

INTER-OFFICE MEMORANDUM

TO : Emilio T. Gonzalez, Ph.D.
City Manager

DATE : July 17, 2018

FILE :



FROM : Todd B. Hannon
City Clerk

SUBJECT : The Overtown Advisory
Board/Overtown Community
Oversight Board Election

REFERENCES :

ENCLOSURES: Relevant Miami City Code
Section(s)

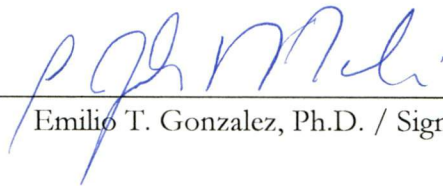
With your approval, the Office of the City Clerk will be coordinating the biennial Overtown Advisory Board/Overtown Community Oversight Board Election (OAB/OCOB). Per Miami City Code Section 2-1052(c)(2), the time and place of the election shall be set by the City Manager or his designee and supervised by City staff. The Office of the City Clerk has been conducting this election on behalf of the City Manager for the past twelve years by utilizing City Clerk staff and N.E.T. resources.

We are scheduling an OAB/OCOB candidate qualification meeting on Tuesday, August 7, 2018, from 2:00 p.m. to 5:30 p.m. at the Culmer Center located at 1600 NW 3rd Avenue, Miami 33136. The election will take place on Tuesday, August 21, 2018 from 9:00 a.m. to 6:00 p.m., also at the Culmer Center.

Once the election has concluded, the City Commission will be presented with the results of this election for ratification at the September 13, 2018 City Commission Meeting.

Approved _____

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Emilio T. Gonzalez, Ph.D. / Signature



Date

Enclosure

TBH:SF

- c. Joseph Napoli, Deputy City Manager
- Ignacio Ortiz, Chief of Staff to the City Manager
- Nikolas Pascual, Senior Advisor to the City Manager
- Daniel D. Diaz, Assistant City Attorney
- Brandys Y. Howard, Overtown N.E.T. Administrator

DIVISION 7. - OVERTOWN ADVISORY BOARD/ OVERTOWN COMMUNITY OVERSIGHT BOARD[26]

Footnotes: --- (26) ---

Editor's note— Ord. No. 12858, § 2, adopted October 12, 2006, amended division 7, §§ 2-1051—2-1056, in its entirety to read as herein set out. Formerly, division 7 pertained to the Overtown Advisory Board and derived from the Code of 1980, §§ 2-451—2-456; Ord. No. 11211, §§ 1—6, adopted January 12, 1995; Ord. No. 11326, § 2, adopted November 16, 1995; Ord. No. 11403, § 2, adopted October 10, 1996; Ord. No. 11605, § 2, adopted February 10, 1998; Ord. No. 11681, § 2, adopted July 14, 1998.

Cross reference— Historic preservation, ch. 23.

Sec. 2-1051. - Establishment and purpose.

There is hereby created and established the Overtown Advisory Board/Overtown Community Oversight Board, to be known as the Overtown Community Oversight Board, to encourage and support housing, job creation, economic and business development, educational opportunities and historic and cultural preservation. The board shall provide written recommendations to the city commission regarding activities, developments and improvements within, or substantially impacting the residents of, the Overtown Area. As used herein, the "Overtown area" is that area approximately bounded on the north by Northwest 20th Street from Florida East Coast Railroad to Northwest 3rd Avenue to Northwest 5th Avenue; on the west by I-95 Expressway from Northwest 21st Terrace to 836 Expressway and State Road 836 (East-West) Expressway from I-95 to the Miami River; on the south by Northwest 3rd Street from Florida East Coast Railroad to Northwest 7th Avenue and the Miami River from Northwest 7th Avenue to 836 Expressway; and on the east by Florida East Coast Railroad right-of-way. (Note: All boundaries are to be construed expansively, incorporating the breadth of described streets, avenues, expressways, and railroad property.)

(Ord. No. 12858, § 2, 10-12-06)

Sec. 2-1052. - Membership.

- (a) *Generally.* The Overtown Community Oversight Board shall consist of 11 members (other than youth board members), five of whom shall be elected and six of whom shall be appointed, as hereinafter set forth. In addition, there shall be two youth members of the Overtown Community Oversight Board, one to be appointed by the commissioner representing district five and one to be appointed by the Overtown Community Oversight Board.
- (b) *Qualifications* Members of the Overtown Community Oversight Board shall be persons of knowledge, experience, mature judgment and background, having ability and desire to act in the public interest in order to make informed and equitable decisions concerning the Overtown area.
 - (1) Each person seeking membership on the Overtown Community Oversight Board who is not seeking appointment as a youth board member shall be deemed qualified if he/she is 18 years of age or older, and:
 - a. Resides in the Overtown area;
 - b. Owns property in the Overtown area;
 - c. Is an employee or board member of a community based organization or community development corporation located in or providing services to the Overtown area; or
 - d. Owns or is an employee of a business in the Overtown area.

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- (2) Each person seeking membership on the Overtown Community Oversight Board who is seeking appointment as a youth board member shall be deemed qualified if he/she is more than 14 and less than 19 years of age; and
 - a. Resides in the Overtown area, and
 - b. Attends an accredited educational institution in the Overtown area.
- (c) *Procedure for election*
 - (1) *Nomination procedure; voter eligibility.*
 - a. All persons nominated must be qualified voters in the Overtown area and shall be required to provide proof of such qualifications at a meeting scheduled by the city manager or his designee. Nominations can be made by the person or by any other person qualified to vote.
 - b. In the event, for reasonable cause, a potential nominee cannot be present at the meeting, he/she can be considered for nomination if he/she notifies the city manager or his designee in writing, at least five working days prior to the election of the reason for his/her absence.
 - c. To be eligible to vote for members of the Overtown Community Oversight Board, the elector must be 18 years of age or older, and:
 1. Reside in the Overtown area;
 2. Own property or operate a business in the Overtown area,
 3. Be an employee or board member of a community development corporation or community based organization located in and providing services to the Overtown area, or
 4. Operate or be an employee of a business in the Overtown area.
 - (2) *Election procedure.*
 - a. The time and place of the election shall be set by the city manager or his designee. The election shall be widely publicized at least two weeks in advance in the Overtown Area and in the media. Voting shall be by secret ballot and the election shall be supervised by city staff.
 - b. Voting by proxy or absentee ballot shall not be permitted.
 - c. Certified ballots shall be used and appropriate interpreters shall be present at all elections, if there is a substantial number of non-English speaking residents. The voter shall place his/her ballot in a sealed ballot box.
 - d. At the close of voting, the ballot box shall be opened and the ballots tabulated by city staff to determine winners of the election.
 - e. The candidates, their representatives, and the public may witness the tally of the ballots at the election site. The candidates receiving the most votes shall be elected to the Overtown Community Oversight Board.
 - f. The winners shall be certified by the city clerk and officially ratified at the first scheduled city commission meeting immediately following the election.
 - g. Proof of qualification as an eligible voter or candidate as to identity, place of residence, and/or employment may be by voter's registration card, driver's license, pay stub, birth certificate, or any reasonable written proof, including a notarized affidavit. Deeds, mortgages, or homestead exemption receipts shall serve as proof of ownership of property within the community. Proof of business ownership and operation shall be by city local business tax receipts with corresponding corporate documents, including partnership agreements, articles of incorporation, etc.
- (d) *Procedure for appointment of members.*

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- (1) The district five city commissioner shall appoint five members to the Overtown Community Oversight Board, and the mayor of the city shall appoint one member. In addition, the district five city commissioner shall appoint one youth board member and the Overtown Community Oversight Board shall appoint one youth board member.
 - (2) No appointment shall be made by the district five city commissioner, the mayor of the city or the Overtown Community Oversight Board until notice has been given in a newspaper of general circulation in the city of the appointments to be made to the Overtown Community Oversight Board at least 30 days prior to the making of an appointment, which shall have solicited and encouraged the public and professional or citizen organizations within the Overtown area having interest in and knowledge of the Overtown area to submit names of persons and their qualifications for consideration as prospective appointees of the Overtown Community Oversight Board. At least ten days prior to the making of any appointment, the district five city commissioner, the mayor and the Overtown Community Oversight Board shall cause to have available to the public, and shall publicly make announcement that the list of names thus submitted, together with a short statement of the qualifications of each person, is prepared and available for public inspection and consideration. In reaching decision on appointments, the district five city commissioner, the mayor and the Overtown Community Oversight Board shall give due consideration to the names thus submitted.
 - (3) In addition, the district five city commissioner, the mayor and the Overtown Community Oversight Board shall, at least ten days prior to the making of any appointment, cause to have available to the public, and shall publicly make announcement that the names of prospective appointees submitted by the district five city commissioner, the mayor and the Overtown Community Oversight Board and a short statement of qualifications of such persons are available for public inspection and consideration. No person shall be appointed to membership on the Overtown Community Oversight Board whose name and qualifications have not been made publicly available in the manner set out herein.
- (e) *Terms of office.* The members of the Overtown Community Oversight Board shall serve for two-year terms, expiring during the month of September. Notwithstanding the above, members of the board may serve until the city commission's ratification of the results of the election of new board members held following the expiration of a term.
 - (f) *Vacancies.* Vacancies in the membership of the Overtown Community Oversight Board shall be filled by the district five city commissioner in the manner set forth in subsection (d) for appointed members or may be filled at the discretion of the district five city commissioner by any person who meets the qualifications set forth in subsection (b)(1) herein.
 - (g) *Removal.* Members of the Overtown Community Oversight Board may be removed for cause by vote of not less than three members of the city commission upon written charges after a public hearing, unless the member charged waives such public hearing in writing. However, whenever any member has had within a calendar year, three consecutive absences or four absences within a calendar year from the regularly scheduled meetings, the chairman of the board shall certify same to the city clerk. The city clerk shall then inform the district five city commissioner and the mayor in writing that the position has been declared vacant and a successor member must be appointed to fill the vacancy, by the district five city commissioner.
 - (h) *Disqualification of members.* If any member has a conflict of interest on a particular matter coming before the Overtown Community Oversight Board, he/she shall, prior to the opening of the discussion on the matter, disqualify himself/herself from all participation whatsoever in the cause; or he/she may be disqualified by a vote of not less than a majority of the membership of the Overtown Community Oversight Board present, not including the member about whom the question for disqualification has been raised.
 - (i) *Assignment of tasks.* The city manager shall provide for necessary staffing to assist the Overtown Community Oversight Board. Such staff shall.
 - (1) Provide and perform necessary administrative duties including providing assistance to the Overtown Community Oversight Board regarding the scheduling of meetings of the Overtown Community Oversight Board, preparing agendas, and ensuring that proper notice is provided for such meetings.

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- (2) Work with other city departments, public agencies, and private groups, as required, to provide information to the Overtown Community Oversight Board on activities, developments, or improvements in, or substantially impacting the residents of, the Overtown Area.
- (3) Submit the adopted minutes of each Overtown Community Oversight Board meeting to the city clerk and the district five city commissioner.
- (4) Prepare summary reports of board actions for review by the board prior to delivery of the same to the city manager or his designee for delivery to the city commission.
- (5) Review the board's budgets.
- (6) Coordinate the research, development and preparation of reports and policies for projects initiated by the Overtown Community Oversight Board.
- (7) Serve as the community liaison between the city, the Overtown Community Oversight Board and the residents of the Overtown area.
- (8) Channel the issues and concerns of Overtown area residents, businesses and community groups to the attention of the Overtown Community Oversight Board or the appropriate city department for resolution, or to the appropriate public or private agency for action.
- (9) Reestablish and maintain the Overtown resource directory.
- (10) Follow through with the implementation of all decisions and actions approved by the Overtown Community Oversight Board.
- (11) Share information with community organizations and receive input regarding ongoing or proposed projects and activities in the Overtown area.
- (12) Schedule the use of the Overtown Community Oversight Board facilities by community organizations.
- (13) Reestablish and coordinate publication and distribution of the Overtown newsletter.
- (14) Coordinate projects of the Overtown Community Oversight Board with other community organizations and governmental agencies.
- (15) Coordinate with the Southeast Overtown/Park West Community redevelopment agency to relate its activities to the community and community organizations, public agencies and the private business sector.
- (16) Coordinate his/her activities and the activities of the Overtown Community Oversight Board with the activities of the Southeast Overtown/Park West Community redevelopment agency and the Overtown NET administrator/NET office.

(Ord. No. 12858, § 2, 10-12-06; Ord. No. 12885, § 1, 2-8-07; Ord. No. 13273, § 1, 6-9-11)

Sec. 2-1053. - Proceedings.

- (a) *Officers.* The Overtown Community Oversight Board shall select a chairperson and vice-chairperson from among its members to serve for a one-year term and may create and fill such other offices as it may deem necessary or desirable.
- (b) *Rules of procedure.* The Overtown Community Oversight Board shall establish rules of procedure necessary to its governing and the conduct of its affairs, in keeping with the applicable provisions of the city Charter, ordinances and resolutions. Such rules of procedure shall be available in written form to persons appearing before the board and to the public upon request.
- (c) *Meetings.* A regular meeting of the Overtown Community Oversight Board shall convene at least once per month, except during the month of August. All meetings shall be open to the public.

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- (d) *Voting; quorum.* At all meetings of the Overtown Community Oversight Board, a majority of the membership (excluding vacancies) shall constitute a quorum. All recommendations of the Overtown Community Oversight Board shall require a concurring vote of a majority of the members present. In case of a tie vote such vote shall be construed as a denial.

(Ord. No. 12858, § 2, 10-12-06)

Sec. 2-1054. - Compensation.

Members of the Overtown Community Oversight Board shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties, subject to the prior approval of the city manager.

(Ord. No. 12858, § 2, 10-12-06)

Sec. 2-1055. - Financial disclosure.

All members of the Overtown Community Oversight Board shall file annual financial disclosure reports pursuant to law.

(Ord. No. 12858, § 2, 10-12-06)

Sec. 2-1056. - Functions, powers and duties generally.

The Overtown Community Oversight Board is hereby authorized to:

- (1) Review and recommend to the city commission approval, approval with conditions or disapproval of activities, developments, or improvements in, or substantially impacting the residents of, the Overtown area.
- (2) Require submission to the Overtown Community Oversight Board of any information requested for the Overtown Community Oversight Board to evaluate activities, developments, or improvements, including eminent domain, in, or substantially impacting the residents of, the Overtown area.
- (3) Recommend from time to time to the city commission and the Southeast Overtown/Park West Community Redevelopment Agency, modifications and/or amendments to the Southeast Overtown/Park West Community Redevelopment Plan.
- (4) Recommend to the Community Development Citywide Advisory Board activities, developments, or improvements for the Overtown area.
- (5) Adopt and amend its rules and procedures.

(Ord. No. 12858, § 2, 10-12-06)

Secs. 2-1057—2-1100. - Reserved.