

The City of Aventura



19200 West Country Club Drive Aventura, FL

City Commission Workshop Meeting

January 20, 2011
Immediately following 9 a.m.
Special Commission Meeting
Executive Conference Room

AGENDA

1. ***Charter Revision Commission Recommendation
(City Manager)****
Future Action Required: Resolution
2. ***Legislative Program And Priorities (City Manager)****
Future Action Required: Resolution
3. ***Let's Move Campaign Resolution (Mayor Gottlieb)****
Future Action Required: Resolution
4. ***Miami-Dade County League of Cities Installation Dinner –
February 19, 2011 (City Manager)***
5. ***Adjournment***

*** Back-up Information Exists**

This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Office of the City Clerk, 305-466-8901, not later than two days prior to such proceeding.

Memo

To: Mayor and City Commission
City of Aventura

From: Charter Revision Commission (the "CRC")

Date: December 21, 2010

Re: CRC Report and Recommendation on Charter Amendment

I. Recommendation

Pursuant to City Charter section 7.06, and after careful review of the necessity for any revision to the City Charter, the CRC hereby respectfully recommends that an amendment of City Charter Section 2.03(c) be presented to the electors of the City for approval or rejection. The Charter amendment, if approved by the electors, would revise the limit on the total combined years of consecutive service by those persons who serve separately as both Mayor and Commissioner from eight years to twelve years of combined service. The two term limit for those persons who serve solely as Mayor or Commissioner will remain.

The specific amendment to City Charter Section 2.03(c) is shown below, by underlining for added text and by strikethrough for deleted text, as follows:

Section 2.03. Election and term of office.

(a)

Election and term of office. Each Commissioner and the Mayor shall be elected at-large for four year terms by the electors of the City in the manner provided in Article V of this Charter. The four-year term length which is provided for in this paragraph (a), shall be extended as necessary to accomplish the election date revision made pursuant to Charter Section 5.01 (c)(ii) of the City Charter, as applicable. Accordingly, the term of office of the Mayor and Commission Seats 2, 4, and 6 which would otherwise expire in March of 2009 shall instead expire in November 2010, and the term of office of Commission Seats 1, 3 and 5 which would otherwise expire in March of 2011, shall instead expire in November 2012.

(b)

Residential Areas. The City shall be divided by the William Lehman Causeway into two residence areas: the north area consisting of those portions of the City lying north of the William Lehman Causeway (the "Northern Area") and the south area

consisting of those portions of the City lying south of the William Lehman Causeway (the "Southern Area"). Collectively the Northern Area and the Southern Area are "Residential Areas"; individually, each is a "Residential Area." Two Commissioners shall reside in the Northern Area (Seats 1 and 2), two Commissioners shall reside in the Southern Area (Seats 3 and 4), and two Commissioners shall be elected without regard to residence in any particular Residential Area (Seats 5 and 6). Persons running from a particular Residential Area must be a resident of the Residential Area which s/he proposes to represent on the Commission at the time of qualifying, at the time of his/her election and must continue to reside in such Residential Area during his/her term of office. The Commissioners from Residential Areas 1, 2, 3, and 4 are collectively the "Residential Area Commissioners;" individually, each is a "Residential Area Commissioner." The Commissioners holding seats 5 and 6 are collectively the "At-Large Commissioners"; individually, each is an "At-Large Commissioner."

(c)

Limitations on lengths of service. No person shall serve as Mayor for more than two consecutive elected terms. No person may serve as a Commissioner ~~on the Commission~~ for more than two consecutive terms. No person may serve as a combination of Mayor and Commissioner for more than ~~eight~~ twelve consecutive years, except for the additional length of service as Mayor and/or Commissioner described in paragraph (a) above, which results from the extension of the term of office of Mayor and/or Commissioner as produced by the election date change provided by Charter Section 5.01 (c)(ii). Service shall be deemed to be consecutive unless there is an intervening four-year period during which the individual does not serve as a Commissioner or Mayor (the "Break in Service"). ~~Any person serving the maximum amount of time as Mayor must have a four year Break in Service before serving as a Commissioner. Any person serving the maximum amount of time as a Commissioner must have a four year Break in Service before serving as Mayor.~~ Any person serving the maximum amount of time as a combination of Mayor and Commissioner must have a four year Break in Service before serving as Mayor or Commissioner. This Break in Service requirement shall be applicable only prospectively and shall apply to any person who after the effective date of this Break in Service provision reaches the maximum limitation on length of service which is provided herein. No candidate may run for either the office of Mayor or Commissioner when, if elected, the person would exceed the limitations on service set forth in this paragraph by any length of time taking into account the full regular term for the office sought.

Our recommendation includes the placement of a legislative history footnote at the proposed 12 year provision of the above text, which references this memorandum by stating , that:

“The Charter Revision Commission Report of December 21, 2010, provides examples of the application of this 12 year limit, which shall serve as an aide to the construction of the amendment .”

II. Discussion

The CRC has directed inclusion herein of the following examples of the application of this amended twelve year combined service limit. The twelve year combined service limit would enable a person to be elected to serve on the City Commission, as follows:

1. A person may consecutively serve eight years (two terms) as Commissioner , followed by four years (one term) as Mayor;
2. A person may serve eight years (two terms) as Mayor, followed by four years (one term) as Commissioner;
3. A person may serve four years (one term) as Commissioner, followed by eight years (two terms) as Mayor;
4. A person may serve four years (one term) as Mayor, followed by eight years (two terms) as Commissioner;
5. A person may serve four years (one term) as Commissioner, followed by four years (one term) as Mayor, followed by four years (one term) as Commissioner;
6. A person may serve four years (one term) as Mayor, followed by four years (one term) as Commissioner, followed by four years (one term) as Mayor;
7. A further example, concerning the situation of where a Commissioner completes his or her 8 years of service, at a time that does not coincide with the expiration of the Mayor's term, is appropriate. An illustrative example under that scenario is that a Commissioner whose second term of office expires in November 2012 (at a time when the Mayor's term does not expire until 2014), may wait out two years (while not serving as Commissioner or Mayor) and then seek election as Mayor in 2014, and would be eligible to serve as Mayor for a single term of four years (8 + 4=12 years, combined service) . Of course, a person may always wait out for a period of four years under the Break in Service provision of Charter Section 2.03 (c) and be eligible for a new combined consecutive service total of 12 years thereafter.

The above list of examples may not be exhaustive of all possibilities, but shall serve to illustrate the intent and application of the Charter amendment, if approved by the electors.

III. Conclusion

The CRC respectfully requests that the City Commission consider this report at the February, 2011 City Commission meeting. We recognize that the Commission will, as required

by City Charter Section 7.06, place this proposed Charter amendment before the City electors at an election which takes place no sooner than 60 days and no later than 150 days after the date of this report.

All members were honored to have had the opportunity to be of service to the City.

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RESOLUTION NO. 2011-_____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF PROPOSED AMENDMENTS TO THE CITY CHARTER AS PROVIDED BY THE CHARTER REVISION COMMISSION, IN ACCORDANCE WITH SECTION 7.06 OF THE CITY CHARTER; CONSISTING OF PROPOSED CHARTER AMENDMENTS CONCERNING PARAGRAPH (C) "LIMITATIONS ON LENGTHS OF SERVICE" OF SECTION 2.03 "ELECTION AND TERM OF OFFICE" OF THE CITY CHARTER ; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO THE ELECTORATE; CALLING A SPECIAL ELECTION ON THE PROPOSED AMENDMENTS TO THE CITY CHARTER TO BE HELD ON TUESDAY, THE 12TH DAY OF APRIL, 2011; PROVIDING NOTICE OF ELECTION; PROVIDING FOR MAIL BALLOT ELECTION; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 7.06 of the City Charter, the Charter Revision Commission has determined that certain revisions are needed to the City Charter and has by report of December 21, 2010 submitted the proposed amendment of the City Charter (the "Charter Amendments") to the City Commission; and

WHEREAS, pursuant to Section 7.06 of the City Charter, the City Commission is required to submit the Charter Amendments to the electors of the City for approval or rejection.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That the above stated recitals are hereby adopted and confirmed.

Section 2. Charter Amendments. That pursuant to Section 7.06 of the City Charter and Section 6.03 of the Miami-Dade County Charter, the City Charter of the City of Aventura, Florida, is hereby amended by amending the City Charter Section described below in Part A , to read as follows:¹

Part A. That paragraph (c) “ Limitations on lengths of service” of Section 2.03 “ Election and term of office” of the City Charter, is amended by revising paragraph (c) of said section , to read as follows:

Section 2.03. Election and term of office.

(a)

Election and term of office. Each Commissioner and the Mayor shall be elected at-large for four year terms by the electors of the City in the manner provided in Article V of this Charter. The four-year term length which is provided for in this paragraph (a), shall be extended as necessary to accomplish the election date revision made pursuant to Charter Section 5.01 (c)(ii) of the City Charter, as applicable. Accordingly, the term of office of the Mayor and Commission Seats 2, 4, and 6 which would otherwise expire in March of 2009 shall instead expire in November 2010, and the term of office of Commission Seats 1, 3 and 5 which would otherwise expire in March of 2011, shall instead expire in November 2012.

(b)

Residential Areas. The City shall be divided by the William Lehman Causeway into two residence areas: the north area consisting of those portions of the City lying north of the William Lehman Causeway (the "Northern Area") and the south area consisting of those portions of the City lying south of the William Lehman Causeway (the "Southern Area"). Collectively the Northern Area and the Southern Area are "Residential Areas"; individually, each is a "Residential Area." Two Commissioners shall reside in the Northern Area (Seats 1 and 2), two Commissioners shall reside in the Southern Area (Seats 3 and 4), and two Commissioners shall be elected without regard to residence in any particular Residential Area (Seats 5 and 6). Persons running from a particular Residential Area must be a resident of the Residential Area which s/he proposes to represent on the Commission at the time of qualifying, at the time of his/her election and must continue to reside in such Residential Area during his/her term of office. The Commissioners from Residential Areas 1, 2, 3, and 4 are collectively the "Residential Area Commissioners;" individually, each is a "Residential Area Commissioner." The Commissioners holding seats 5 and 6 are

¹ / Proposed additions to existing City Charter text are indicated by underline; proposed deletions from existing City Charter text are indicated by ~~strikethrough~~.

collectively the "At-Large Commissioners"; individually, each is an "At-Large Commissioner."

(c)

Limitations on lengths of service. No person shall serve as Mayor for more than two consecutive elected terms. No person may serve as a Commissioner ~~on the Commission~~ for more than two consecutive terms. No person may serve as a combination of Mayor and Commissioner for more than ~~eight~~ twelve consecutive years², except for the additional length of service as Mayor and/or Commissioner described in paragraph (a) above, which results from the extension of the term of office of Mayor and/or Commissioner as produced by the election date change provided by Charter Section 5.01 (c)(ii). Service shall be deemed to be consecutive unless there is an intervening four-year period during which the individual does not serve as a Commissioner or Mayor (the "Break in Service"). ~~Any person serving the maximum amount of time as Mayor must have a four year Break in Service before serving as a Commissioner. Any person serving the maximum amount of time as a Commissioner must have a four year Break in Service before serving as Mayor.~~ Any person serving the maximum amount of time as a combination of Mayor and Commissioner must have a four year Break in Service before serving as Mayor or Commissioner. This Break in Service requirement shall be applicable only prospectively and shall apply to any person who after the effective date of this Break in Service provision reaches the maximum limitation on length of service which is provided herein. No candidate may run for either the office of Mayor or Commissioner when, if elected, the person would exceed the limitations on service set forth in this paragraph by any length of time taking into account the full regular term for the office sought.

Section 3. Election Called. That a special election is hereby called, to be held on Tuesday, the 12th day of April, 2011, to present to the qualified electors of the City of Aventura, the ballot question provided in Section 4 of this Resolution.

Section 4. Form of Ballot. That the form of ballot for the Charter Amendments provided for in Section 2 of this Resolution shall be substantially as follows:

CITY OF AVENTURA CHARTER AMENDMENTS

² The Charter Revision Commission Report of December 21, 2010, provides examples of the application of this 12 year limit, which shall serve as an aide to the construction of the amendment.

**REVISED LIMIT ON TOTAL COMBINED YEARS OF SERVICE
AS MAYOR AND COMMISSIONER**

The City Charter currently allows a person to serve up to 8 consecutive years as Mayor and Commissioner, regardless of whether that person serves as Mayor or Commissioner or serves separately in both capacities. It is proposed that the City Charter be amended to allow a person to serve a combined total of 12 consecutive years, for any person who serves as both Mayor and Commissioner .

Shall the above- described Charter amendment be adopted?

YES ()

NO ()

Section 5. Balloting. That mail ballots, as prescribed by Section 101.6101-101.6107, Florida Statutes, shall be used in this special election. All qualified City electors who are timely registered in accordance with law shall be entitled to vote. The City Clerk is authorized to obtain any necessary election administration services from the Miami-Dade County Supervisor of Elections. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until March 14, 2011, at which date the registration books shall close in accordance with the provisions of the general election laws. The Miami-Dade County Supervisor of Elections is hereby authorized to take all appropriate action necessary to carry into effect and accomplish the provisions of this Resolution. This special election shall be canvassed by the County Canvassing Board unless otherwise provided by law.

Section 6. Notice of Special Election. That notice of said special election shall be published in accordance with Section 100.342, Fla. Stat., in a newspaper of general circulation within the City at least 30 days prior to said election, the first publication to be in the fifth week

prior to the election (to-wit: during the week commencing Sunday, March 6, 2011), and the second publication to be in the third week prior to the election (to-wit: during the week commencing Sunday, March 20, 2011), and shall be in substantially the following form:

"NOTICE OF SPECIAL ELECTION

PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO RESOLUTION NO. _____ ADOPTED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA (THE "CITY") A SPECIAL ELECTION HAS BEEN CALLED AND ORDERED TO BE HELD WITHIN THE CITY ON TUESDAY, THE 12TH DAY OF APRIL, 2011, BY MAIL BALLOT, AT WHICH TIME THE FOLLOWING CHARTER AMENDMENT PROPOSAL SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY.

CITY OF AVENTURA CHARTER AMENDMENTS

REVISED LIMIT ON TOTAL COMBINED YEARS OF SERVICE AS MAYOR AND COMMISSIONER

The City Charter currently allows a person to serve up to 8 consecutive years as Mayor and Commissioner, regardless of whether that person serves as Mayor or Commissioner or serves separately in both capacities. It is proposed that the City Charter be amended to allow a person to serve a combined total of 12 consecutive years, for any person who serves as both Mayor and Commissioner.

Shall the above- described Charter amendment be adopted?

YES ()

NO ()

The full text of the proposed City Charter Amendment is available at the office of the City Clerk located at 19200 West Country Club Drive, Aventura, Florida 33180.

City Clerk”

Section 7. Copies. That copies of this Resolution proposing the Charter Amendments are on file at the offices of the City Clerk located at 19200 West Country Club Drive, Aventura, Florida 33180, and are available for public inspection during regular business hours.

Section 8. Effectiveness. That the Charter Amendments provided for in Section 2 above shall become effective if the majority of the qualified electors voting on the specific Charter Amendment vote for its adoption, and it shall be considered adopted and effective upon certification of the election results. Following adoption of the Charter Amendments, the City Clerk shall file the adopted Charter Amendments with the Clerk of the Circuit Court of Miami-Dade County, Florida.

Section 9. Inclusion In The Charter. That subject to the requirements of Section 8 above, it is the intention of the City Commission and it is hereby provided that the Charter Amendments shall become and be made a part of the Charter of the City of Aventura ; and that footnote 2 of Section 2 shall be codified as an explanatory guide to the construction of the amendment of Charter section 2.03 (c); and that the Sections of this Resolution may be renumbered or relettered to accomplish such intention.

Section 10. Effective Date of Resolution. That this Resolution shall become effective immediately upon adoption hereof.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Zev Auerbach _____
Commissioner Teri Holzberg _____
Commissioner Billy Joel _____
Commissioner Michael Stern _____
Commissioner Luz Urbàez Weinberg _____
Vice Mayor Bob Diamond _____
Mayor Susan Gottlieb _____

PASSED AND ADOPTED this 1st day of February, 2011.

Susan Gottlieb, Mayor

Attest:

Teresa M. Soroka, MMC
City Clerk

Approved as to Form and Legal Sufficiency:

City Attorney

**CITY OF AVENTURA
LEGISLATIVE PROGRAM AND PRIORITIES**



2011

**Mayor Susan Gottlieb
Commissioner Zev Auerbach
Commissioner Bob Diamond
Commissioner Teri Holzberg
Commissioner Billy Joel
Commissioner Michael Stern
Commissioner Luz Urbacz Weinberg
City Manager Eric M. Soroka
City Clerk Teresa M. Soroka
City Attorney Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.**

**CITY OF AVENTURA
LEGISLATIVE PROGRAMS AND PRIORITIES
2011**

This document is intended to provide direction to the City Manager, City Attorney and Legislative Lobbyist as to the official City position regarding issues and pending legislation which would affect the operation of local government. This document further provides priorities for the acquisition of supplemental funding (grants) for various programs.

The City of Aventura will endorse and support legislation that will:

1. Provide a dedicated revenue source for Charter School capital improvements at the same levels provided to the local school boards.
2. Increase or maintain educational funding levels for Miami-Dade County public schools.
3. Amend State law allowing a more economical method of advertising for a public hearing relating to Comprehensive Plan adoption and/ or amendments.
4. Adopt the 2011 Policy Statement of the Florida League of Cities.
5. Enact a law that would prohibit an individual from writing, sending or receiving text messages while operating a motor vehicle.
6. Enact a law enabling cities to prohibit smoking at city sponsored events or activities and/ or at city parks and facilities.
7. On a state-wide level, ban the use of handheld phones by persons operating motor vehicles, but allowing hands free phone devices.

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A bill to be entitled

An act relating to required advertisements for the adoption of local government comprehensive plans and comprehensive plan amendments; amending s. 163.3174, F.S.; providing requirements for the advertisement of local planning agency public hearings for the review of local government comprehensive plans and comprehensive plan amendments; amending s. 163.3184, F.S.; providing that advertisements of public hearings of the local planning agency and governing body for review, transmittal, and adoption of local government comprehensive plans and comprehensive plan amendments shall be published in a newspaper of general circulation in the county or municipality, or in a geographically limited insert of such newspaper; providing for an effective date.

Be it Enacted by the Legislature of the State of Florida:

Section 1. Subsection (4)(a) of Section 163.3174, Florida Statutes, is amended to read:

(4) The local planning agency shall have the general responsibility for the conduct of the comprehensive planning program. Specifically, the local planning agency shall:

(a) Be the agency responsible for the preparation of the comprehensive plan or plan amendment and shall make recommendations to the governing body regarding the adoption or amendment of such plan. During the preparation of the plan or plan amendment and prior to any recommendation to the governing body, the local planning agency shall hold at least one public hearing, with public notice provided in accordance with s. 163.3184 (15)(a)(2) on the proposed plan or plan amendment. The governing body in cooperation with the local planning agency may designate any agency, committee, department, or person to prepare the comprehensive plan or plan amendment, but final recommendation of the adoption of such plan or plan amendment to the governing body shall be the responsibility of the local planning agency.

Section 2. Subsection (15) of Section 163.3184, Florida Statutes, is amended to read:

1
2 (15) PUBLIC HEARINGS.-

3 (a) The procedure for transmittal of a complete proposed
4 comprehensive plan or plan amendment pursuant to subsection (3)
5 and for adoption of a comprehensive plan or plan amendment
6 pursuant to subsection (7) shall be by affirmative vote of not
7 less than a majority of the members of the governing body
8 present at the hearing.

9 (1) The adoption of a comprehensive plan or plan amendment
10 shall be by ordinance. For the purposes of transmitting or
11 adopting a comprehensive plan or plan amendment, the notice
12 requirements in chapters 125 and 166 are superseded by this
13 subsection, except as provided in this part.

14 (2) Advertisements of the local planning agency public hearing
15 for review of a comprehensive plan or plan amendment as required
16 by s. 163.3174(4)(a), and the transmittal and adoption public
17 hearings of the governing body, shall be published in a
18 newspaper of general circulation in the county or municipality,
19 or in a geographically limited insert of such newspaper. The
20 geographic boundaries in which such insert is circulated shall
21 include the geographic boundaries of the local government
22 proposing the amendment. It is the legislative intent that,
23 whenever possible, the advertisement appear in a newspaper that
24 is published at least 5 days a week unless the only newspaper in
25 the county or municipality is published less than 5 days a week,
26 or that the advertisement appear in a geographically limited
27 insert of such newspaper which insert is published at least
28 twice each week. It is further the legislative intent that the
29 newspaper selected be one of general interest and readership in
30 the community and not one of limited subject matter, pursuant to
31 chapter 50. The advertisement shall not be placed in that
32 portion of the newspaper where legal notices and classified
33 advertisements appear.

34 (b) The local governing body shall hold at least two
35 advertised public hearings on the proposed comprehensive plan or
36 plan amendment as follows:

37 1. The first public hearing shall be held at the transmittal
38 stage pursuant to subsection (3). It shall be held on a weekday
39 at least 7 days after the day that the first advertisement is
40 published.

41 2. The second public hearing shall be held at the adoption
42 stage pursuant to subsection (7). It shall be held on a weekday
43 at least 5 days after the day that the second advertisement is
44 published.

45 (c) The local government shall provide a sign-in form at the
46 transmittal hearing and at the adoption hearing for persons to

1 provide their names and mailing addresses. The sign-in form must
2 advise that any person providing the requested information will
3 receive a courtesy informational statement concerning
4 publications of the state land planning agency's notice of
5 intent. The local government shall add to the sign-in form the
6 name and address of any person who submits written comments
7 concerning the proposed plan or plan amendment during the time
8 period between the commencement of the transmittal hearing and
9 the end of the adoption hearing. It is the responsibility of the
10 person completing the form or providing written comments to
11 accurately, completely, and legibly provide all information
12 needed in order to receive the courtesy informational statement.

13 (d) The agency shall provide a model sign-in form for
14 providing the list to the agency which may be used by the local
15 government to satisfy the requirements of this subsection.

16 (e) If the proposed comprehensive plan or plan amendment
17 changes the actual list of permitted, conditional, or prohibited
18 uses within a future land use category or changes the actual
19 future land use map designation of a parcel or parcels of land,
20 the required advertisements shall be in the format prescribed by
21 s. 125.66(4)(b)2. for a county or by s. 166.041(3)(c)2.b. for a
22 municipality. Such advertisements may be placed in a
23 geographically limited insert of a newspaper of general
24 circulation as provided in paragraph (a)(2) of this subsection.

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26
27 Section 3. This act shall take effect upon becoming law.

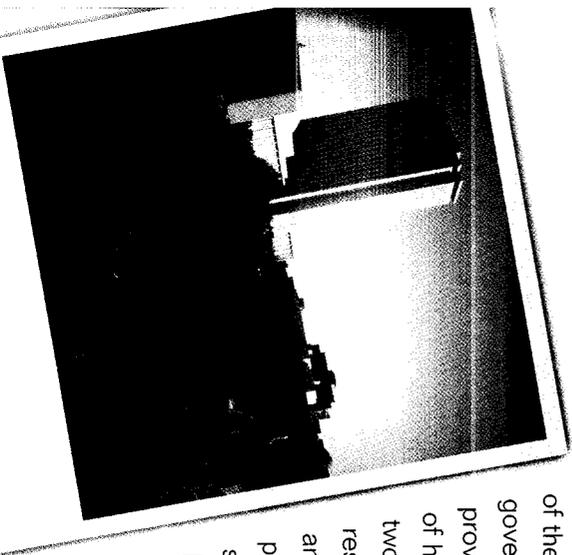
FLORIDA LEAGUE OF CITIES

2011

LEGISLATIVE
ACTION AGENDA



The Florida League of Cities is the champion of home rule in Florida. Florida's constitution empowers citizens with the right of local self-government, or home rule. Cities are the embodiment of this right. Cities are formed by citizens and are governed by citizens. They administer the local affairs of the community for the special benefit



of the city's residents. The form of government and level of services a city provides are fundamental expressions of home rule. Home rule is why no two cities are alike. Florida's city residents take pride in this diversity and responsibility. Strong home rule powers ensure that government stays close to the people it serves. Intrusion on home rule from the state or federal government undermines the constitutional right of local citizens to govern themselves.

The Florida League of Cities

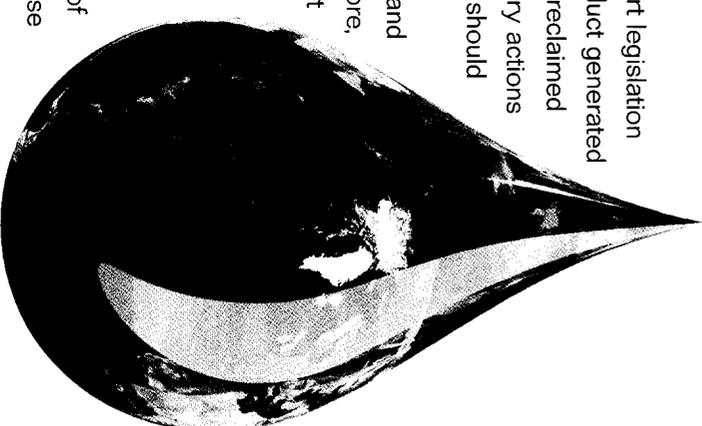
opposes unfunded mandates from any level of government. An unfunded mandate is when one government forces another level of government to take some action that spends or reduces revenue, without providing any resources to offset the impact. Unfunded mandates are the antithesis of government transparency. Mandates conceal the connection between the taxes city residents pay and the services they receive. Unfunded mandates cause local city leaders to be held accountable for decisions made by others who live far away and who are not accountable for the fiscal impact on local taxpayers. The Florida Constitution prohibits unfunded mandates from state government except under certain conditions. This provision was added to the constitution in 1990 after Floridians became fed up with being forced to pay for state programs with local tax dollars. Yet in spite of the clear preference of Florida's residents, unfunded mandates have continued with increasing frequency.

2011 Florida League of Cities Legislative Action Agenda

RECLAIMED WATER

LEGISLATIVE PRIORITY

The Florida League of Cities will support legislation clarifying that reclaimed water is a product generated by a utility treatment process. As such, reclaimed water should not be subject to regulatory actions by the water management districts, but should remain available for use as an integral element of a utility's water supply plan and permitted discharge strategy. Furthermore, the Florida League of Cities will support legislation which provides that any quantities of water made available by the use and/or generation of reclaimed water should be allocated to the reclaimed water provider, and which supports the home rule powers of a municipality to create "mandatory reuse zones" within its jurisdiction.



ALTERNATIVE AND RENEWABLE ENERGY

LEGISLATIVE PRIORITY

The Florida League of Cities will support legislation that incentivizes the development and implementation of a meaningful statewide renewable and alternative energy policy and that encourages the development of new technologies to help create jobs and industries in Florida. Such energy policy shall include a renewable energy minimum standard and should provide tax incentives for the use of renewable energy sources, enhance competitive procurement by public entities of all renewable energy supplies, and ensure the ability of Florida municipalities to obtain

and use renewable energy. The policy should also encourage mass transit, transit-oriented development policies and other transportation-related energy-efficiency practices; and provide technical assistance and funding sources for local governments to assist in the development and implementation of state energy policies including public education programs, sustainable building, contaminant emission reduction strategies, and other policies as part of a comprehensive sustainable statewide energy policy.

REVENUE AND EXPENDITURE CAPS

LEGISLATIVE PRIORITY

The Florida League of Cities opposes state-mandated revenue or expenditure caps. State-mandated caps usurp the home rule powers of municipal residents to self-determine the form of their government and their desired level of service. A cap would be unworkable for any level of government in Florida, unless such proposal, at a minimum:

- 1.** Applies to either revenues or expenditures, but not both;
- 2.** Includes a "time-out" provision in case it becomes necessary to suspend the cap proposal due to unusual economic circumstances; and
- 3.** Reflects the true level of inflation incurred by Florida governments in providing services.

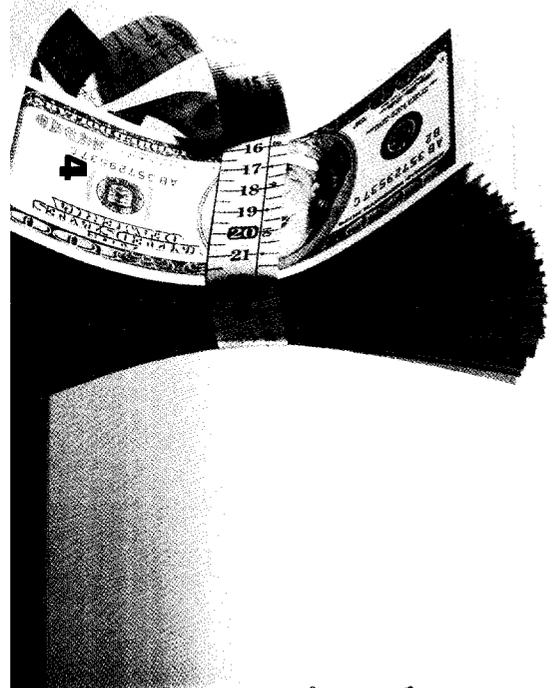
Further, if the Legislature chooses to reject home rule and instead mandate caps on local governments, any such proposal should, at a minimum:

- 1.** Exclude any resources committed to complying with a mandate imposed by another level of government;
- 2.** Apply equally to the state and all types of local government; and
- 3.** Exempt the following revenue sources:
 - Proprietary, special revenue and fiduciary funds;
 - State and federal funds, such as grants, which are not controllable;
 - Referendum revenues;
 - One-time revenues including but not limited to donations, sales of property, settlement of disputes, insurance proceeds, etc.;
 - Revenues not subject to the control of the receiving government;
 - Revenues committed to the repayment of debt;
 - Franchise fees, rental fees, impact fees, permit fees and other contractual revenues for which a direct service is provided in exchange;
 - Revenues from voluntary recreational fees or similar entertainment-related fees;
 - Revenues received in response to a catastrophic event; and
 - Revenues related to defensive litigation, workers' compensation claims or other risk-management activities, which are not controllable.

MUNICIPAL POLICE OFFICER AND FIREFIGHTER PENSION PLANS

LEGISLATIVE PRIORITY

The Florida League of Cities will support legislation that provides comprehensive municipal firefighter and police officer pension reform. Pension mandates directly conflict with the Legislature's desire to limit government spending. Any comprehensive pension-reform package should, at a minimum, address the following:



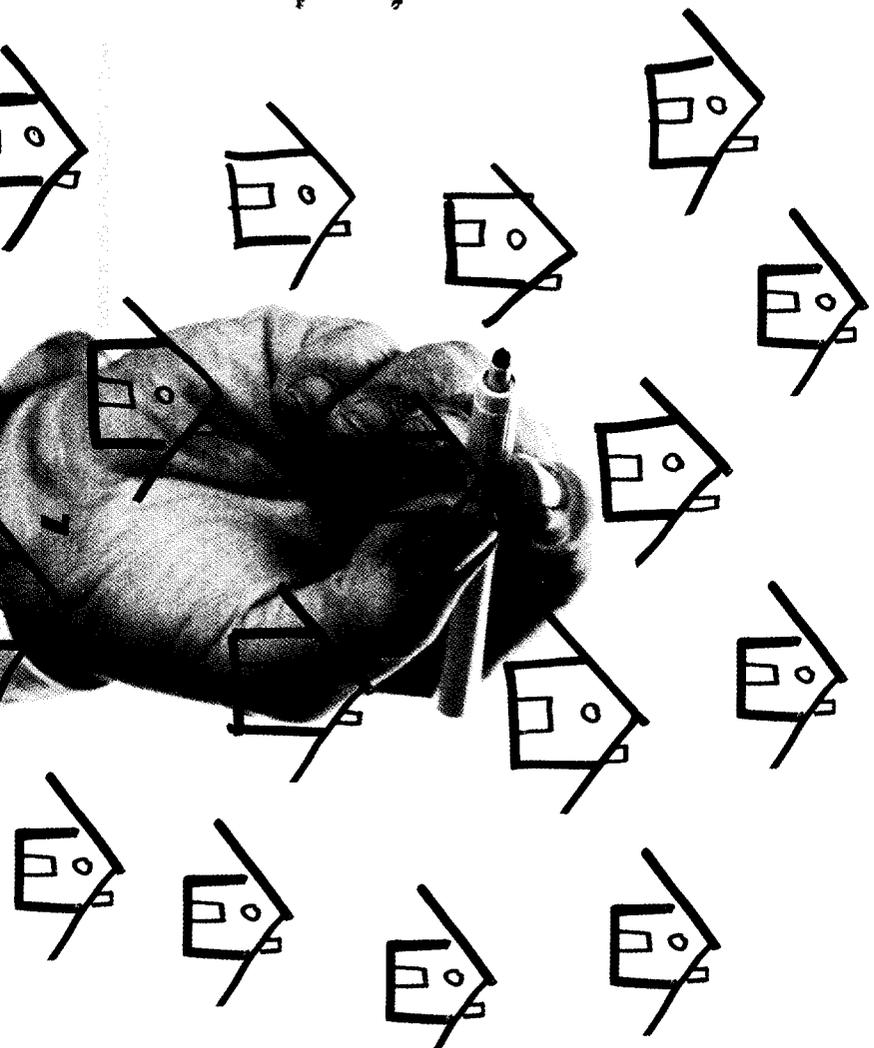
- Require that determinations of average final compensation in defined-benefit pension plans include salary only, and do not include pay for overtime, unused leave time or any other additional payments;
- Allow recipients (cities and special districts) of insurance premium tax revenues under Chapters 175 or 185, Florida Statutes, to use these funds to pay for the costs of current plans and to lower required plan contributions from the plan sponsor;
- Allow cities to convert firefighter and police officer defined-benefit pension plans operating under Chapters 175 or 185, Florida Statutes, to the Florida Retirement System (FRS) or another type of plan without losing insurance premium tax revenues;
- Allow cities desiring to place their public safety officers into the Special Risk Class of the FRS the opportunity to purchase past credit service at an up to 3 percent annual accrual rate rather than the current up to 2 percent;
- Allow deviation from state requirements if agreed to by the employees or their union;
- Restrain the Florida Division of Retirement's non-rule-based administrative activities and restrict the division's broad interpretations of the provisions in Chapters 112, 175 and 185, Florida Statutes, that result in increased costs to pension plan sponsors;
- Change the governance structure of pension boards of trustees to move away from having plan participants serve on the boards; and
- Provide flexibility to local governments in the FRS by allowing them to either retain a standard defined-benefit plan, or at the employer's option move to a different retirement plan, such as a hybrid or modified "defined-benefit/defined-contribution" plan.

GROWTH MANAGEMENT

LEGISLATIVE PRIORITY

The Florida League of Cities supports legislation that:

- Defines a role for the Florida Department of Community Affairs or its equivalent to provide local governments technical assistance while limiting regulatory powers to only those issues requiring interregional coordination;
- Streamlines growth management processes, including reporting requirements, particularly for fiscally constrained or built-out municipalities; and
- Acknowledges municipal home rule powers in the local application of the pending ordinance doctrine as established by the courts.



TRANSPORTATION

LEGISLATIVE PRIORITY

The Florida League of Cities will support legislation that provides proportionate, dedicated and recurring revenue sources for multimodal municipal and regional transportation projects to ensure that local conditions and needs are addressed. The League will support legislation that:

- Alters the current taxing authority for the 2nd local option gas tax (ELMS Nickel) to authorize cities to levy – by referendum – up to 2 cents of the existing 5-cent local option gas tax authorized by statute;
- Authorizes the Florida Department of Transportation to increase funding to support local and regional transportation and transit alternatives, including “complete street” programs; and
- Prohibits the transfer of State Transportation Trust Funds for non-transportation purposes.

UNFUNDED MANDATES

LEGISLATIVE PRIORITY

The Florida League of Cities will support legislation that strengthens the prohibition on existing and new unfunded mandates, requires enhanced staff analyses of quantification of the costs to cities, and ensures full state funding sources be assigned whenever unfunded mandates are identified.

ECONOMIC DEVELOPMENT

LEGISLATIVE PRIORITY

The Florida League of Cities will support legislation that strengthens Florida’s economy through the creation of jobs. Such legislation should:

- Enact an urban economic development policy for the State of Florida;
- Attract businesses for relocation and/or expansion in Florida’s urban settings by enacting measures that will promote Florida as a nationally recognized leader in favorable business tax climates;
- Preserve and promote affordable or workforce housing and appropriate all housing trust fund monies to existing housing programs and remove the cap on distributions into the Sadowski Trust Fund;
- Fund urban public infrastructure projects through various means, such as the leveraging of private investments through state tax credits;
- Establish public/private partnerships to promote redevelopment and encourage infill development, preservation and reuse in Florida’s cities;
- Create a highly skilled workforce by investing in educational initiatives that reflect the needs of existing and emerging business markets; and
- Solicit additional federal tax credits for environmentally sustainable and affordable housing and local government infrastructure.

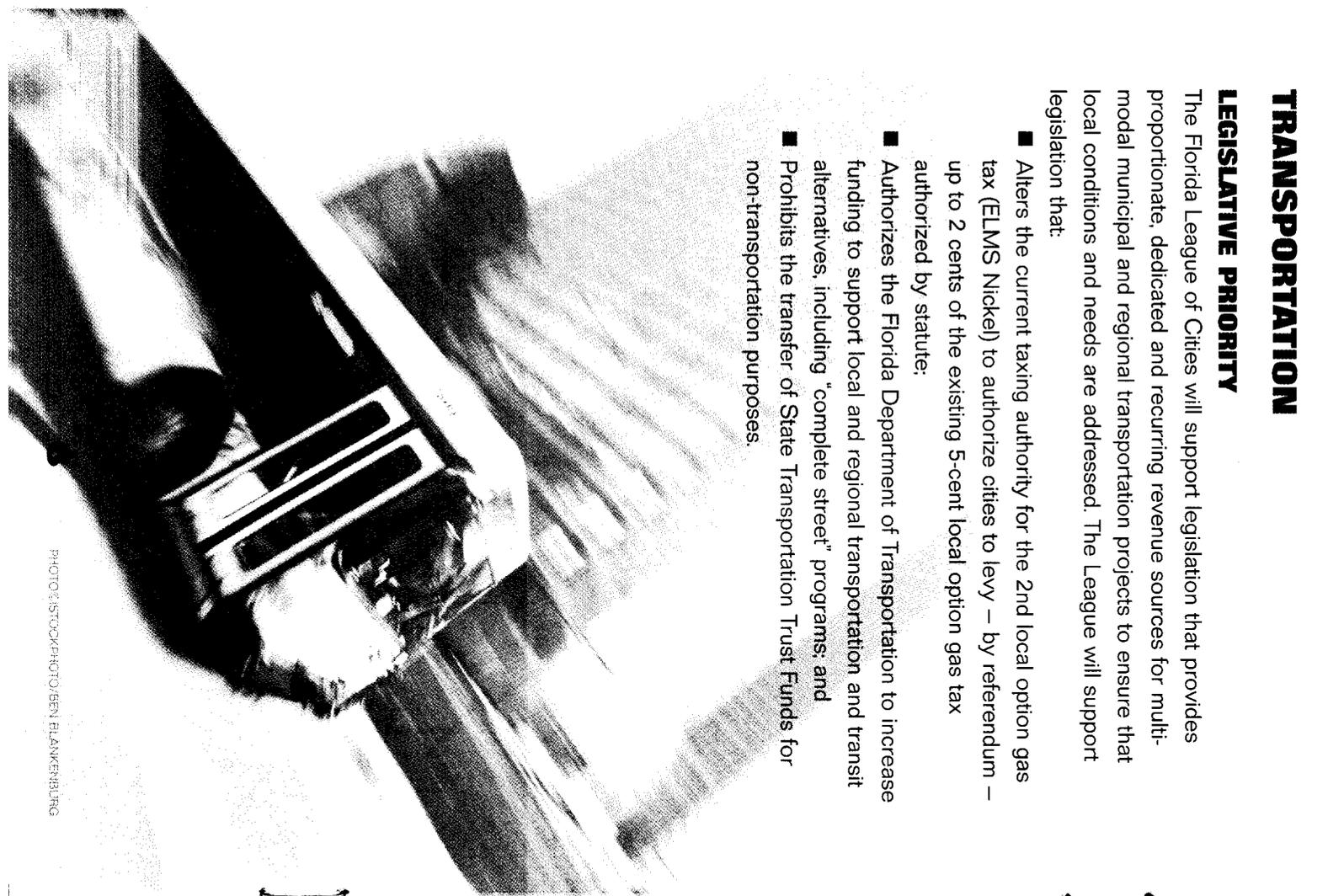


PHOTO: STOCKPHOTO/BEN BLANKENBURG

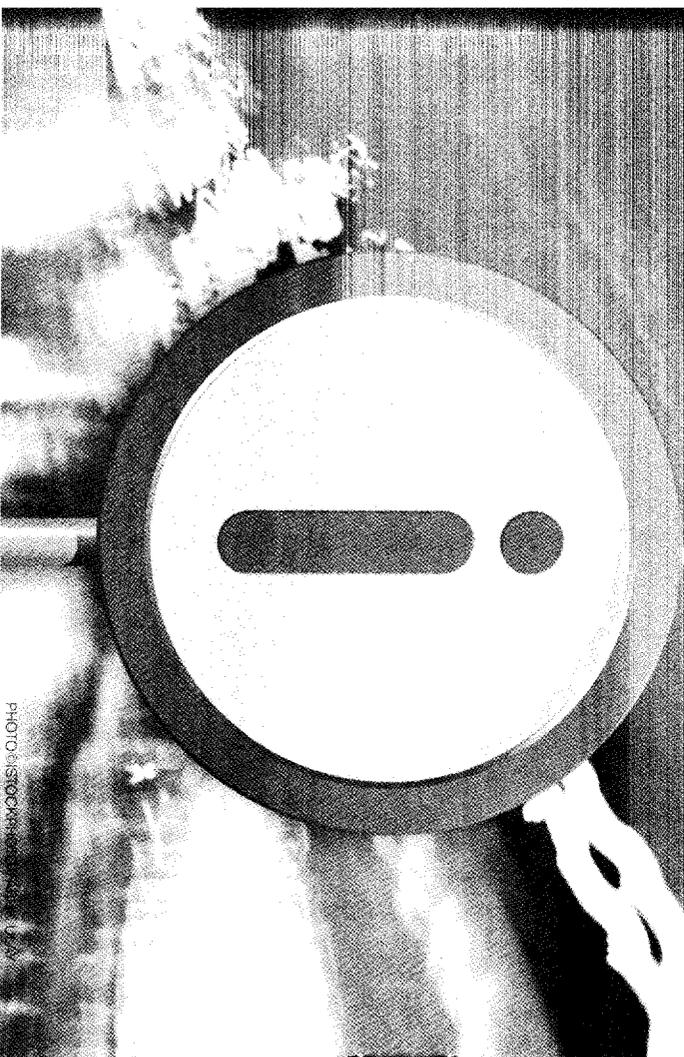


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EFFECTIVE PUBLIC NOTICE

LEGISLATIVE PRIORITY

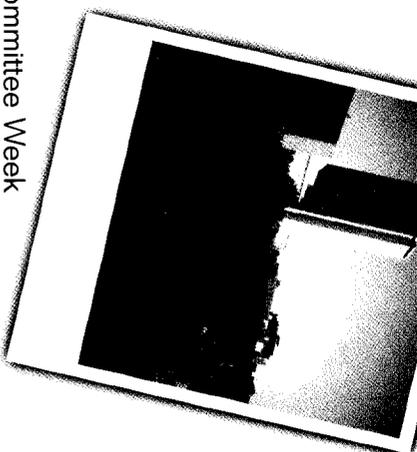
The Florida League of Cities will support legislation authorizing municipalities to provide effective public notice and advertising for various matters, not to include ad valorem taxation millage setting, by means other than newspapers. Effective public notice may include, but is not limited to, direct mailings; physical posting of property; Internet posting; free publications; government-access television channels and other suitable alternatives.

SUBSIDIZED INSURANCE COVERAGE FOR RETIREES

LEGISLATIVE PRIORITY

The Florida League of Cities will support legislation that removes statutory requirements for cities and other public employers to offer subsidized health, hospitalization and other insurance coverages for retirees.

2011 Key Dates



January

- 11-13 House/Senate Interim Committee Week
- 25-27 House/Senate Interim Committee Week

February

- 7-10 Florida League of Cities Federal Action Strike Team (FAST) Fly-In – Washington, D.C.
- 8-10 House/Senate Interim Committee Week
- 15-17 House/Senate Interim Committee Week
- 22-24 House/Senate Interim Committee Week

March

- 8 Opening Day of the 2011 Regular Legislative Session
- 13-17 National League of Cities Congressional City Conference, Washington, D.C.
- 22 Florida League of Cities Legislative Action Day – Tallahassee-Leon County Civic Center, Tallahassee

May

- 6 Last Day of 2011 Regular Legislative Session

August

- 11-13 Florida League of Cities Annual Conference – Orlando World Center Marriott

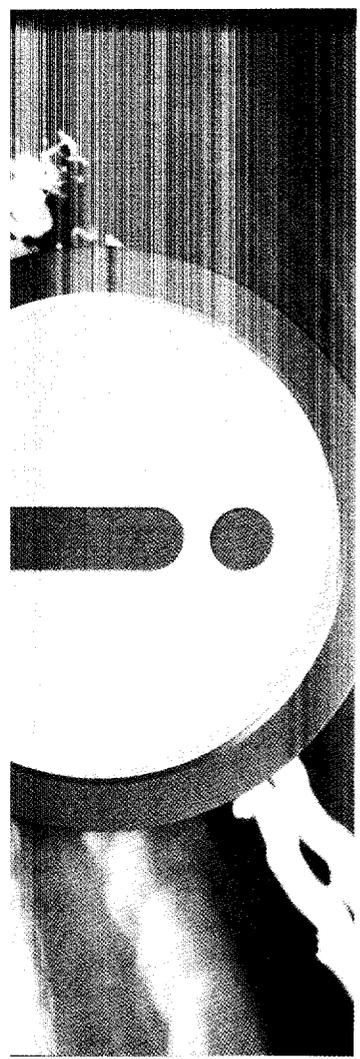
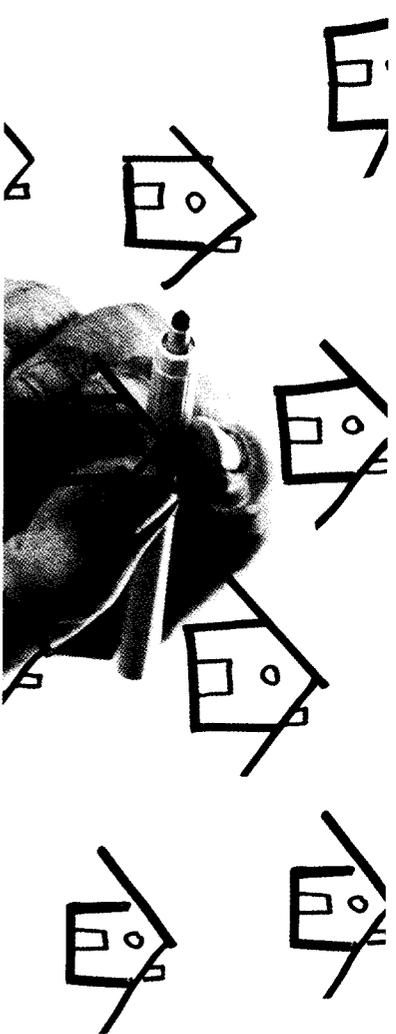
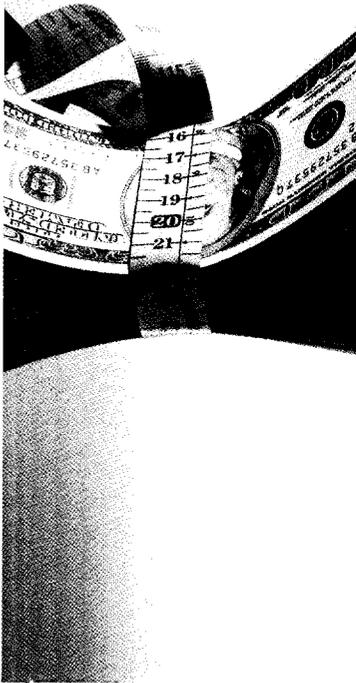
November

- 17-18 Florida League of Cities Legislative Conference – Hyatt Regency Orlando International Airport Hotel

December

- 8-12 National League of Cities Annual Congress of Cities and Exposition, Phoenix, Az.

2011 Florida League of Cities Lobbying Team



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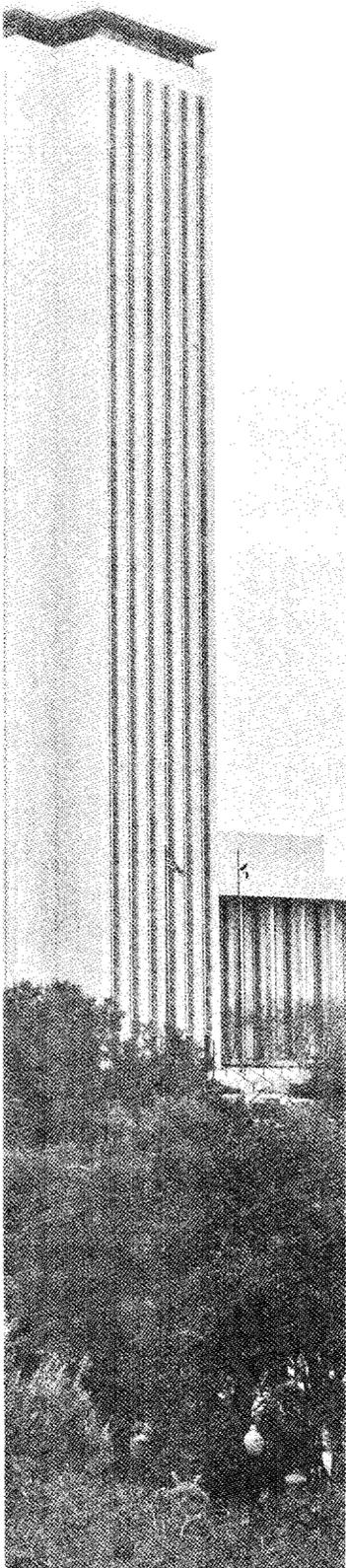
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Public Meetings and Public Records
Purchasing
Quasi Judicial/Public Access
Ordinance/Code Enforcement
Annexation
Charter Counties



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General Legislative Questions



This brochure reflects the priorities of 410 municipalities, as prepared by the five legislative policy committees and adopted by the full membership at the Florida League of Cities 50th Annual Legislative Conference on November 19, 2010, in Orlando.

2010-2011 Officers

President

Mayor Joy Cooper, Hallandale Beach

First Vice President

Mayor Patricia Bates, Altamonte Springs

Second Vice President

Mayor Manny Maroño, Sweetwater

The Florida League of Cities, Inc., formed in 1922, represents the municipalities of Florida. Its mission is to concentrate the influence of all city, town and village officials upon other policymaking bodies for the purpose of shaping legislation and public policy, sharing the advantages of cooperative action, and exchanging ideas and experiences.

For more information on the League's legislative initiatives, please contact:

Florida League of Cities

P.O. Box 1757

Tallahassee, FL 32302-1757

Phone: (850) 222-9684

Fax: (850) 222-3806

Visit the League's Web site at www.flcities.com.

The Florida League of Mayors Board of Directors voted to adopt a resolution supporting the Let's Move Cities & Towns Campaign. This is an initiative by First Lady Michelle Obama calling on mayors and elected officials across the country to help solve the problem of childhood obesity. Her goal is to do what we can to reverse the nation's childhood obesity epidemic within a generation.

Let's Move Cities and Towns targets one of America's gravest public health threats and emphasizes the critical leadership mayors and other city leaders can provide to spur local action. Participating cities and towns agree to take simple steps that promote healthy eating and physical activity, choosing strategies that make sense for their own communities.

Let's Move Cities and Towns encourages municipal officials to adopt a long-term, sustainable and holistic approach to childhood obesity. Once a municipality signs up as a prospective Let's Move City or Let's Move Town, the city will choose at least one significant action to take in the following 12 months.

Mayors are encouraged to adopt the attached resolution and sign up as a Let's Move City/Town.

Once adopted send a copy to:

Anton Gunn, Regional Director
U.S. Department of Health Services
61 Forsyth Street, South West, Suite 5B-95
Atlanta, Georgia 30303-8909

For more information or to sign up online for Let's Move Cities and Towns, please visit www.hhs.gov/intergovernmental/letsmove/index.html.

Sincerely,
John Charles Thomas, Executive Director

Draft Resolution the LET'S MOVE CAMPAIGN

RESOLUTION RELATED TO THE LET'S MOVE CAMPAIGN

WHEREAS, the City of _____ supports policies that focus on health and wellness, continuing education, and healthier lifestyles in all communities; and

WHEREAS, many cities, counties, and schools have adopted policies, programs, and ordinances that promote healthy lifestyles by making their communities walkable, promoting youth and senior activities, eliminating the sale of junk food in city, county, or school facilities, providing incentives for stores that sell fresh produce to locate in depressed neighborhoods, and providing exercise opportunities for their residents; and

WHEREAS, city officials believe there are important, long-term community benefits to be gained by encouraging healthy lifestyles, including a decrease in the rate of childhood obesity and its negative health-related impacts; and

WHEREAS, cities and other community partners can work together to understand the relationship between obesity, land-use policies, redevelopment, and community planning; and

WHEREAS, cities and other community partners can work together to ensure that there are safe places for their residents to be active such as in parks, ball fields, pools, gyms, and recreation centers; and

WHEREAS, access to healthy foods has a direct impact on the overall health of our community and planning for fresh food, open space, sidewalks, and parks should be a priority; and

WHEREAS, the Florida League of Mayors has partnered with the Healthy Eating Active Living (HEAL) Cities Campaign to provide training and technical assistance to help city officials adopt policies that improve their communities' physical activity and retail food environments; and

WHEREAS, the Florida League of Mayors support the *Let's Move!* Campaign headed by the First Lady of the United States, the President's Task Force on Childhood Obesity and Secretary of Health and Human Services' in an effort to solve the challenge of childhood obesity within a generation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF _____, THAT:

SECTION 1. The City of _____ supports preventative measures to fight obesity as set forth by the First Lady of the United States of America in the *Let's Move* campaign;

SECTION 2: That the City of _____ supports efforts to (1) help parents make healthy family choices, (2) create healthy schools, (3) provide access to healthy and affordable foods, and (4) promote physical activity.

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