



VILLAGE OF PINECREST
2018 Charter Revision Commission

FINAL REPORT

INTRODUCTION

The Village Council appointed a Charter Revision Commission (the "Commission") on March 6, 2018 pursuant to Section 6.1(c) of the Village Charter (the "Charter"). The Charter provides that the Commission shall draft such amendments to the Charter as it deems appropriate and submit such proposed amendments to the Village Council no later than ninety days after their appointment.

MEMBERS

The following residents were appointed to the Commission:

- Cindy Lerner (Councilmember McDonald)
- Veronica Matzner (Vice Mayor Ball)
- Ann McMaster (Councilmember Hochkammer)
- Paul Sasso (Mayor Corradino)
- Julie Simon (Councilmember Kraft)

Councilmember James E. McDonald was appointed as the Non-voting Member.

Ms. Lerner served as chairperson and Ms. Simon served as vice chairperson.

Village Clerk Guido H. Inguanzo, Jr., CMC and the Village Attorney's Office provided staff support to the Commission.

MEETINGS

The Commission met on the following dates:

- April 11, 2018
- April 26, 2018
- May 3, 2018
- May 9, 2018

All meetings of the Commission were held in the Council Chamber at the Pinecrest Municipal Center and were properly noticed, open to the public and streamed live. Minutes of the meetings are attached as Exhibit A.

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PROPOSED AMENDMENTS

1. TERM LIMITS

The Village Charter currently provides that no person may serve as a combination of Mayor and Councilmember for more than eight consecutive years. The Charter Revision Commission has recommended that the Charter be amended to provide that no person may serve as a combination of Mayor and Councilmember for more than twelve consecutive years.

Shall the above described amendment be adopted?

YES []
NO []

2. STAGGERED TERMS

The Village Charter provides for Councilmembers to serve staggered terms. To create more opportunities for electors in all areas of the Village to seek elected office, the Charter Revision Commission has recommended that the Charter be amended to stagger terms so that Councilmembers from Seats 1, 2 and 3 be elected in one cycle and the At-Large Councilmember and Mayor be elected in another cycle.

Shall the above described amendment be adopted?

YES []
NO []

3. VIOLATION OF CHARTER

The Village Charter does not currently provide for penalties for violations of provisions of the Charter not otherwise provided by law. The Charter Revision Commission has recommended that the Charter be amended to provide penalties for Charter violations, including fines, censures and reprimands, which penalties shall be specified in a Village ordinance.

Shall the above described amendment be adopted?

YES []
NO []

4. OBSOLETE PROVISIONS

The Charter Revision Commission has recommended that the Village Charter be amended to strike provisions that have become obsolete or are in conflict with state law.

Shall the above described amendment be adopted?

YES []
NO []

EFFECT OF PROPOSED AMENDMENTS

1. Section 2.3(c)

Limitations on Lengths of Service. No person shall serve as Mayor for more than two consecutive elected terms. No person may serve on the Council for more than two consecutive terms. No person may serve as a combination of Mayor and Councilmember for more than ~~eight~~ twelve consecutive years. ~~Notwithstanding Section 2.3(c), any Councilmember elected to Seat 2 and Seat 4 in the 1996 election may serve for a maximum of ten (10) consecutive years.~~

2. Section 2.3 Election and Term of Office.

(a) Election, ~~and~~ Term of Office and Staggered Terms. Each Councilmember and the Mayor shall be elected at-large for four year terms by the electors of the Village in the manner provided in Article 5 of this Charter. The Councilmember elected from Seat 2 in 2022 shall serve a two year term and the Mayor elected in 2020 shall serve a six year term to establish the staggering of terms so that the Councilmembers from the Residential Areas shall be elected in the election cycle beginning in 2024 and every four years thereafter, and the At-Large Councilmember and Mayor shall be elected in the election cycle beginning in 2026 and every four years thereafter. Notwithstanding Section 2.3(c), the terms of the Councilmember from Seat 2 elected in 2022 and the Mayor elected in 2020 under this provision shall not be counted in the calculation of term limits or years of service under Section 2.3(c).

(b) Residential Areas. The Village shall be divided into three (3) residence areas depicted on Appendix "A" and more particularly described as follows: the northern area consisting of portions of the Village beginning at the intersection of South Dixie Highway (U.S. 1) and the Snapper Creek Canal, thence southeasterly along Snapper Creek Canal to S.W. 62nd Avenue, thence South on S.W. 62nd Avenue to North Kendall Drive (S.W. 88th Street), thence easterly and southeasterly along North Kendall Drive to Red Road (S.W. 57th Avenue), thence north along Red Road to Kendall Drive (S.W. 88th Street), thence east along Kendall Drive to Old Cutler Road, thence southeasterly along Old Cutler Road to Red Road, thence north along Red Road to Killian Drive (S.W. 112th Street), thence westerly, southwesterly and westerly along Killian Drive to Ludlam Road (S.W. 67th Avenue), thence north along Ludlam Road to S.W. 104th Street, thence west along S.W. 104th Street to South Dixie Highway, and thence northeasterly along South Dixie Highway to the point of beginning (hereinafter referred to as the "Northern Area"); the central area consisting of those portions of the Village beginning at the intersection of South Dixie Highway (U.S. 1) and S.W. 104th Street, thence east along S.W. 104th St. to Ludlam Road (S.W. 67th Avenue), thence south along Ludlam Road to Killian Drive (S.W. 112th Street), thence easterly, northeasterly and easterly along Killian Drive to Red Road (S.W. 57th Avenue), thence south along Red Road to Montgomery Drive (S.W. 120th Street), thence east along Montgomery Drive to S.W. 60th Court, thence South along S.W. 60th Court to Moss Ranch Road, thence east along Moss Ranch Road to S.W. 62nd Avenue, thence south along S.W. 62nd Avenue to Chapman Field Drive (a portion of which is known as S.W. 124th Street), thence northeasterly and westerly along Chapman Field Drive to South Dixie Highway, and thence northeasterly along South Dixie Highway to the point of beginning (hereinafter referred to as the "Central Area"); and the southern area consisting of those portions of the Village beginning at the intersection of South Dixie Highway (U.S. 1) and Chapman Field Drive (a portion of which is known as S.W. 124th Street), thence easterly and southeasterly along Chapman Field Drive to S.W. 62nd Avenue; thence north along S.W.

62nd Avenue to Moss Ranch Road, thence east along Moss Ranch Road to S.W. 60th Court, thence north along S.W. 60th Court to S.W. 120nd Street, thence east along S.W. 120th Street to Red Road (S.W. 57th Avenue), thence South along Red Road until it forks at Old Cutler Road, thence southeasterly along Old Cutler Road to S.W. 128th Street, thence east along S.W. 128th St. to Red Road, thence south along Red Road to S.W. 136th Street, thence west along S.W. 136th Street to South Dixie Highway, and thence northeasterly along South Dixie Highway to the point of beginning (hereinafter referred to as the "Southern Area"). Collectively the Northern Area, the Central Area, and the Southern Area are referred to as "Residential Areas"; individually, each as a "Residential Area." One Councilmember shall reside in the Northern Area (Seat 1), one Councilmember shall reside in the Central Area (Seat 2); one Councilmember shall reside in the Southern Area (Seat 3); and one Councilmember shall be elected without regard to residence in any particular Residential Area (~~Seat 4~~ At-Large Seat). Persons running from a particular Residential Area must be a resident of the Residential Area which s/he proposes to represent on the Council at the time of qualifying, at the time of his/her election and must continue to reside in such Residential Areas during his/her term of office. The Councilmembers from Residential Areas 1, 2, and 3 are referred to collectively as the "Residential Area Councilmembers.;" ~~individually, each as a "Residential Area Councilmember."~~ ~~The Councilmember holding Seat 4 and the Mayor as the context dictates are collectively referred to as the "At-Large Councilmembers"; individually, each as an "At-Large Councilmember."~~

Section 2.5(c)(iv) Filling of Vacancies.

A vacancy in any Residential Area seat shall be filled by a qualified person residing in the respective Residential Area. A vacancy in ~~an~~ the At-Large ~~Seat (4)~~ shall be filled by any qualified elector of the Village.

3. Section 7.8. Violation of Charter.

In addition to any other remedy provided by law, the council may censure, reprimand or levy fines as a sanction against any councilmember or charter officials who have been determined by the council to have intentionally violated any provision of this charter or any explicit directive of the council. The council shall establish by ordinance a fine schedule and administrative procedure which shall include an option for the appointment of a special magistrate to deliberate on such matters.

4. Section 5.2 Initiative and Referendum.

(a) Power to Initiate and Reconsider Ordinances.

- i) Initiative. The electors of the Village shall have power to propose ordinances to the Council and, if the Council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a Village election, provided that such power shall not extend to the annual budget or capital program or any ordinance appropriating money, levying taxes or setting salaries of Village officers or employees, pursuant to such annual budget.

ii) Referendum.

~~a.~~ The electors of the Village shall have power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a Village election, provided that such power shall not extend to the annual budget or capital program or any ordinance appropriating money, levying taxes or setting salaries of Village officers or employees, pursuant to such annual budget.

~~b.~~ ~~Notwithstanding anything to the contrary in the preceding paragraph, the referendum power shall extend to any ordinance levying ad valorem taxes in the specific event that: (1) the ordinance increases the millage rate above the prevailing millage rate of unincorporated Miami-Dade County, or, if, at any time, Miami-Dade County consists solely of municipalities, then the power of referendum shall apply if the Pinecrest millage rate is increased above the average of the five (5) municipalities with the lowest millage rate in Miami-Dade County; (2) proceedings with respect to the referendum are commenced within twenty (20) days after the adoption of the ordinance; and (3) all petitions with respect to the referendum are filed within thirty (30) days after the date of adoption of the Ordinance. In this case, the referendum, if successful, shall apply not to the current fiscal year but to the following fiscal year, and the millage rate would then be adjusted to the rate of the prior fiscal year.~~



VILLAGE OF PINECREST
CHARTER REVISION COMMISSION CERTIFICATION

The members of the Village of Pinecrest Charter Revision Commission, duly appointed by the Village Council on March 6, 2018, hereby deliver to the Honorable Mayor and Members of the Village Council of the Village of Pinecrest, Florida the Charter Revision Commission's final report prepared pursuant to Section 6.1(c) of the Village Charter.

Submitted this 9th day of May, 2018.

/s/ Cindy Lerner

Cindy Lerner, *Chairperson*

Julie Simon, *Vice Chairperson*

Veronica Matzner

Ann McMaster

Paul Sasso

ATTEST:

/s/ Guido H. Inguanzo, Jr.

Guido H. Inguanzo, Jr., *CMC, Village Clerk*

EXHIBIT A



VILLAGE OF PINECREST

2018 Charter Revision Commission

COMMISSION MEETING MINUTES TUESDAY, APRIL 11, 2018, 9:00 A.M.

PINECREST MUNICIPAL CENTER/COUNCIL CHAMBER
12645 PINECREST PARKWAY, PINECREST, FLORIDA

The meeting was called to order by the clerk at 9:00 a.m. Present were the following:

Commission Member Cindy Lerner
Commission Member Veronica Matzner
Commission Member Julie Simon
Commission Member Paul Sasso

Village Clerk Guido Inguanzo
Village Attorney Haydee Sera

Commission Member Ann McMaster and Non-voting Member James E. McDonald were absent.

The clerk discussed the mission of the commission and advised of the charter requirement for the submittal of any proposed amendments to the Village Council by June 1, 2018 pursuant to Section 6.1(c) of the Village Charter.

The Commission adopted the following future meeting schedule:

- April 26, 2018, 9:30 a.m.
- May 3, 2018, 6:00 p.m.

The attorney provided an overview of the state's Sunshine Law.

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By unanimous consent, Commission Member Lerner was selected as chair and Commission Member Simon was selected as vice chair.

The commission briefly discussed the following topics:

- Council Seats/Residential Areas
- Compensation
- Term Limits

The meeting was adjourned at 9:30 a.m.

Respectfully Submitted:

*Guido H. Inguanzo, Jr., CMC
Village Clerk*

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS BODY WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON 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 (FLORIDA STATUTES).



VILLAGE OF PINECREST

2018 Charter Revision Commission

COMMISSION MEETING MINUTES
THURSDAY, APRIL 26, 2018, 9:30 A.M.

PINECREST MUNICIPAL CENTER/COUNCIL CHAMBER
12645 PINECREST PARKWAY, PINECREST, FLORIDA

The meeting was called to order by the chair at 9:35 a.m. Present were the following:

Commission Member Veronica Matzner
Commission Member Ann McMaster
Commission Member Paul Sasso
Vice Chair Julie Simon
Chair Cindy Lerner

Non-voting Member James E. McDonald

Village Clerk Guido Inguanzo
Village Attorneys Mitchell Bierman and Haydee Sera

Member Sasso made a motion adopting the minutes of the meeting of April 11, 2018. The motion was seconded by Vice Chair Simon and adopted by unanimous consent.

The commission discussed the following sections of the charter:

- Residential Areas [Section 2.3(b)]

Staff was directed to prepare ballot language for the commission's consideration relating to the staggering of terms and renaming of Seat 4 as the At-Large Seat.

- Compensation [Section 2.6]

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- Qualifications [Section 2.4]
- Limitations on Length of Service [Section 2.3(c)]

Staff was directed to prepare ballot language for the commission's consideration relating to an extension of permitted combined years of service.

The Commission scheduled the following future meetings:

- May 3, 2018, 9:00 a.m.
- May 9, 2018, 9:00 a.m.

The meeting was adjourned at 11:10 a.m.

Respectfully Submitted:

*Guido H. Inguanzo, Jr., CMC
Village Clerk*

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VILLAGE OF PINECREST

2018 Charter Revision Commission

COMMISSION MEETING MINUTES
THURSDAY, MAY 3, 2018, 9:00 A.M.

PINECREST MUNICIPAL CENTER/COUNCIL CHAMBER
12645 PINECREST PARKWAY, PINECREST, FLORIDA

The meeting was called to order by the chair at 9:10 a.m. Present were the following:

Commission Member Veronica Matzner
Commission Member Ann McMaster
Commission Member Paul Sasso
Vice Chair Julie Simon
Chair Cindy Lerner

Non-voting Member James E. McDonald

Village Clerk Guido Inguanzo
Village Attorneys Mitchell Bierman and Haydee Sera

Member McMaster made a motion adopting the minutes of the meeting of April 26, 2018. The motion was seconded by Member Matzner and adopted by unanimous consent.

The commission discussed the following sections of the charter:

- Length of Service [Section 2.3(c)]

It was the consensus of the members to recommend the following amendment:

Limitations on Lengths of Service. No person shall serve as Mayor for more than two consecutive elected terms. No person may serve on the Council for more than two

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consecutive terms. No person may serve as a combination of Mayor and Councilmember for more than eight ~~twelve~~ consecutive years. ~~Notwithstanding Section 2.3(c), any Councilmember elected to Seat 2 and Seat 4 in the 1996 election may serve for a maximum of ten (10) consecutive years.~~

- Obsolete Provision [5.2(a)(ii)(b)]

It was the consensus of the members to recommend the following amendment:

~~Notwithstanding anything to the contrary in the preceding paragraph, the referendum power shall extend to any ordinance levying ad valorem taxes in the specific event that: (1) the ordinance increases the millage rate above the prevailing millage rate of unincorporated Miami-Dade County, or, if, at any time, Miami-Dade County consists solely of municipalities, then the power of referendum shall apply if the Pincrest millage rate is increased above the average of the five (5) municipalities with the lowest millage rate in Miami-Dade County; (2) proceedings with respect to the referendum are commenced within twenty (20) days after the adoption of the ordinance; and (3) all petitions with respect to the referendum are filed within thirty (30) days after the date of adoption of the Ordinance. In this case, the referendum, if successful, shall apply not to the current fiscal year but to the following fiscal year, and the millage rate would then be adjusted to the rate of the prior fiscal year.~~

- Staggered Terms [Sections 2.3 and Section 2.5(c)(iv)]

It was the consensus of the members to recommend the following amendment:

Section 2.3

(a) ~~Election, and Term of Office and Staggered Terms.~~ Each Councilmember and the Mayor shall be elected at-large for four year terms by the electors of the Village in the manner provided in Article 5 of this Charter. The Councilmember elected from Residential Area 2 in 2022 shall serve a two year term and the Mayor elected in 2020 shall serve a two year term to establish the staggering of terms so that the Councilmembers from the Residential Areas shall be elected in the election cycle beginning in 2024 and the At-Large Councilmember and Mayor in the election cycle beginning in 2026. Notwithstanding Section 2.3(c), the Councilmember from Seat 2 and the Mayor elected in 2020 under this provision may serve for a maximum of ten (10) consecutive years.

(b) Residential Areas. The Village shall be divided into three (3) residence areas depicted on Appendix "A" and more particularly described as follows: the northern area consisting of portions of the Village beginning at the intersection of South Dixie Highway (U.S. 1) and the Snapper Creek Canal, thence southeasterly along Snapper Creek Canal to S.W. 62nd Avenue, thence South on S.W. 62nd Avenue to North Kendall Drive (S.W.

88th Street), thence easterly and southeasterly along North Kendall Drive to Red Road (S.W. 57th Avenue), thence north along Red Road to Kendall Drive (S.W. 88th Street), thence east along Kendall Drive to Old Cutler Road, thence southeasterly along Old Cutler Road to Red Road, thence north along Red Road to Killian Drive (S.W. 112th Street), thence westerly, southwesterly and westerly along Killian Drive to Ludlam Road (S.W. 67th Avenue), thence north along Ludlam Road to S.W. 104th Street, thence west along S.W. 104th Street to South Dixie Highway, and thence northeasterly along South Dixie Highway to the point of beginning (hereinafter referred to as the "Northern Area"); the central area consisting of those portions of the Village beginning at the intersection of South Dixie Highway (U.S. 1) and S.W. 104th Street, thence east along S.W. 104th St. to Ludlam Road (S.W. 67th Avenue), thence south along Ludlam Road to Killian Drive (S.W. 112th Street), thence easterly, northeasterly and easterly along Killian Drive to Red Road (S.W. 57th Avenue), thence south along Red Road to Montgomery Drive (S.W. 120th Street), thence east along Montgomery Drive to S.W. 60th Court, thence South along S.W. 60th Court to Moss Ranch Road, thence east along Moss Ranch Road to S.W. 62nd Avenue, thence south along S.W. 62nd Avenue to Chapman Field Drive (a portion of which is known as S.W. 124th Street), thence northeasterly and westerly along Chapman Field Drive to South Dixie Highway, and thence northeasterly along South Dixie Highway to the point of beginning (hereinafter referred to as the "Central Area"); and the southern area consisting of those portions of the Village beginning at the intersection of South Dixie Highway (U.S. 1) and Chapman Field Drive (a portion of which is known as S.W. 124th Street), thence easterly and southeasterly along Chapman Field Drive to S.W. 62nd Avenue; thence north along S.W. 62nd Avenue to Moss Ranch Road, thence east along Moss Ranch Road to S.W. 60th Court, thence north along S.W. 60th Court to S.W. 120nd Street, thence east along S.W. 120th Street to Red Road (S.W. 57th Avenue), thence South along Red Road until it forks at Old Cutler Road, thence southeasterly along Old Cutler Road to S.W. 128th Street, thence east along S.W. 128th St. to Red Road, thence south along Red Road to S.W. 136th Street, thence west along S.W. 136th Street to South Dixie Highway, and thence northeasterly along South Dixie Highway to the point of beginning (hereinafter referred to as the "Southern Area"). Collectively the Northern Area, the Central Area, and the Southern Area are referred to as "Residential Areas"; individually, each as a "Residential Area." One Councilmember shall reside in the Northern Area (Seat 1), one Councilmember shall reside in the Central Area (Seat 2); one Councilmember shall reside in the Southern Area (Seat 3); and one Councilmember shall be elected without regard to residence in any particular Residential Area (~~Seat 4~~ At-Large Seat). Persons running from a particular Residential Area must be a resident of the Residential Area which s/he proposes to represent on the Council at the time of qualifying, at the time of his/her election and must continue to reside in such Residential Areas during his/her term of office. The Councilmembers from Residential Areas 1, 2, and 3 are referred to collectively as the "Residential Area Councilmembers.;" ~~individually, each as a "Residential Area Councilmember."~~ ~~The Councilmember holding Seat 4 and the Mayor as the context dictates are collectively referred to as the "At-Large Councilmembers";~~ individually, each as an "At-Large Councilmember."

Section 2.5(c)(iv)

A vacancy in any Residential Area seat shall be filled by a qualified person residing in the respective Residential Area. A vacancy in ~~an~~ the At-Large ~~Seat (4)~~ shall be filled by any qualified elector of the Village.

- Violation of Charter

It was the consensus of the members to recommend the following amendment:

Section 7.8. Violation of Charter.

In addition to any other remedy provided by law, the council may censure, reprimand or levy fines as a sanction against any councilmember or charter officials who have been determined by the council to have intentionally violated any provision of this charter or any explicit directive of the council. The council shall establish by ordinance a fine schedule and administrative procedure which shall include an option for the appointment of a special magistrate to deliberate on such matters.

The meeting was adjourned at 10:30 a.m.

Respectfully Submitted:

*Guido H. Inguanzo, Jr., CMC
Village Clerk*

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VILLAGE OF PINECREST

2018 Charter Revision Commission

COMMISSION MEETING MINUTES
THURSDAY, MAY 9, 2018, 9:00 A.M.

PINECREST MUNICIPAL CENTER/COUNCIL CHAMBER
12645 PINECREST PARKWAY, PINECREST, FLORIDA

The meeting was called to order by the chair at 9:00 a.m. Present were the following:

Commission Member Veronica Matzner
Commission Member Ann McMaster
Commission Member Paul Sasso
Chair Cindy Lerner

Non-voting Member James E. McDonald

Village Clerk Guido Inguanzo
Village Attorney Haydee Sera

Vice Chair Julie Simon was absent.

Member Sasso made a motion adopting the minutes of the meeting of May 3, 2018. The motion was seconded by Member Matzner and adopted by unanimous consent.

The commission discussed the draft of the Final Report.

Member Sasso offered the following **amendment** relating to proposed amendment #2 (Staggered Terms):

- (a) Election, ~~and~~ Term of Office and Staggered Terms. Each Councilmember and the Mayor shall be elected at-large for four year terms by the electors of the Village in the manner provided in Article 5 of this Charter. The

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Councilmember elected from Seat 2 in 2022 shall serve a two year term and the Mayor elected in 2020 shall serve a six year term to establish the staggering of terms so that the Councilmembers from the Residential Areas shall be elected in the election cycle beginning in 2024 and every four years thereafter, and the At-Large Councilmember and Mayor shall be elected in the election cycle beginning in 2026 and every four years thereafter. Notwithstanding Section 2.3(c), the term of the Councilmember from Seat 2 elected in 2022 and the Mayor elected in 2020 under this provision shall not be counted in the calculation of term limits or years of service under Section 2.3(c).

The Sasso amendment was seconded by Member Matzner and adopted by a 3 – 1 voice vote. The vote was as follow: Members Matzner, McMaster and Sasso voting Yes; Chair Lerner voting No.

Member Matzner made a motion adopting the commission’s amended final report. The motion was seconded by Member Sasso and adopted by unanimous consent.

The meeting was adjourned at 9:30 a.m.

Respectfully Submitted:

*Guido H. Inguanzo, Jr., CMC
Village Clerk*

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