached), address voting conflicts of interest. Generally a voting conflict of interest exists if a special gain or loss could inure to the CRAAC member or relative or business associate. For example, if the action by the CRA would generally affect all properties in the Redevelopment Area equally, the measure would not inure to the special gain of any individual and no conflict would exist. The attached Florida Commission on Ethics opinion provides further detail on this issue. In the case of a voting conflict of interest, the CRAAC member must publicly announce the conflict at the CRAAC meeting prior to discussion by the CRAAC. The member cannot participate in the discussion of or vote on the item as a CRAAC

North Miami Community Redevelopment Agency Advisory Committee
March 31, 2006
Page 2

member. A Voting Conflict of Interest form must be filed with CRA Clerk (City Clerk) within 15 days of the meeting. Finally, the By-laws provide that the member may only speak on the item as a private citizen from the podium or place designated for the general public.

**FORM 8B MEMORANDUM OF VOTING CONFLICT FOR
COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS**

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
COUNTY	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, _____, hereby disclose that on _____, 20 ____:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

EXHIBIT 1Select Year: **The 2005 Florida Statutes**

Title XI
COUNTY ORGANIZATION AND
INTERGOVERNMENTAL RELATIONS

Chapter 163
INTERGOVERNMENTAL
PROGRAMS

View Entire
Chapter

163.367 Public officials, commissioners, and employees subject to code of ethics.--

(1) The officers, commissioners, and employees of a community redevelopment agency created by, or designated pursuant to, s. [163.356](#) or s. [163.357](#) shall be subject to the provisions and requirements of part III of chapter 112.

(2) If any such official, commissioner, or employee presently owns or controls, or owned or controlled within the preceding 2 years, any interest, direct or indirect, in any property which he or she knows is included or planned to be included in a community redevelopment area, he or she shall immediately disclose this fact in the manner provided in part III of chapter 112. Any disclosure required to be made by this section shall be made prior to taking any official action pursuant to this section.

(3) No commissioner or other officer of any community redevelopment agency, board, or commission exercising powers pursuant to this part shall hold any other public office under the county or municipality other than his or her commissionership or office with respect to such community redevelopment agency, board, or commission.

History.--s. 6, ch. 77-391; s. 76, ch. 79-400; s. 8, ch. 83-231; s. 905, ch. 95-147.

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EXHIBIT 1Select Year: **The 2005 Florida Statutes**

Title X
PUBLIC OFFICERS, EMPLOYEES,
AND RECORDS

Chapter 112
PUBLIC OFFICERS AND EMPLOYEES:
GENERAL PROVISIONS

View Entire
Chapter

112.3143 Voting conflicts.--

(1) As used in this section:

(a) "Public officer" includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(b) "Relative" means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

(2) No state public officer is prohibited from voting in an official capacity on any matter. However, any state public officer voting in an official capacity upon any measure which would inure to the officer's special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained; or which the officer knows would inure to the special private gain or loss of a relative or business associate of the public officer shall, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(3)(a) No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. [112.312\(2\)](#); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(b) However, a commissioner of a community redevelopment agency created or designated pursuant to s. [163.356](#) or s. [163.357](#), or an officer of an independent special tax district elected on a one-acre, one-vote basis, is not prohibited from voting, when voting in said capacity.

(4) No appointed public officer shall participate in any matter which would inure to the officer's special private

EXHIBIT 1

gain or loss; which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer, without first disclosing the nature of his or her interest in the matter.

(a) Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, prior to the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(b) In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(c) For purposes of this subsection, the term "participate" means any attempt to influence the decision by oral or written communication, whether made by the officer or at the officer's direction.

(5) Whenever a public officer or former public officer is being considered for appointment or reappointment to public office, the appointing body shall consider the number and nature of the memoranda of conflict previously filed under this section by said officer.

History.--s. 6, ch. 75-208; s. 2, ch. 84-318; s. 1, ch. 84-357; s. 2, ch. 86-148; s. 5, ch. 91-85; s. 3, ch. 94-277; s. 1408, ch. 95-147; s. 43, ch. 99-2.

EXHIBIT 1

CEO 86-13 -- February 20, 1986

VOTING CONFLICT OF INTEREST**CITY COMMUNITY REDEVELOPMENT AGENCY MEMBERS WITH INTEREST IN PROPERTY
WITHIN REDEVELOPMENT AREA**

To: *Mr. Paul H. Chipok, Assistant City Attorney, City of New Smyrna Beach*

SUMMARY:

Community redevelopment agency commissioners having an interest required to be disclosed under Section 163.367(2), Florida Statutes, immediately should file a memorandum of voting conflict disclosing the nature of that interest with the redevelopment agency and should announce the interest at a meeting of the agency, in accordance with Section 112.3143(3), Florida Statutes. If a commissioner subsequently is faced with a voting conflict under Section 112.3143(3), he is not required to abstain from voting but should publicly state his interest at the meeting and file a memorandum of voting conflict.

QUESTION:

What are the requirements in voting conflict of interest situations under Section 112.3143, Florida Statutes, for members of a community redevelopment agency who have interests in property located within a community redevelopment area?

Your question is answered by reference to the following provisions of law. Section 163.367, Florida Statutes (1985), provides:

(1) The officers, commissioners, and employees of a community redevelopment agency created by, or designated pursuant to, s. 163.356 or s. 163.357 shall be subject to the provisions and requirements of Part III of Chapter 112.

(2) If any such official, commissioner, or employee presently owns or controls, or owned or controlled within the preceding 2 years, any interest, direct or indirect, in any property which he knows is included or planned to be included in a community redevelopment area, he shall immediately disclose this fact in the manner provided in Part III of Chapter 112. Any disclosure required to be made by this section shall be made prior to taking any official action pursuant to this section.

(3) No commissioner or other officer of any community redevelopment agency, board, or commission exercising powers pursuant to this part shall hold any other public office under the county or municipality other than his commissionership or office with respect to such community redevelopment agency, board, or commission.

Section 112.3143, Florida Statutes (1985), provides:

(1) As used in this section, the term "public officer" includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(2) Except as provided in subsection (3), no public officer is prohibited

EXHIBIT 1

from voting in his official capacity on any matter. However, any public officer voting in his official capacity upon any measure which inures to his special private gain or the special gain of any principal by whom he is retained shall, within 15 days after the vote occurs, disclose the nature of his interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(3) No county, municipal, or other local public officer shall vote in his official capacity upon any measure which inures to his special private gain or shall knowingly vote in his official capacity upon any measure which inures to the special gain of any principal, other than an agency as defined in s. 112.312(2), by whom he is retained. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of his interest in the matter from which he is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes. However, a commissioner of a community redevelopment agency created or designated pursuant to s. 163.356 or s. 163.357 or an officer of an independent special tax district elected on a one-acre, one-vote basis is not prohibited from voting.

Section 163.367(2) requires a community redevelopment agency member to disclose immediately in the manner provided in Part III, Chapter 112, Florida Statutes, the fact that he presently owns or controls, or owned or controlled within the preceding two years, any direct or indirect interest in any property which he knows is included or planned to be included in a community redevelopment area. Although Part III of Chapter 112 (the Code of Ethics for Public Officers and Employees) contains several provisions requiring the disclosure of private financial interests, none of these provisions specifically relate to the disclosure of an interest in real property which may be affected by the actions of one's agency. However, the provision which would appear most relevant for local officials is Section 112.3143(3), which requires a public announcement at a meeting of one's agency, as well as the filing of a memorandum to be incorporated in the minutes of the meeting. Therefore, it is our view that a community redevelopment agency member who has an interest which must be disclosed under Section 163.367(2) should make that disclosure in the manner provided in Section 112.3143(3), as outlined above.

In addition to the requirements of Section 163.367(2), members of a community redevelopment agency are bound by the requirements of Section 112.3143. Section 112.3143(3) generally requires a local official to abstain from voting on matters in which he has a conflict of interest, to announce publicly the nature of the conflict, and to file a written memorandum within 15 days as part of the minutes of the meeting. Commissioners of community redevelopment agencies, however, specifically are not prohibited from voting. Therefore, such commissioners may vote on matters affecting their interests but still would be required to publicly announce the conflict and file a voting conflict memorandum.

We do not understand that any action taken by the redevelopment agency necessarily would affect all property located in the area or necessarily would trigger the disclosure requirements of Section 112.3143(3). Disclosures under that provision are required only where the measure under consideration would inure to the "special private gain" of the commissioner or to the "special gain of any principal . . . by whom he is retained." As we advised in CEO 85-5, CEO 85-62, and CEO 85-87, the question of whether a particular measure will result in "special" gain generally will turn on the size of the class of persons benefited and the nature and extent of any gain received. Clearly, if the measure under consideration by the redevelopment agency would affect only property in which a commissioner has an interest, the commissioner would be required to announce the conflict and file a voting conflict memorandum. On the other hand, for example, if the measure under consideration involved improvements which would affect all property in the redevelopment area equally, the measure would not inure to the "special" gain of any property owner.

EXHIBIT 1

Accordingly, if a community redevelopment agency commissioner has an interest required to be disclosed under Section 163.367, Florida Statutes, the commissioner immediately should file a memorandum of voting conflict disclosing the nature of his interest with the redevelopment agency and should announce his interest at a meeting of the agency. The necessity of making an oral announcement at a meeting and of filing a voting conflict memorandum on a particular matter coming before the agency would have to be determined on a case-by-case basis. As you have provided no details regarding any particular matter coming before the Community Redevelopment Agency, we are unable to give more specific advice.

MEMORANDUM

Date: May 2, 2006

To: North Miami CRA Advisory Committee

From: Frank Schnidman, Executive Director

Subject: May 4, 2006 Meeting - FY 2005-06 Proposed Budget Amendment

On March 28, 2006, the North Miami CRA Board selected the design and prioritized the implementation of the Ruck's Park affordable housing project. In order to maintain the schedule as pertains to NMCRA activity and funding commitments, a \$10,758,300 Line of Credit (LOC) must be secured prior to the September 30, 2006 fiscal year end. Under the Interlocal Agreement between Miami-Dade County, the City of North Miami, and the North Miami CRA, both the County and the City must grant prior approval on the issuance of any long term debt proposed by the NMCRA. In order for the NMCRA to meet its obligation an amendment to the current FY 2005-06 Budget is required.

The County requires annual budgets to be summarized and submitted on the form that it utilizes. Using this form, the comparison between the FY 2006 original budget and the proposed amendment is provided as **Exhibit A-1**. A more detailed comparison by source of funds is provided as **Exhibit A-2**. The primary purpose of the amendment is to: 1) obtain Miami-Dade and City approval to enter into the LOC (i.e. \$10,758,300), and 2) obtain Miami-Dade and City approval to appropriate and spend that portion of the funds estimated to be needed for the remainder of the fiscal year (i.e. \$302,000). The detailed schedule pertaining to the proposed Line of Credit is provided as **Exhibit A-3**. Additionally, the time line to amend the current year budget is already very tight. On March 28, 2006, we provided the NMCRA Board a report on time lines associated with obtaining County approval on redevelopment plan amendments, and the current year amended and next year proposed budgets. That report dated April 20, 2006 is provided as **Exhibit B-1**, and supplemented by **Exhibit B-1** which is an e-mail dated April 25, 2006 that we received from County staff.

Since the budget amendment needs to be done for this fiscal year, we are taking the opportunity to propose other amendments to the budget that are housekeeping in nature. As background, the current adopted budget was put together in some haste after Miami-Dade County would not adopt the originally submitted budget prepared by outside consultants for the City. NMCRA staff had to respond quickly and submit a proposed budget that could receive approval. A significant item removed was a sizeable proposed bond issue because the County staff would not recommend approval without having a detailed list of projects that the bond money would be spent on. The proposed LOC addresses this requirement. There were other items left in the adopted budget that we have now found not practical to go forward with (i.e. a \$1,400,000 repayable City

ITEM VI

advance); and, there were new items included in the adopted budget that we have also found not practical to implement (i.e. \$400,000 City – Federal CDBG funds).

Under the Interlocal Agreement, Miami-Dade County requires that: 1) the General Administrative budget not exceed 20% of new sources of funds; 2) any unused administrative funds at fiscal year end be reallocated to designated projects or returned to the taxing district; 3) the County is paid an annual administrative fee; and 4) the County is refunded the portion of their tax increment contribution that is derived from portions of the City located west of Biscayne Boulevard.

The proposed budget amendment addresses the need for the NMCRA to have working capital to fund administrative operations between October 1, 2005 and January 1, 2006 when the taxing authorities are required to pay the tax increment contribution to the NMCRA. This will be accomplished by taking out a City advance of up to \$250,000 toward the end of the current fiscal year that will be paid back to the City in January 2006. The repayment of the advance will be shown in the next year proposed budget and not in the current year amendment.

The proposed amendment also addresses the County's 20% cap on general administrative cost. With the proposed net reduction in revenues of \$1,250,000, we have made adjustments between general administrative and project administrative line items. Most importantly, staff time originally budgeted to general administration is allocated between the two line items.

As a result of the proposed amendment we will go forward through this fiscal year with the implementation of Ruck's Park. We have also preserved funds to initiate downtown economic development activities consistent with the original budget (i.e. \$100,000).

Additional proposed projects and activities will be considered as we begin to develop the Proposed FY 2006-07 Budget. On April 11, 2006, we presented a proposed format, including next's year's preliminary budget and a future five-year forecast. NMCRAAC Members are invited to review that report and presentation by visiting our webpage at www.northmiamicra.org.

FS:CAA

Attachments: a/s/a

EXHIBIT A-1

North Miami Community Redevelopment Agency

Community Redevelopment Agency

FY 2006 - 2007 Proposed Budget (round all dollars to nearest \$100)

(FY 05-06 begins October 1, 2005)

Prepared (May 5, 2006)

	FY 03-04 Actual	FY 04-05 Budget Adopted	FY 04-05 Projection	FY 05-06 Budget Adopted	FY 05-06 Budget Amended
Revenues					
City Tax Increment Revenue				1,461,825	1,461,825
County Tax Increment Revenue				1,003,500	1,003,500
Carryover from prior year				-	
All other revenues (CITY ADVANCE)				1,400,000	250,000
Transfers in from others (CDBG) (LINE OF CREDIT - RUCK'S PARK)				400,000	-
Interest earnings				-	300,000
Revenue Total	-	-	-	4,265,325	3,015,325
Expenditures					
Administrative Expenditures:					
Employee salary and fringe				448,400	224,660
Contractual services				110,000	130,000
Insurance				3,500	16,105
Audits and studies				2,500	10,000
Printing and publishing				10,000	10,000
Marketing				10,000	10,000
Advertising and notices				4,000	4,000
Travel					
Rent/lease costs				45,500	45,500
Office equipment and furniture				18,000	18,000
Other Admin. Exps (attach list)				134,800	134,800
(A) Subtotal Admin Expenses, %	-	-	-	786,700	603,065
County Administrative Charge at 1.5%				15,053	15,053
(B) Subtot Adm Exp & County Charge	-	-	-	801,753	618,117
Operating Expenditures:					
Employee salary and fringe				96,000	223,740
Contractual services					115,000
Insurance					
Audits and studies					35,000
Printing and publishing					
Marketing					
Special events				40,000	40,000
Legal services/court costs				25,000	150,000
Land/building acquisitions				700,000	-
Infrastructure improvements					
Building construction & improves					
Debt service (RUCK'S PARK LOC)					52,000
Economic Development-Downtown					100,000
Redevelopment grants given out				300,000	
Redevelopment loans issued out				800,000	
Transfers out to others (COUNTY)				785,800	781,468
Other Oper. Expenses (RUCK'S PARK)				400,000	650,000
(C) Subtotal Oper. Expenses	-	-	-	3,146,800	2,147,208
(D) Reserve/Contingency				316,773	250,000
Expenditure Total (A+B+C+D)	-	-	-	4,265,325	3,015,325
Cash Position (Rev-Exp)	-	-	-	-	-

Redevelopment Projects List

	FY 03-04 Actual	FY 04-05 Budget Adopted	FY 04-05 Projection	FY 05-06 Budget Adopted	FY 05-06 Budget Amended
Projects:					
Project name;include begin/end dates					
Project name;include begin/end dates					
Project name;include begin/end dates					
Project name;include begin/end dates					
Additional projects - attach list					
Total project dollars here:	-	-	-	-	-

North Miami Community Redevelopment Agency
 FY 2005-06 Original to Amended Budget Comparison By Source

North Miami Community Redevelopment Agency

Sources	FY 2005/06 Budget		FY 2005/06 Original Budget		FY 2005/06 Revised Budget			
	Original	Revised	Tax Increment	City Advance	Tax Increment	City Advance	Line of Credit	City CDBG
Total Sources	4,265,325	3,015,325	2,465,325	1,400,000	2,465,325	250,000	300,000	-
Administrative Expenditures								
Personnel Services	448,400	224,660	448,400	-	224,660	-	-	-
Operating Expenditures	320,300	360,405	320,300	-	360,405	-	-	-
Capital Outlay - Operating	18,000	18,000	18,000	-	18,000	-	-	-
County Administrative Fee	15,053	15,053	15,053	-	15,053	-	-	-
Subtotal-Administrative Expense	801,753	618,118	801,753	-	618,118	-	-	-
Operating Expenditures								
Personnel Services	96,000	223,740	96,000	-	223,740	-	-	-
Operating Expenditures	65,000	340,000	65,000	-	340,000	-	-	-
Capital Outlay - Operating	-	-	-	-	-	-	-	-
Subtotal-Operating Expense	161,000	563,740	161,000	-	563,740	-	-	-
Affordable Housing - Ruck's Park								
Land/Building Acquisitions	700,000	-	-	700,000	-	-	-	-
Land Clearance	400,000	400,000	400,000	-	400,000	-	-	-
Credit Qualifying and Counseling	-	250,000	-	-	-	250,000	-	-
Loan Assistance	-	-	-	-	-	-	-	-
Development Fee	-	-	-	-	-	-	-	-
Affordable Housing - Housing Rehab	800,000	-	-	700,000	-	-	-	-
Economic Development	300,000	100,000	-	-	100,000	-	-	-
Undesignated	-	-	-	-	-	-	-	-
Subtotal-Project Expenditures	2,200,000	750,000	400,000	1,400,000	500,000	-	250,000	-
Debt Service (Ruck's Park LOC)	-	52,000	-	-	2,000	-	50,000	-
Transfer Out - County Refund	785,800	781,468	785,800	-	781,468	-	-	-
Contingency/Reserve	316,772	250,000	316,773	-	-	250,000	-	-
Total Uses	4,265,325	3,015,325	2,465,325	1,400,000	2,465,325	250,000	300,000	-

North Miami Community Redevelopment Agency
2006 Ruck's Park Line of Credit Schedule

EXHIBIT A-3

North Miami Community Redevelopment Agency

Affordable Housing Programs - Ruck's Park
Schedule of 2006 LOC Interest Payments

2006 Line of Credit (LOC)

Uses

Credit Qualification Services	\$ 500,000
Resident Loans	6,088,148
Development Fee	4,120,128
Subtotal - Net Proceeds	<u>10,708,276</u>
LOC Fees and Costs	50,000
Total LOC Loan	<u>\$ 10,758,276</u>

Term 10-Years
Rate 7.25%
Payments 1
Balloon Note Interest Only Monthly

LOC Draw Schedule	Amount	LOC Interest Payable @ 7.25%						
		FY 2005/06	FY 2006/07	FY 2007/08	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12
01-Aug-06	300,000	1,813	21,750	21,750	21,750	21,750	-	-
01-Oct-06	250,000	-	18,125	18,125	18,125	-	-	-
01-Oct-07	1,014,691	-	-	73,565	73,565	-	-	-
01-Nov-07	1,014,691	-	-	67,435	73,565	-	-	-
01-Dec-07	1,014,691	-	-	61,304	73,565	-	-	-
01-Jan-08	1,014,691	-	-	55,174	73,565	-	-	-
01-Feb-08	1,014,691	-	-	49,043	73,565	-	-	-
01-Mar-08	5,134,819	-	-	217,160	372,274	-	-	-
	<u>10,758,274</u>	<u>1,813</u>	<u>39,875</u>	<u>563,556</u>	<u>779,975</u>	-	-	-

MEMORANDUM

DATE: April 20, 2006

TO: Frank Schnidman, Executive Director
North Miami Community Redevelopment Agency

FROM: Chuck Adams

RE: CRA Budget Approval/Amendment Timetable

As you know, on March 18, 2006 we meet with Miami-Dade Community Redevelopment staff. In attendance: Frank Schnidman, Steve Zerkowitz and Chuck Adams for the North Miami CRA; and Tony Crapp and Jurgen Teintze for Miami-Dade County.

The purpose of the meeting was to discuss and confirm the process and timetable for:

- Amending the adopted Redevelopment Plan.
- Amending the FY 2005-06 Current Year Adopted Budget.
- Adopting the FY 2006-07 Next Year Proposed Budget.

You have asked me to summarize the results of that meeting.

Redevelopment Plan Amendment

In order to amend the adopted Redevelopment Plan, we were advised that North Miami should complete the process required by Florida Redevelopment Law, Chapter 163, Part III, before making formal submission to Miami-Dade County. However, the necessity for such amendment was left undetermined until more detailed information on proposed projects could be made available to County staff.

Foremost on our discussion list, but not all inclusive, are projects such as Ruck's Park, the Olympic Training Facility, the Library, the Museum of Contemporary Art (MOCA) Expansion and Parking Garage Facility, and the Arch Creek Preserve. The guidance given from Miami-Dade County staff was to provide information pertaining to:

- the description and justification of the project demonstrating how it relates to the goals and objectives of the adopted Redevelopment Plan;
- the proposed sources and uses of funds;
- the projects priority in relation to others, and the time lime for funding and implementation; and
- the location map, site plans and elevations, to the extent available.

Subsequent to the meeting, we reviewed the adopted Redevelopment Plan, and it is the opinion of the North Miami CRA staff that the currently adopted goals and objectives are sufficiently broad to include all of the projects that we are currently considering. In order to proceed, we will compile and develop, to the extent available, the information that has been requested by Miami-Dade County staff in order to start a dialogue and initiate their review. We can anticipate that the outcome of the County review will conclusively determine whether a redevelopment plan amendment is needed, or whether specific project approvals will be obtained through review of the five-year capital improvement plan which would be adopted annually as part of the budget approval process.

FY 2005-06 Current Year Adopted Budget

At the meeting we explained that the most pressing project issue before us is Ruck’s Park and the need to obtain Miami-Dade County approval for the North Miami CRA to enter into a line of credit (LOC) agreement for up to \$11 Million. In order to proceed under the expedited timeline that would demonstrate the availability of the LOC prior to October 1, 2006, an amendment to the current year budget is required. The timeframe to process this amendment for approval is provided below in **Table 1**.

TABLE 1

FY 2005-06 Budget Amendment

NMCRAAC	4-May-06
NMCRA Board	9-May-06
North Miami City Council	9-May-06
TIFC Meeting	6-Jun-06
CEERC Meeting	11-Jul-06
Miami-Dade BBC Meeting	12-Sep-06

The proposed budget amendment will most likely address other housekeeping matters such as the allocation of funds currently shown in the contingency/reserve line item.

FY 2006-07 Next Year Proposed Budget

The Miami-Dade County staff made it clear that they will not start the County’s process for formal budget adoption until after the County adopts its final budget and millage rate toward the end of September 2006. The County staff is sending a letter to all Miami-Dade CRA Officials on this subject. However, the North Miami CRA (as all others) must have an adopted budget prior to the October 1, 2006 commencement of the new fiscal year. In the event that the County’s millage rate changes at time of final adoption, inherent to the process is the necessity for the

North Miami CRA and the City of North Miami to be prepared to formally adopt a budget amendment. The timeline as we know it today is illustrated below in **Table 2**.

TABLE 2**FY 2006-07 Adopted Budget****PRELIMINARY REVIEW**

NMCRAAC	6-Jul-06
NMCRA Board	25-Jul-06
North Miami City Council (Optional)	25-Jul-06
Meeting with Miami-Dade County Staff for Comments	Aug-06

BUDGET APPROVAL

NMCRAAC	7-Sep-06
NMCRA Board	12-Sep-06
North Miami City Council	12-Sep-06
TIFC Meeting	2-Oct-06
CEERC Meeting	10-Oct-06 or 14-Nov-06
Miami-Dade BBC Meeting	24-Oct-06 or 21-Nov-06

**BUDGET AMENDMENT
(IF REQUIRED)**

NMCRAAC	7-Dec-06
NMCRA Board	12-Dec-06 or 19-Dec-06
North Miami City Council	12-Dec-06 or 19-Dec-06

The FY 2006-07 Proposed Budget will include a provision for a \$200,000 to \$250,000 advance from the City to fund the CRA's operation during the first quarter of the fiscal year until tax increment proceeds are received at the commencement of the calendar year. This will be an annual recurring budget activity, and these funds will be repaid annually upon receipt of TIF proceeds.

CAA

Attachments: a/s/a

EXHIBIT B-2**Chuck Adams**

From: Teintze, Jurgen (CRO) [JTEINTZ@miamidade.gov]
Sent: Tuesday, April 25, 2006 4:31 PM
To: chuckadams@northmiamicra.org
Subject: FW: Upcoming 2006-07 Budget Cycle for CRAs

Jurgen Teintze
Program Coordinator
Community Redevelopment Office
Tel 305 375 1537
Fax 305 375 1569
Be sure to visit our website: <http://www.miamidade.gov/cro>

From: Teintze, Jurgen (CRO)
Sent: Tuesday, April 25, 2006 4:01 PM
To: Adams Chuck (chuckadams@nothmiamicra.org); Don O'Donniley (dodonniley@cityofsouthmiami.net); Eve Boutsis (eboutsis@ngf-law.com); Frank Rollason (frollason@ci.miami.fl.us); James McCants (Jmccants@cityofsouthmiami.net); Henry Iler (Henry@ipgplan.com); Kent Bonde (kentbonde@miamibeachfl.gov); Miguel Valentin (mavalentin@ci.miami.fl.us); Richard Stauts (rstauts@ci.homestead.fl.us); Timothy Hemstreet (themstreet@miamibeachfl.gov); William Kiriloff (com-dev@floridacityfl.gov); 'Frank Schnidman'; Keven Klopp (keven.klopp@citynmb.com); Gary Wolforth (gary.wohlforth@citynmb.com)
Cc: Summerset, Shannon (CAO); Smith, Terrence A. (CAO); Saks, Glenn (CAO); Anderson, Charles (OCA); Tony E. Crapp (CMO) (crapp@miamidade.gov); Gonzalez, Alberto (CRO) (ALGONZ@miamidade.gov)
Subject: Upcoming 2006-07 Budget Cycle for CRAs

Last year, many questions were raised about the process by which the County receives, reviews, and then adopts an annual budget for each CRA. I have written the attached description of the process in an effort to alleviate any confusion.

Also, I have attached the existing County Budget Format for those of you who would like to make use of the electronic form, noting that certain cells are programmed with formulas for the calculation of subtotals and carryover balances.

Please note that I can not provide specific guidance on estimated Tax Roll increases over the prior year, as that data is coming in through a County-wide process run by the Property Appraiser's Office. The preliminary 2006 Tax Rolls should be available around the first days of July.

Best regards and best wishes as we begin to prepare our FY 2006-07 budgets.

Jurgen Teintze
Program Coordinator
Community Redevelopment Office
Tel 305 375 1537
Fax 305 375 1569
Be sure to visit our website: <http://www.miamidade.gov/cro>

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CRA FY 2006-07 Budget Preparation Process in Miami-Dade County

Annually, each CRA must adopt a budget prior to expending monies in its new fiscal year that commences October 1. The CRA Board, the Municipality and County must approve the CRA budget prior to expenditures from the CRA trust fund, with the exception of authorized debt service payments. CRAs should be prepared to expend monies from October 1 to the date the County approves their budget, not from their Trust Funds, but through advances from their municipalities or other sources, that will be re-paid from their Trust funds once the County approves the CRA budgets. The actual funding mechanisms will be monitored or audited for compliance.

TIF Payments both from County and Municipalities are due to the CRA prior to January 1 of each fiscal year. If the payment is late, there is a 5% penalty per the statutes. In most cases, a CRA budget will not have been approved by this deadline by the County. However, every effort will be made by the County to have the CRA budgets reviewed and presented for BCC approval by December 31.

Trust Fund monies not expended at the end of a fiscal year must either be appropriated to future projects to be completed within three years, or used to reduce indebtedness to which increment revenues are pledged, or returned to each taxing authority in the proportion of contributions for that year. All CRAs must explain this annual appropriation of fund balances in their next budget.

The County interlocal agreements require that each CRA must submit a budget to the County 45 days prior to the beginning of the fiscal year. (August 15th). This is a proposed budget. The County and Municipality advise the CRA of the proposed millage rates in July, and this should be the basis for TIF revenue calculations.

A CRA's adopted budget must include the final (adopted) millage based revenue calculations. This information may not be available until the Final Budget Hearing of the County (and Municipality) occurring in late September. Municipalities generally schedule their final budget hearing after the County Final Budget Hearing, and adopt their final millage rates in late September. The CRA Board should attempt to schedule a meeting to adopt their Final CRA Budget, based on the adopted millage rates from the County and Municipal meetings, prior to October 1. In some cases, this meeting can be held on the same day as the Municipal budget adoption meeting.

The Municipality must approve the CRA adopted budget and transmit the budget to the County for approval as early as possible in October. Processing by the County will take a minimum of three meetings, by the TIF Committee, the CEERC, and then the BCC. This takes a minimum of approximately 2 to 3 months. County approval can only be secured prior to the Dec 31 TIF payments, if the final budgets are submitted for analysis in the first days of October and then reviewed by the TIF Committee prior to mid October. This is a very tight timetable that the County urges CRAs to make every effort to meet.

Please recognize the importance of submitting proposed CRA budgets in August, so that there can be timely review and feedback from the County prior to the CRA final budget adoption. Recently, many CRA budgets were adopted by municipalities prior to the setting of adopted final millages that determine TIF revenues. They were then forwarded to the County. As the final millages were lower, and as the CRA budget expenditures had to be adjusted downwards, some expenditures or contingency line items had to be re-allocated. Upon review, the County determined that this required the process of CRA Boards, as well as Municipalities, adopting a revised budget and re-submitting same to the County for approval. This delayed the scheduling of the final TIF Committee FY 2005-06 budget review meetings, as CRA needed time to re-adopt and then re-submit their revised budgets.

These guidelines for the FY 2006-07 budget process should result in improvements regarding timely CRA budget approvals by the County.

MEMORANDUM

Date: April 27, 2006
To: North Miami CRA Advisory Committee
From: Frank Schnidman, Executive Director
Subject: May 4, 2006 Meeting –Comprehensive Plan Visioning Workshop and Charter Review Board Update

At your meeting of May 4, 2006, I will give an update on the Visioning Workshop that will be held on May 25, 2006 to obtain additional community input for the drafting of the proposed amendments to the Comprehensive Plan. The consultant preparing the amendments is Henry Iler and the Iler Planning Group, and a copy of the proposed addition to their scope of services is attached as **Exhibit 1**.

I will also provide an update on the work of the Charter Review Board, including the currently proposed revisions dealing with height and density (see **Exhibit 2**) that will be put to voter referendum in September 2006.

FS:caa
Attachment: a/s/a

North Miami Comprehensive Plan Update (EAR-based Amendments)

Additional Services Work Scope

Prepared by: Henry Iler, AICP
Iler Planning Group
April 26, 2006

Introduction

North Miami's Evaluation and Appraisal Report (EAR) for its adopted Comprehensive Plan was completed by the City and consultant (IPG) in September, 2005 and approved by the State DCA in December, 2005. That project was a required precursor to the subject project (EAR-based Amendments) due to the fact that State growth management rules mandate local governments to incorporate the EAR recommendations into their local comprehensive plan within 18 months of EAR approval. The consultant scope for the EAR project and this EAR-based amendments project contained significant public involvement subtasks and mandated that the preliminary CRA Phase II Master Plan be utilized as the vision guide for amendments to Future Land Use Map and capital improvement needs in the amended Comprehensive Plan. The consultant submitted the draft EAR-based Comprehensive Plan amendments to the City staff for review earlier this year.

In recent months, the City has decided that additional community visioning and public involvement is necessary to satisfactorily complete the project. This additional services proposal is designed to address this need and would serve as an amendment to the consultant current EAR-based amendments contract with the City dated April 26, 2005.

The following additional tasks are proposed:

Task 1A: Staff Comments. Consultant will receive staff comments on the draft EAR-amendments (originally scheduled for 4-13-06) and incorporate them into the draft amendments and the workshop content.

Task 2A: Council/Public Visioning Workshop. Consultant will conduct a 1-day community visioning forum and workshop (4-9 PM) involving the City Council, Planning Commission (LPA), CRA Board and other interested members of the public. The purpose of the workshop will be to engender public input and develop a "consensus road map" graphically summarizing the community's desires for future development and redevelopment in North Miami. Following the workshop, this road map will be reduced to text format for inclusion in the land use goals, objectives and policies of the Comprehensive Plan. City will be responsible for public notice, meeting space and refreshments.

EXHIBIT 1

Task 3A: Revisions to Draft EAR-based Comprehensive Plan. Following completion of the tasks above, consultant will revise the draft EAR-based Comprehensive Plan, including the Future Land Use Element, Land Use Map, population projections, park needs and capital improvements, consistent with the workshop road map and the City's Charter. A draft of the revised Plan will be submitted to staff for review. Copies of the revised Plan, or portions thereof, will also be distributed to persons to be interviewed as part of Task 3A below (15 copies).

Task 4A (Optional): Additional Meetings. Consultant will conduct up to 12 meetings with Mayor/Council members, staff, CRA Director, education representatives and major area developers. These meetings will be group and/or with individuals, as appropriate.

Following completion of Task 4A above, consultant will continue with Task I-6 (LPA Review) of the prime contract dated.

Schedule: Completion in 5 months from notice-to-proceed with this scope.

Cost: (To be determined).

RESOLUTION NO. _____

A RESOLUTION OF THE CHARTER BOARD OF THE CITY OF NORTH MIAMI, FLORIDA, RECOMMENDING AN AMENDMENT OF THE CITY CHARTER ARTICLE II, SECTION 9(9), ENTITLED “POWERS” TO ELIMINATE THE SPECIFIC DENSITY AND HEIGHT LIMITATIONS CONTAINED IN THE CHARTER BUT RETAIN THE POWER OF THE CITY TO REGULATE SAME BY ORDINANCE; PROVIDING FOR THE PROPOSED AMENDMENT BE TRANSMITTED TO THE CITY COUNCIL.

WHEREAS, pursuant to Sections 2-81 and 2-83 of the Code of Ordinances for the City of North Miami, the Charter Board is directed to study the City Charter and make recommendations to the City Council for its consideration of amendments to the City Charter; and

WHEREAS, on April 20, 2005, the Charter Board met to discuss proposed amendments to the City Charter; and

WHEREAS, after public discussion regarding eliminating the specific density and height limitations that are pertained in the City Charter, the Charter Board voted to recommend to the Mayor and City Council that Article II, Section 9(9) of the City Charter be amended to eliminate the specific density and height limitations that are contained therein, .

NOW, THEREFORE, BE IT ORDAINED BY THE CHARTER BOARD OF THE CITY OF NORTH MIAMI:

Section 1. Recitals: The recitals are incorporated herein.

Section 2. Proposed Amendment: The Charter Board recommends that the Mayor and the City Council adopt an ordinance, in substantially the attached form, amending Article II, Section 9(9) of the City Charter to eliminate the density and height limitations that are contained therein, empower the City to regulate the height and density of the property in the City by ordinance in conformance with the City’s Comprehensive plan and submit the proposed charter amendment for approval or rejection by the electors.

Section 3. Transmittal of Charter Board Recommendation to the City Council: The Charter Board requests that its recommendation be transmitted to the City Council for consideration at its next City Council meeting.

[over]

EXHIBIT 2

PASSED AND ADOPTED by a _____ vote of the Charter Board of the City of North Miami, Florida, this ____ day of _____, 2006.

Michael Mc Dearmaid, Chair

ATTEST:

Frank Wolland, City Clerk

APPROVED AS TO FORM:

Barry Kutun, City Attorney

Resolution No. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, PROVIDING FOR AMENDMENT OF THE CITY CHARTER BY AMENDING ARTICLE II, SECTION 9(9), ENTITLED “POWERS” TO ELIMINATE THE SPECIFIC DENSITY AND HEIGHT LIMITATIONS CONTAINED IN THE CHARTER BUT RETAIN THE POWER OF THE CITY TO REGULATE SAME BY ORDINANCE IN CONFORMANCE WITH THE COMPREHENSIVE PLAN; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO ELECTORS; PROVIDING FOR COPIES OF THIS CHARTER AMENDMENT TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE CITY CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR ADOPTION OF ENABLING RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Charter Board has recommended to the Mayor and City Council that Article II, Section 9(9) of the charter be amended to eliminate the density and height limitations that are contained in the City Charter, but retain the power of the City to regulate same by ordinance in conformance with the City’s Comprehensive Plan; and

WHEREAS, the Mayor and the City Council wish to submit these proposed charter amendments for approval or rejection by the electors; and

WHEREAS, pursuant to Section 174 of the City Charter, the electors shall have the power to approve or reject at the polls any ordinance submitted by the City Council to a vote of the electors.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI:

Section 1. Recitals: The recitals are incorporated herein.

Section 2. Proposed Amendment: That Article II, Section 9(9) entitled, “Powers” of the City Charter is amended by revising it to read as follows:¹

Section 9. Powers.

All powers of the city and the determination of all matters of policy shall be vested in the council. Without limitation of the foregoing, the council shall have the power to:

¹ The words that are stricken through are intended to be deleted from this section of the code once it is approved. The words that are underscored constitute the proposed amendments to the section once it is approved.

* * * * *

(9) Regulate and restrict the height and number of stories of buildings and other structures, the size of yards and courts, the density of populations and the location and use of buildings for trade, industry, business, residence or other purpose in conformity with the Comprehensive Plan, as may be amended from time to time; ~~provided, however, that except as provided below, the density of population in every instance shall be limited to a maximum density of twenty-five (25) residential units per acre and further that no building or structure, except a public building or structure or a building or structure owned and operated by an entity not-for-profit licensed as a hospital pursuant to Florida Statutes Chapter 395 and engaged in the provision to the public of health care, shall exceed four (4) stories in height. The city council by an ordinance adopted by the affirmative vote of four-fifths of the membership of the council shall have the power to provide for a height limitation of not to exceed eight (8) stories upon any and all lands within the Biscayne Boulevard Study Area Report for zoning subdistrict C-2BW (western portion of Study Area) approved by the city council on the 12th day of March, 1985, subject to Special Exception review for each use above four (4) stories and requiring, for each story above four (4), the developer to contribute public improvements to the Biscayne Boulevard Study Area, such as landscaping, open space, walkways, street furniture, other pedestrian and traffic improvements and amenities. The four-story height limit shall be otherwise retained citywide and as to any lands within the proposed subdistrict C-2BE described in the Study Area Report, except as provided below.~~

~~Notwithstanding anything to the contrary above, it is further provided that the city council shall have the power by zoning ordinance to provide for a height limitation of not to exceed eight (8) stories upon any and all lands within the eastern portion of the N.W. 7th Avenue Revitalization Study Area pursuant to the Revitalization Study approved by the city council on the 10th day of February, 1987.~~

~~Notwithstanding anything to the contrary above, it is further provided that the city council shall have the power by zoning ordinance to provide for a height limitation of not to exceed eight (8) stories upon any and all lands within the boundaries of the presently existing C-3 Central Business Zoning District and the presently existing C-2A Commercial Zoning District. The term "presently existing" shall be deemed to refer to the boundaries existing in Resolution No. 87-56.~~

~~Notwithstanding anything to the contrary above, the property commonly referred to as the "Munisport" parcel, with boundaries generally described as N.E. 137th Street to N.E. 151st Street from Biscayne Boulevard to Bay Vista Boulevard as legally described in Resolution No. _____, shall be permitted to~~

~~have up to twenty-five (25) stories of height and up to forty (40) units per acre average density.~~

* * * * *

Section 3. Form of Ballot: The form of ballot of the charter amendments provided for in Sections 2 of this ordinance shall be as follows:

POWERS

The Charter currently contains specific density and height limitations that conflict with other contemplated and existing documents in the City including the proposed Comprehensive Plan. It is proposed that such limitations be eliminated from the Charter and requires the Charter to provide for conformance to the City’s Comprehensive Plan.

Shall the above described amendment be adopted?

Yes []
No []

Section 4. Charter Amendment to be Available for Public Inspection, and for the City Clerk to Utilize the Services of Miami-Dade County Supervisor of Elections: The place, information and the full text of the proposed charter amendments are available at the Office of the City Clerk located at 776 N.E. 125th Street, North Miami, Florida 33161. Copies of this ordinance providing for this charter amendment subject to this referendum approval is on file in the Office of the City Clerk and available for public inspection during regular business hours. The City Clerk is authorized to utilize the services of Miami-Dade County Supervisor of Elections for any assistance required in the administration of the election.

Section 5. Providing for Inclusion in the City Charter: It is the intention of the Mayor and City Council and its is hereby ordained that the provisions of this ordinance shall become and made a part of the Charter of the City of North Miami, Florida, as to each charter amendment measure approved by a majority of voters on such measure in such election; that the sections of this ordinance may be renumbered or relettered to accomplish such intentions; and the word “ordinance” shall be changed to “section” or other appropriate word.

Section 6. Providing for Adoption of Enabling Resolution: The Mayor and City Council shall provide for enactment of an enabling resolution submitting the proposed amendments to the electorate pursuant to Section 5.03 of the Miami-Dade County Charter.

Section 7. Severability: The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

EXHIBIT 2

Section 8. Effective Date: This ordinance shall become effective upon adoption on second reading, and each of the charter amendment measures provided herein shall be effective only upon approval of a majority of electors voting on the measure, effective upon certification of the election results. If conflicting amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

PASSED AND ADOPTED upon first reading by a _____ vote of the Mayor and Council of the City of North Miami, Florida, this ____ day of _____, 2006.

PASSED AND ADOPTED upon second reading by a _____ vote of the Mayor and Council of the City of North Miami, Florida, this ____ day of _____, 2006.

Kevin Burns, Mayor

ATTEST:

Frank Wolland, City Clerk

APPROVED AS TO FORM:

Barry Kutun, City Attorney