

NOTE: A three-minute maximum time limit will be imposed on all comments from the public, regardless of the subject matter. A request form is available; fill it in and return prior to the start of the meeting. When you speak, you must come to the podium in the front and clearly state your name and address for the record. Please turn off or mute your cell phone or pager at the start of the meeting.

**TOWN OF BAY HARBOR ISLANDS
MORRIS N. BROAD COMMUNITY CENTER
1175 95TH STREET
BAY HARBOR ISLANDS, FL 33154**

ORGANIZATIONAL MEETING

AGENDA

April 10, 2023

6:30 PM

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

1. Acceptance of Miami-Dade County Elections Department Certification of the April 4, 2023 General Election Results. Enclosed is a copy of the Certification Letter.
2. Administration of the Oath of Office to the newly elected Council Members by the Town Clerk.
3. Distribution of Annual Salaries to the Town Council, pursuant to Section 2.06 of the Town's Charter.
4. Selection of a Mayor by the Town Council, pursuant to Section 2.02 of the Town's Charter.
5. Selection of a Vice Mayor by the Town Council, pursuant to Section 2.02 of the Town's Charter.
6. Administration of the Oaths of Office to the Mayor and Vice Mayor by the Town Clerk.
7. **Consideration and Approval** of a Resolution appointing Yvonne P. Hamilton as Town Clerk. Enclosed is a copy of the proposed Resolution.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
BAY HARBOR ISLANDS, FLORIDA, APPOINTING A TOWN
CLERK; PROVIDING FOR INCORPORATION OF RECITALS;
AND PROVIDING FOR AN EFFECTIVE DATE.**

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

8. **Consideration and Approval** of a Resolution appointing Joseph S. Geller, Esq. as the Town Attorney and Morris “Skip” Miller as the Deputy Town Attorney. Enclosed is a copy of the proposed Resolution.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
BAY HARBOR ISLANDS, FLORIDA APPOINTING A TOWN
ATTORNEY AND ASSISTANT TOWN ATTORNEY;
PROVIDING FOR INCORPORATION OF RECITALS; AND
SETTING AN EFFECTIVE DATE.**

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

9. Administration of the Oath of Office to the Town Attorney and the Town Clerk by the Mayor.

ADJOURNMENT at approximately 7:00 p.m.

Pursuant to Florida Statutes 286.0105, the Town hereby advises the public that should any person decide to appeal any decision of the Planning and Zoning Board with respect to any matter to be considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purposes he or she may 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.

AGENDA ITEM REPORT

April 10, 2023

ITEM NUMBER: 1.

ITEM: Acceptance of Miami-Dade County Elections Department Certification of the April 4, 2023 General Election Results. Enclosed is a copy of the Certification Letter.

DESCRIPTION:

The Town's Annual Municipal Election was held on Tuesday, April 4, 2023, to fill two (2) vacant seats on the Town Council. Below are the official results:

Number of registered voters:	3,335
Number of ballots cast:	806
(Including 373 vote by mail ballots)	
Percent of turnout:	24.17%
Frances Neuhut	167
Gustavo Ortega	270
Isaac Salver	435
Robert Yaffe	451

In accordance with Section 6-7 of the Town Charter, the Town Manager, the Town Clerk, and Jose Ponce, Supervisor of Elections Designee sat on the Canvassing Board.

RECOMMENDED ACTION:

Accept

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	Memo - Certification of Election Results - April 4, 2023 General Election
2.	Official Results of General Election of April 4, 2023



CERTIFICATION OF ELECTION RESULTS

DATE: April 6, 2023
TO: The Honorable Mayor, Vice Mayor, and Council Members
FROM: Yvonne P. Hamilton, Town Clerk/Supervisor of Elections and
Canvassing Board Representative
SUBJECT: General Election - April 4, 2023

At the closing of the polls, the votes cast in the above election were counted and tabulated with the following results:

Number of registered voters:	3,335
Number of ballots cast:	806
(Including 373 vote by mail ballots)	
Percent of turnout:	24.17%
Frances Neuhut	167
Gustavo Ortega	270
Isaac Salver	435
Robert Yaffe	451

Isaac Salver and Robert Yaffe were declared elected to office for a four-year term. Enclosed is a copy of Miami-Dade County Certification of the election and the vote tabulation.

Respectfully submitted,

Yvonne P. Hamilton, CMC
Town Clerk



Elections
2700 NW 87th Avenue
Miami, Florida 33172
T 305-499-8683 F 305-499-8547
TTY 305-499-8480

miamidade.gov

CERTIFICATION

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Christina White, Supervisor of Elections for Miami-Dade County, Florida, do hereby certify that the attached is a true and correct copy of the Official Results for the municipal office(s) and/or referendum(s) listed below in the **Bay Harbor Islands General Election** conducted on April 4, 2023:

Council Member

WITNESS MY HAND AND

OFFICIAL SEAL, AT MIAMI,

MIAMI-DADE COUNTY, FLORIDA,

ON THIS 7TH DAY OF APRIL, 2023

A blue ink handwritten signature of Christina White, written over a horizontal line.

Christina White
Supervisor of Elections
Miami-Dade County

Enclosure

SUMMARY REPT-GROUP DETAIL

Official General Election
April 4, 2023
Bay Harbor Islands, FL

Official Results

Run Date:04/07/23 02:15 PM

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	TOTAL VOTES	%	ED	VBM
PRECINCTS COUNTED (OF 2)	2	100.00		
REGISTERED VOTERS - TOTAL	3,335			
BALLOTS CAST - TOTAL	807		433	374
BALLOTS CAST - BLANK	0		0	0
VOTER TURNOUT - TOTAL		24.20		
VOTER TURNOUT - BLANK				
Council Member				
(VOTE FOR) 2				
Frances Neuhut	167	12.61	90	77
Gustavo Ortega	271	20.47	134	137
Isaac Salver	435	32.85	255	180
Robert Yaffe	451	34.06	245	206
Total	1,324		724	600
Over Votes	2		0	2
Under Votes	288		142	146

Maria Lasdun
April 7, 2023

Joe P. He
4/7/2023

Joe Ponce 4/7/2023

0070 PRECINCT 007.0				
	TOTAL VOTES	%	ED	VBM
REGISTERED VOTERS - TOTAL	2,078			
BALLOTS CAST - TOTAL.	503		272	231
BALLOTS CAST - BLANK.	0		0	0
VOTER TURNOUT - TOTAL		24.21		
VOTER TURNOUT - BLANK				

Council Member				
(VOTE FOR) 2				
Frances Neuhut.	103	12.48	54	49
Gustavo Ortega.	180	21.82	80	100
Isaac Salver	266	32.24	169	97
Robert Yaffe	276	33.45	159	117
Total	825		462	363
Over Votes	2		0	2
Under Votes	179		82	97

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	TOTAL VOTES	%	ED	VBM
REGISTERED VOTERS - TOTAL	1,257			
BALLOTS CAST - TOTAL.	304		161	143
BALLOTS CAST - BLANK.	0		0	0
VOTER TURNOUT - TOTAL		24.18		
VOTER TURNOUT - BLANK				

Council Member
(VOTE FOR) 2

Frances Neuhut.	64	12.83	36	28
Gustavo Ortega.	91	18.24	54	37
Isaac Salver	169	33.87	86	83
Robert Yaffe	175	35.07	86	89
Total	499		262	237
Over Votes	0		0	0
Under Votes	109		60	49

AGENDA ITEM REPORT

April 10, 2023

ITEM NUMBER: 2.

ITEM: Administration of the Oath of Office to the newly elected Council Members by the Town Clerk.

DESCRIPTION:

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

None

AGENDA ITEM REPORT

April 10, 2023

ITEM NUMBER: 3.

ITEM: Distribution of Annual Salaries to the Town Council, pursuant to Section 2.06 of the Town's Charter.

DESCRIPTION:

Section 2.06. Compensation.

The annual salary of Council Members shall be one dollar (\$1.00) per year until amended by ordinance (a "Salary Adjustment Ordinance").

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	Section 2.06. Compensation
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Section 2.06. Compensation.

The annual salary of Council Members shall be one dollar (\$1.00) per year until amended by ordinance (a "Salary Adjustment Ordinance"). A Salary Adjustment Ordinance shall not take effect until the current term of all Council Members voting on the Salary Adjustment Ordinance has expired.

AGENDA ITEM REPORT

April 10, 2023

ITEM NUMBER: 4.

ITEM: Selection of a Mayor by the Town Council, pursuant to Section 2.02 of the Town's Charter.

DESCRIPTION:

Section 2.02. Mayor; Vice-Mayor.

- (a) Election. The Council shall elect a Council Member to serve as Mayor and another to serve as Vice-Mayor at the first Council meeting following each election.
- (b) Mayor. The Mayor shall have the following powers and duties:
 - (1) Preside over meetings of the Council.
 - (2) Be recognized as the head of the Town government for all ceremonial purposes and for the purposes of administering martial law as directed by the Governor.
- (c) Vice-Mayor. In the absence or disability of the Mayor, the Vice Mayor shall assume all the powers, authority, duties and responsibilities of the Mayor. Where the office of the Mayor has been vacated, the Vice-Mayor shall succeed the Mayor and assume his/her powers and duties for the remainder of the Mayor's unexpired mayoral term.

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	Section 2.02. ___ Mayor ___ Vice Mayor. (1)
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Section 2.02. Mayor; Vice-Mayor.

- (a) Election. The Council shall elect a Council Member to serve as Mayor and another to serve as Vice-Mayor at the first Council meeting following each election.
- (b) Mayor. The Mayor shall have the following powers and duties:
 - (1) Preside over meetings of the Council.
 - (2) Be recognized as the head of the Town government for all ceremonial purposes and for the purposes of administering martial law as directed by the Governor.
- (c) Vice-Mayor. In the absence or disability of the Mayor, the Vice Mayor shall assume all the powers, authority, duties and responsibilities of the Mayor. Where the office of the Mayor has been vacated, the Vice-Mayor shall succeed the Mayor and assume his/her powers and duties for the remainder of the Mayor's unexpired mayoral term.

AGENDA ITEM REPORT

April 10, 2023

ITEM NUMBER: 5.

ITEM: Selection of a Vice Mayor by the Town Council, pursuant to Section 2.02 of the Town's Charter.

DESCRIPTION:

Section 2.02. Mayor; Vice-Mayor.

- (a) Election. The Council shall elect a Council Member to serve as Mayor and another to serve as Vice-Mayor at the first Council meeting following each election.
- (b) Mayor. The Mayor shall have the following powers and duties:
 - (1) Preside over meetings of the Council.
 - (2) Be recognized as the head of the Town government for all ceremonial purposes and for the purposes of administering martial law as directed by the Governor.
- (c) Vice-Mayor. In the absence or disability of the Mayor, the Vice Mayor shall assume all the powers, authority, duties and responsibilities of the Mayor. Where the office of the Mayor has been vacated, the Vice-Mayor shall succeed the Mayor and assume his/her powers and duties for the remainder of the Mayor's unexpired mayoral term.

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	Section 2.02. ___ Mayor ___ Vice Mayor. (1)
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Section 2.02. Mayor; Vice-Mayor.

- (a) Election. The Council shall elect a Council Member to serve as Mayor and another to serve as Vice-Mayor at the first Council meeting following each election.
- (b) Mayor. The Mayor shall have the following powers and duties:
 - (1) Preside over meetings of the Council.
 - (2) Be recognized as the head of the Town government for all ceremonial purposes and for the purposes of administering martial law as directed by the Governor.
- (c) Vice-Mayor. In the absence or disability of the Mayor, the Vice Mayor shall assume all the powers, authority, duties and responsibilities of the Mayor. Where the office of the Mayor has been vacated, the Vice-Mayor shall succeed the Mayor and assume his/her powers and duties for the remainder of the Mayor's unexpired mayoral term.

AGENDA ITEM REPORT

April 10, 2023

ITEM NUMBER: 6.

ITEM: Administration of the Oaths of Office to the Mayor and Vice Mayor by the Town Clerk.

DESCRIPTION:

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

None

AGENDA ITEM REPORT

April 10, 2023

ITEM NUMBER: 7.

ITEM: Consideration and Approval of a Resolution appointing Yvonne P. Hamilton as Town Clerk. Enclosed is a copy of the proposed Resolution.

DESCRIPTION:

RECOMMENDED ACTION:

Council's Discretion

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	Resolution - Appointment of Town Clerk 2023
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RESOLUTION NO. _____

**A RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF BAY HARBOR ISLANDS,
FLORIDA, APPOINTING A TOWN CLERK;
PROVIDING FOR INCORPORATION OF
RECITALS; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, it is the authority of the Town Council of the Town of Bay Harbor Islands to appoint a Town Clerk in accordance to Section 3.02(a) of the Town Charter; and

WHEREAS, pursuant to Section 3.02(b) of the Town Charter, the Town Clerk shall give notice of Council meetings to its members and the public, shall maintain minutes of its proceedings, shall have the authority to administer oaths, shall have charge of the conduct of municipal elections in coordination with the County Supervisor of Elections and shall perform such other duties as the Council may prescribe from time to time; and

WHEREAS, the Town Clerk shall fulfill and perform all duties, responsibilities, and obligations set forth in the Town Code, and all requirements of the Town's Employee Policies & Procedures Manual ("Employee Manual"), as may be amended from time to time; and

WHEREAS, Compensation for the Town Clerk has been appropriated in the Operating Budget; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Bay Harbor Islands:

Section 1. The foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. That Yvonne P. Hamilton be appointed as Town Clerk at a salary of _____ per annum.

Section 3. This resolution shall take effect as of April 10th, 2023.

PASSED and ADOPTED this 10th day of April 2023.

**JOSHUA FULLER
MAYOR**

ATTEST:

**MARIA LASDAY
TOWN MANAGER**

AGENDA ITEM REPORT

April 10, 2023

ITEM NUMBER: 8.

ITEM: Consideration and Approval of a Resolution appointing Joseph S. Geller, Esq. as the Town Attorney and Morris “Skip” Miller as the Deputy Town Attorney. Enclosed is a copy of the proposed Resolution.

DESCRIPTION:

RECOMMENDED ACTION:

Council's Discretion

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	Resolution - Appointing Town Attorneys - 2023
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RESOLUTION NO. _____

**A RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF BAY HARBOR ISLANDS, FLORIDA
APPOINTING A TOWN ATTORNEY AND
ASSISTANT TOWN ATTORNEY; PROVIDING FOR
INCORPORATION OF RECITALS; AND SETTING
AN EFFECTIVE DATE.**

WHEREAS, it is incumbent upon the Town Council to appoint a Town Attorney and Assistant Town Attorney; and

WHEREAS, an appropriation for these officials have been provided for in the Operating Budget.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Bay Harbor Islands:

Section 1. The foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. That Greenspoon Marder LLP by Joseph S. Geller, Esq. shall be appointed to serve the Town as Town Attorney to handle all legal details for the current appointive year for a monthly retainer of \$15,000 plus \$ \$225 per hour for special matters. That Morris “Skip” Miller, of Greenspoon Marder LLP, shall be appointed as Assistant Town Attorney to serve only in the absence of the Town Attorney under the supervision and direction of the Town Attorney as a single entity in accordance with the compensation established above.

Section 3. This resolution shall take effect as of April 10th, 2023.

PASSED and ADOPTED this 10th day of April 2023.

**JOSHUA FULLER
MAYOR**

ATTEST:

**YVONNE P. HAMILTON
TOWN CLERK**

AGENDA ITEM REPORT

April 10, 2023

ITEM NUMBER: 9.

ITEM: Administration of the Oath of Office to the Town Attorney and the Town Clerk by the Mayor.

DESCRIPTION:

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

None