

Proposed Amendments to the Key Biscayne Charter

The amendments were proposed by the **Charter Revision Commission**.

- The Charter Revision Commission is **elected by the full Council** every 5 years to review the charter and propose amendments.
- The purpose of the Charter Revision Commission is to make sure the Charter stays current and reflects best practices in municipal government.
- Met over three months from January to March 2022
 - Held 6 public meetings – all recorded and on the Village website along with agendas and minutes.
- Guided by best practices in municipal government with a goal to make it more efficient, more transparent and have the ability to address upcoming challenges.
- Reviewed the entire charter for potential amendments.
- The proposed amendments are not approved by Council, but go straight to the voters for approval.
- The Commission did not write the ballot language.

Proposed Amendment 1

Amend Capital Project Ordinance Threshold Requirement from \$500,000 to \$1,000,000

Why the Commission proposed this amendment:

- This provision was added to charter in 2002
- Amendment recommended by Village staff
- Addresses inflation by raising threshold to \$1,000,000
- Saves \$7,500 per capital expenditure from \$500,000 to \$1 million.

GOAL: More efficient government.

CONCERNS: The public will not have adequate notice of capital expenditures

RESPONSE:

- Current notice mailed to voters does not result in much, if any, public comment on capital expenditures
- If passed, capital expenditures between \$500,000 and \$1 million will be approved by resolution with a public hearing.

Proposed Amendment 2

Raise Debt Cap from 1% to 2% of Assessed Value

Why the Commission proposed this amendment:

- KB has the most restrictive debt cap of any municipality in Miami Dade and will still have the most restrictive debt cap if this amendment passes.
- We must raise debt cap to start and complete the infrastructure projects necessary to protect us from increased flooding, rising seas and stronger storms.

GOAL: Provide mechanism to finance necessary capital, resiliency, and infrastructure projects.

CONCERNS: We can't afford it and voting yes will result in a lack of financial vigilance.

RESPONSE:

- Many comparable municipalities have no debt cap such as Pinecrest and Palmetto Bay.
- Those that have a debt cap are much less restrictive.
- Ignores the need to protect our investments from flooding and sea level rise and harden our infrastructure for hurricanes.

Proposed Amendment 3

Allowing Voters to Approve Debt that Exceeds the Debt Limit

Why the Commission proposed this amendment:

- Gives flexibility as either a 1% or 2% debt cap is highly restrictive.
- Allows voters to determine whether a project warrants exceeding the debt cap.

GOAL: Provide mechanism to finance necessary capital, resiliency, and infrastructure projects.

CONCERNS: Some have said that this will eliminate the debt cap.

RESPONSE:

- The debt cap will continue to exist, but exceptions will be allowed if approved by the voters.
- If approved, this amendment gives our community the ability to determine if we should invest in capital projects if they exceed our highly restrictive debt cap.
- It provides flexibility in the event that more funds are necessary for projects such as playing fields, resiliency projects or protecting the driveway to our homes.
- It provides flexibility to allow the voters to determine if those investments should be funded.

Proposed Amendment 4

Allow Land Development Regulations to be Amended by Supermajority Vote of Council

Why the Commission proposed this amendment:

- Currently, land development regulations can only be amended by referendum, which is highly unusual.
- Our zoning code is frozen in 2007 and unable to address the challenges faced by increased flooding, stronger storms and rising seas.
- Simply updating and clarifying language in the zoning code requires a referendum.
- This amendment enables council to update and clarify the zoning code and control the scale, density, and size of new development.
- Additional protections are in place as a supermajority vote is required and citizens can challenge any zoning decision through petition and referendum.

GOALS: Make our municipal government more efficient. Allow council to amend land development regulations needed to update the code and address flooding and the impacts of climate change, while providing safeguards.

CONCERNS: Voting yes will open the door to increased density and over-development of our island. Voting yes will mean you are giving up your rights to vote on large development projects.

RESPONSE:

- Our Village Council has fought over-development since its inception.
- Density can only be increased by changing the Comprehensive Plan which is a much more involved process that requires Council and State approval.
- Only allowing text amendments to a zoning code by referendum is deeply flawed and not how government is supposed to function.

Proposed Amendment 4 - continued

- The electorate does not approve development projects – rather it only votes on text changes to the zoning code.
- The objection by some in the community to all seven charter amendments is evidence of what would happen if zoning changes were put to the electorate: some would object to everything for the sake of objection.



⚓ WE MUST VOTE NO ON ALL 7 BALLOT REFERENDUMS ⚓

Proposed Amendment 5

Establishing Councilmember Primaries

Why the Commission proposed this amendment:

- This amendment creates primaries for council when there are nine or more candidates running for three open seats, following what the charter provides for the mayoral election.
- In 2020, there were ten candidates for Council. The top three each received between 13% and 13.4% of the votes case for councilmembers.
- A large field of candidates would be reduced for the general election so that those elected would receive closer to a majority vote.
- Qualifying for Council would be in June, instead of August, giving the community more time to get to know the council candidates.

GOALS: Ensure that those elected receive closer to a majority of the votes of the electorate.

CONCERNS: Some have claimed this will limit the number of candidates who will be willing to run for Council as the election will longer and more expensive.

RESPONSE:

- We fully support and encourage civic engagement.
- As the role of council is one that involves public trust, it is important that our elected councilmembers have the support of a critical mass of the electorate.
- The primary process will allow more time to get to know the candidates.

Proposed Amendment 6

Establishing Courtesy Electronic Public Notice

Why the Commission proposed this amendment:

- This amendment addresses advancements in technology by providing for electronic notice.

GOAL: Better communication with the public.

CONCERNS: Those opposed to this amendment claim this is unnecessary and should not be in the charter. Others have recommended voting no to “protect and safeguard our village.”

RESPONSE:

- Notice is required in the charter. This provision simply updates the charter to reflect advancements in technology.

Proposed Amendment 7

Establishing Supplemental Open Meeting Requirements

Why the Commission proposed this amendment:

- Requires each Council to establish by ordinance the procedures for Sunshine meetings to increase transparency and communication with the public.
- This calls for more transparency than what is required by Florida's Sunshine Laws.

GOAL: Increase transparency for sunshine meetings.

CONCERNS: Those opposed to this amendment claim that this is an attempt to circumvent Florida's Sunshine Laws. That is FALSE.

RESPONSE:

- Trying to circumvent State Sunshine laws is a violation of the law.
- Currently, sunshine meetings can be held without adequate notice, without recording and without minutes.
- The goal of this amendment is to require each council to publicly discuss procedures for these meetings and establish rules via ordinance.