

CHARTER REVISION BOARD  
MINUTES OF MEETING OF February 9, 2004

Present: Dan Lewis, Chairman  
James D. Camp, Jr., Esq.  
Chris Fertig, Esq.  
Ronald M. Gunzburger, Esq.  
John M. Milledge, Esq.

Ex-Officio  
Members: Alan A. Silva, Acting City Manager  
Terry Sharp, Finance Director  
Harry A. Stewart, City Attorney

Also Present: Commissioner Cindi Hutchinson

Several Members of the Public

Mr. Lewis called the meeting to order at 4:02 p.m. in the 8th Floor City Commission Conference Room. Mr. Lewis explained that he was asked by a number of Members to see when the Board was going to meet. Mr. Lewis called City Hall and was told that the cafeteria was scheduled every two weeks beginning this date. By polling some of the Members, a decision was made to get on with the issue of doing procedures. Mr. Lewis indicated that because this meeting is unusual, the Board is prohibited by the Sunshine Rules to discuss anything substantive.

Mr Stewart provided copies of the draft of the January 22, 2004, Charter Revision Board Minutes to Board members and Ex-Officio members.

Mr. Lewis explained that the City Commission has encouraged the Board to go forward with the review of the Charter, and that the purpose of this meeting is to discuss the schedule and how to accomplish that task.

Mr. Lewis indicated that Ms. Ellis, the President of the President's Council for Homeowners Associations, has agreed to assist the Board with the outreach. Mr. Lewis introduced Kevin Boyd who works with businesses in Broward County and who has agreed to be a part of the outreach process.

Mr. Lewis indicated that he had asked Ms. Ellis if she could find a volunteer secretary who could take the Board's minutes. He felt that the formal minutes could be by motion and action agenda because the Board is advisory to the City.

Mr. Lewis recommended taking the months of March and April for public hearings and outreach. In the months of May and June the Board would deliberate the issues, and move to a deadline of July 15, 2004, to offer Board recommendations to the City Commission.

Mr. Camp expressed his concern whether there was sufficient time to produce the recommendations on July 15, 2004. Mr. Lewis indicated that the Board's deadline is self-imposed and can be extended if the Board decides to do so.

Mr. Fertig asked Mr. Stewart the parameters of the Sunshine Law with respect to this meeting as to talking about procedure and not substance so the law is not violated because notice of the meeting had not been formally posted. Mr. Stewart responded that the City expected the next meeting to be held on February 23, 2004. He would have contacted each member and supplied them with an Agenda for the meeting. He indicated that notice of the meeting is usually posted at least 24 hours ahead of time, but in this case it was posted about an hour prior to the meeting when the City became aware that the Board would be meeting today. Since the notice was posted and because of the exigency of the circumstances, Mr. Stewart felt that the requirements of Sunshine Law had been met.

Mr. Gunzburger asked Mr. Lewis if the meeting had been called by the Chair or if it had been set by the City.

Mr. Lewis responded that there had been a misunderstanding because when he called to see when he could get a room for the meeting, he was passed to three or four people and then got to somebody who said, "Oh, you're scheduled for Monday." Mr. Lewis then made the calls to members to proceed with the meeting. He indicated that usually the Board would want to have more outreach. Some of the City Commission knew about the meeting and also the public and the newspapers.

Mr. Gunzburger felt it is paramount that the Board have an open process with citizen input. He expressed concern about the July 15, 2004-deadline, but thought it was a good target to attempt to meet.

Mr. Milledge felt it would be quicker and easier to manage an issue by issue amendment of the Charter rather than a word for word rewrite.

Mr. Lewis said that would depend upon citizen input, and the Board would look toward recommendations where there is a super-majority (4 of 5) to go forward. He indicated that the Board will recommend the policies, and after approval by the City Commission, the City would do the drafting of the actual language, or could ask the Board to prepare the drafting.

Mr. Fertig asked for discussion on the identifying outreach groups and how they will be reached. He identified homeowner associations, businesses, City staff, and City Commission as outreach categories. He also suggested getting ideas as to what other cities have done on their Charters.

Mr. Gunzburger suggested having two open, general sessions to take initial input from any interested citizen on any topic for possible Board discussion.

Mr. Lewis asked Mr. Kevin Boyd to contact the newspapers and Ms. Ellis to contact homeowner associations to encourage participation.

Commissioner Cindi Hutchinson joined the meeting at 4:20 p.m.

Mr. Gunzburger stressed the importance of public input to get down to the basics of what form of government they want and how they want it operated.

Mr. Camp suggested that an outreach source might be a political science professor from Florida Atlantic University or Broward Community College who teaches in that area and who could offer some ideas for consideration.

Mr. Milledge suggested providing the public with a basic summary of what the Charter is about.

Mr. Fertig agreed and indicated that the public should be advised as to the type of input the Board is looking for on a structural type basis (not just Charter revision) but what works and what doesn't work on a grass-roots level and the types of problems citizens might have had.

Mr. Camp also felt that the Board should obtain Charters of cities of comparable size to see how they work.

Mr. Lewis said there is a web site where city Charters can be obtained.

Mr. Gunzburger thought the concept for public input should be on how can we make our City run more efficiency.

Mr. Lewis asked for comments from the public. Mr. Boyd suggested that the newspapers will be cooperative in presenting to the public the purpose of the Charter and also suggested distribution of brochures.

Mr. Silva suggested getting out into the community to cover the diversity of issues in the City. Mr. Lewis agreed.

Mr. Fertig asked Mr. Stewart if the Board may break into individual groups and if that would that be a violation of the Sunshine Law. Mr. Stewart responded that two or more Board members may attend meetings and obtain input, but the

Board members may not discuss their thoughts with fellow members. There must be an advertised meeting in order to discuss Charter revision issues. Mr. Stewart indicated that If more than one member will be attending a meeting, the City should be advised and a notice will be published in the event anyone else wanted to attend and in case a member is called upon to discuss the Charter revision.

A discussion ensued regarding the topic of diversity and outreach. Mr. Gunzburger suggested having a hearing in each district. Mr. Fertig agreed but suggested the Board's discussion of that public input be among the Board members at its scheduled meetings. Mr. Lewis suggested having two hearings at the City, one early on in the process in March and one in late April.

A discussion ensued regarding going through the Council of Homeowner's Association to arrange for the Charter Revision Members to speak before each homeowner association. Ms. Ellis suggested meetings by district rather than with individual homeowner associations. Mr. Milledge suggested having four or five meetings at different districts during the input phase and having the Charter Revision Members present. Mr. Gunzburger suggested starting with a general, open session, then meeting with the districts, and then having a second general session. Mr. Camp expressed that the main purpose of these meetings is to listen and to ask questions. He felt the members should not be offering any views. A member of the public suggested that a brief publication be provided defining what the Charter is. Mr. Lewis asked Mr. Boyd to provide draft language for this purposes.

Mr. Lewis asked Mr. Gunzburger to coordinate weekly outreach meetings on Mondays from approximately 5:00 p.m. through 7:00 p.m. through March and April. A general hearing will be scheduled sometime in March and a second hearing sometime in April to be sure that the Board is aware of the issues to be discussed.

Discussion ensued regarding getting a copy of the Charter on line on the City of Fort Lauderdale's web site so that the public may be able to review it and announcing on the City's web page that there will be a Charter Review with a link to the scheduled meetings. A centralized e-mail address for related input and questions was also discussed. Mr. Lewis indicated that if a suggestion comes in, it must be disseminated to the members of the Board. There was a suggestion from the public that a disclaimer be made that the Charter does not include the ordinances of the City.

Mr. Lewis proposed the agenda for the February 23, 2004 meeting as follows:

- 1) Schedules will be brought by Mr. Gunzburger working with Ms. Ellis;

- 2) Mr. Boyd will put together the Board's public relations ideas and suggest ideas for the web site;
- 3) We will try to get an encapsulation of what we are doing and make any changes;
- 4) Mr. Silva will go over how to facilitate making access to the current Charter simple on the web site and what the City wishes to do with the announcement of the outreach effort;
- 5) Commissioner Hutchinson will coordinate the announcements with her colleagues that are appropriate for the City Commission that we have agreed to undergo this effort in each of the sections and get the schedules to Mr. Gunzburger.

Mr. Fertig asked if the Board will follow up on the parks issue and the airport issue at the next meeting.

Mr. Stewart responded that he would provide the "parks" language as requested at the last meeting.

Mr. Camp felt that the airport issue should be deferred.

Mr. Gunzburger made a motion that the Board table the motion from the last meeting regarding the airport issue and relating to Section 8.11 of the Charter. Mr. Camp seconded the motion. The motion passed unanimously.

Mr. Gunzburger made another motion for discussion that the Board also table the initial "parks" item indefinitely. Mr. Milledge seconded the motion.

Mr. Fertig responded that he was opposed to tabling the discussion of the parks issue, and Mr. Milledge withdrew his second of the motion. Mr. Fertig wanted to get a definition from the City as to a definition of "what is a park." He felt that a list of the open land owned by the City should also be provided and not deferred indefinitely.

Mr. Gunzburger thought it should be deferred because he felt changes should be made to the body of the whole Charter instead of just a piece of it, and the parks issue should be incorporated as part of the whole package of changes.

Mr. Camp agreed.

Mr. Lewis asked Commissioner Hutchinson if the parks issue was a time sensitive issue. Commissioner Hutchinson responded that she did not know if it was still a time-sensitive issue and felt it will be a topic of discussion at the

outreach meetings, at which time the topic could be untabled. Mr. Lewis indicated that the Board might want to look at the language that Mr. Stewart has drafted regarding the parks.

Mr. Fertig thought that as a part of the information gathering process, a representative from the Parks Department who could provide the Board with their input should be heard because it would be part of the ingathering process.

Mr. Milledge agreed.

Mr. Camp thought the Board could gather the information but still defer any action.

Mr. Lewis stated that the Board can defer the agenda item, but cannot defer the item.

Mr. Silva suggested holding up on making a decision before getting the input from the community. Secondly, Mr. Silva indicated that the City has several data bases of properties owned by the City which are not in a format that indicates what its value is, the addresses, and its use, and, therefore, staff anticipates it will take more time than expected to produce a complete list.

Mr. Lewis asked Mr. Gunzburger if he could produce a list of properties owned by the City, indicating their values and their usage from Mr. Markham at the Broward County Property Appraiser's Office for the meeting of February 23, 2004.

Mr. Stewart indicated that the City has the information with the exception of the issue that the Board had asked for, which was what the property was used for, or its potential use.

Mr. Milledge made a motion that the Board take the information but there are no motions to be made on policy at that meeting, and the Board is to wait until they get the public input. Mr. Gunzburger seconded the motion. The motion passed unanimously.

Mr. Camp asked if the next meeting was to be totally for input or if there would be part input and part discussion by the Board.

Mr. Lewis indicated that any Board or Ex-Officio Member may put something on the agenda. He indicated that the following items will be on the Agenda:

1. the scheduling that Mr. Gunzburger will prepare;
2. Mr. Gunzburger will produce a list from the Property Appraiser's Office of lands owned by the City;
3. Mr. Boyd's plan will be presented; and

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4. Ms. Ellis will assist the Board with coordination and some of the planning to finalize the schedule for outreach.

Mr. Stewart stated that his office will handle coordination of the agenda, and anyone wanting to include an item on the agenda should contact him.

With no further business, the meeting was adjourned at 5:05 p.m.