

**CHARTER REVISION BOARD MINUTES**  
**Ft. Lauderdale City Hall**  
**8<sup>th</sup> Floor Cafeteria**  
**City of Fort Lauderdale**  
**Monday, April 26, 2004 – 4:00 p.m.**

	Attendance	Cumulative Attendance	
		Present	Absent
Chair Dan Lewis	P	6	0
James D. Camp	A	5	1
Chris Fertig	P	5	1
John M. Milledge	P	6	0
Ron Gunzburger	A	5	1

City Staff in Attendance

Alan Silva, Acting City Manager  
Harry Stewart, City Attorney  
Commissioner Carlton Moore  
Terry Sharp, Director of Finance  
Jamie Opperee, Recording Clerk

Also Present

James McCarthy  
Genia Ellis  
Richard Mancuso  
Michael Lockwood  
Fred Taylor

***PUBLIC INPUT MEETING***

Chair Lewis called the meeting to order at 4:10 p.m.

**I. Approval of Meeting Minutes of March 29, 2004**

Mr. Fertig noted that the attendance record misstated that he had missed 2 meetings; in fact, he had missed only 1. He requested that this change be made to the minutes.

*Motion made by Mr. Fertig, seconded by Mr. Milledge, to approve the minutes of the March 29, 2004 meeting as amended. In a voice vote, the motion passed unanimously.*

**II. Public Input**

Mr. Fred Taylor, owner of the Wish You Were Here Inn and member of the Beach Council (a subdivision of the Ft. Lauderdale Chamber of Commerce), made the following suggestions to the Board:

- A seven-person City Commission representing 5 districts, 1 Mayor, and 1 Commissioner at Large.
- A City Manager who could not be removed by a simple majority vote. The Beach Council felt the City Manager's position was so important to the City that his position should be more secure than it currently was.

Mr. Taylor promised to forward a copy of these suggestions to the Board in writing.

Chair Lewis asked Mr. Taylor if the Beach Council had voted on these ideas and if Mr. Taylor was therefore representing the consensus. Mr. Taylor informed him that he was acting as a representative of the Beach Council, "who has taken a vote on this issue." He then listed some of the members of the Beach Council. Chair Lewis asked for a copy of the Council's resolution for the record and Mr. Taylor agreed to forward one.

Mr. Fertig asked Mr. Taylor what he proposed should be required to remove a City Manager: a super majority, a unanimous vote, or vote of all present. Mr. Taylor stated that currently the City Manager could be removed by three votes any time he appeared before the City Commission. Mr. Taylor felt that more votes should be required.

Mr. Michael Lockwood, a former Charter Review Board member, stated that when he was on the Board, he and his colleagues realized the importance of the review and also felt that few changes were needed; they had only made two changes in six years. He recommended the Board tread lightly and deal only with problematic issues. Mr. Lockwood supported adding more commissioners. He felt that representation must keep pace with the population. He was in favor of single-member districting.

The two problems Mr. Lockwood felt the City had faced recently were budget and management problems, but he felt that neither of these was a constitutional crisis, rather that they could probably be dealt with through the City Commission.

Mr. Lockwood's Board had voted against a strong mayor and he supported the current form of commission government. He felt a simple majority was sufficient to remove a City Manager. Mr. Lockwood was also concerned with the nepotism that could occur with a strong mayor.

Mr. Lockwood asked Mr. Sharp if City park land had been sold to private developers; Mr. Sharp responded that it was not.

Mr. Milledge asked Mr. Lockwood if his Board had ever dealt with the independent auditor issue. He had discovered that an earlier Board had voted the idea down and the City Manager at that time had been against the idea. Mr. Milledge felt that some fiscal issues might benefit from structural controls. He noted that the County model utilized an independent auditor outside the administrator's chain of command. Mr. Lockwood said that he favored an independent auditor but his Board had not discussed this issue.

Chair Lewis asked Mr. Lockwood if his Board had considered modernizing the general Charter language, which Mr. Lockwood's Board had not done. Chair Lewis asked how Mr. Lockwood felt Charter Boards should be created, i.e., called by the City Commission, elected, or standing. He also wanted to know how Mr. Lockwood felt about "the function of periodically reviewing the fundamental rules on how government operates in the city of Ft. Lauderdale." Mr. Lockwood's Board had not dealt with this issue of how or how often reviews should be conducted. Mr. Lockwood felt that there were no problems severe enough at the moment that a review was needed. Chair Lewis asked if he had a problem with the way citizens could "do initiatives," how the system of checks and balances worked in the current Charter, the number of districts, and term limits. Mr. Lockwood was comfortable with how all of these issues were handled at present with the exception of the number of districts; he felt there should be more.

Mr. Milledge noted that it had already been stated at a previous meeting that if elections were on a 4-year schedule, they would coincide with state or national elections and perhaps guarantee a better turnout and save money. Mr. Lockwood preferred a 3-year term; he felt the costs were minimal and preferred giving people the opportunity to change leadership every 3 years. Chair Lewis asked if Mr. Lockwood's Board had ever discussed staggered terms; Mr. Lockwood's Board had not discussed this but he felt it was a good idea.

Mr. Taylor asked if it were possible for the current City Commission to expand the commission to 7 members or must this be a Charter change voted on by the people. Mr. Stewart confirmed that this must be changed in the Charter.

Chair Lewis then asked for input from Mr. Silva. Mr. Silva stated the concept of a stronger City Manager was both interesting and troubling. It might provide some stability but a working relationship must exist between the City Manager and the City Commission. He felt that requiring a super majority to remove the City Manager was not conducive to a good working relationship.

Mr. Silva was not aware of the size of the City when it was decided to have five commissioners, but he felt that increasing representation might be required in light of recent annexations and growth. Mr. Silva thought that the concept of having both district-wide and City-wide commissioners was interesting. He felt it necessary to have people responsive to the grass roots but it might be advisable to have "more than one member who represents the general body politic rather than have the Mayor do that himself." Mr. Silva was concerned that this might drastically increase the size of the commission. Mr. Silva was unsure the City needed an independent auditor as much as it might need a financial advisor. He felt the Commission needed some external, dispassionate advice on finances, perhaps from an Inspector General to whom people had recourse.

Chair Lewis asked if Mr. Silva felt the requirements for a City Manager applicant should be included in the Charter or be left to the discretion of the City Commission. Mr. Silva thought

Charters were typically very broad and general in this area and, in case situations change over time, qualifications would as well.

Mr. Fertig asked Mr. Silva's opinion about whether the City Clerk should be hired by the City Commission or by the City Manager. Mr. Silva felt the City Clerk could be hired by the City Manager but in many cases this would be a civil service position. Chair Lewis noted that at the previous meeting, commissioners had expressed a desire for an assistant isolated from the general chain of command. He asked for Mr. Silva's thoughts on this issue. Mr. Silva believed that commissioners should have their own personal assistants; it should be the discretion of the commissioner to decide in what capacity to use the assistant. Chair Lewis asked if this did not "run afoul" of the City Manager being responsible for all City employees and wondered by what mechanism an assistant could independently be hired by commission members. Mr. Silva stated that this was currently not possible; it was done through the City Manager.

Mr. Fertig asked Mr. Silva what changes he felt needed to be made. Regarding the initiative process, Mr. Silva felt that officials were elected to represent the people and he preferred requiring super majorities as opposed to paralyzing the government while waiting for the electorate's consensus regarding issues like land use. Chair Lewis asked if Mr. Silva knew the process for a recall and Mr. Silva noted that this was not in the current Charter. Chair Lewis noted that this matter was left to State law.

Mr. Milledge asked Mr. Silva if he felt the office of City Manager needed to be strengthened somehow assuming no changes were made to the Charter. Mr. Silva felt that funding and staffing the office properly would "make or break" the effectiveness of the office. Mr. Silva did not know if the office had been under-funded or understaffed in the past, but acknowledged it may be a danger in the light of recent budget deficits and cost cutting. He noted that since the City Manager did not get authority from the public, he must have a cooperative relationship with the City Commission.

Commissioner Moore commended the Board for their public outreach, although criticized the early meeting time as inaccessible to most of the public. He felt that if the Charter were changed to allow for an outside auditor, this would not mean that the current internal auditor would be eliminated. Regarding the strong mayor issue, Commissioner Moore felt that a professional manager was needed to operate a City this size. He thought it would be very difficult for a municipal entity to ask for a public vote on all land use and sale issues. As to expanding the City Commission, Commissioner Moore felt that each district should comprise no more than 50,000 people, so when the population surpassed 200,000, another district should be added.

Regarding electing additional officials citywide, Commissioner Moore noted that Ft. Lauderdale used to elect the top 5 vote-getters and virtually all of those individuals had come from the northeast quadrant of the city. He noted that the City's "obnoxious sites" were never located in the northeast quadrant. He felt this was due to these other areas' "light representation." He felt

that adding a commission member elected citywide would give unfair advantage and upset the level playing field provided by districting.

### **III. New Business**

Mr. Milledge stated that they needed to decide how many more public input meetings should be held and how the Board should then organize their discussions. Chair Lewis noted that they were required to solicit the input of City staff as well. Mr. Stewart noted that at the request of one of the members, he had arranged for Professor Miller of FAU's Public Administration program to attend a meeting. He suggested that Professor Miller be put on the next agenda.

Chair Lewis reopened public input for Mr. McCarthy.

Mr. McCarthy had come to two conclusions after hearing the public input. Regarding the hiring of a confidential employee for commissioners, by statute this person would have to be included in the collective bargaining unit. He asked Mr. Silva if this person would have civil service rights. Mr. Silva clarified that Commissioners now had assigned assistants who were confidential employees and not part of the collective bargaining unit. The City Clerk was not part of the collective bargaining unit either. Mr. McCarthy asked if the City Clerk could be fired at the whim of the City Manager. Mr. Silva answered that as it was now, they were all at-will employees.

Mr. McCarthy then asked if anyone had considered having a public sector management team run the City from the City Manager's office. Mr. Fertig answered that this was not up to Mr. Silva and asked Mr. McCarthy to explain this concept. Mr. McCarthy stated that since Mr. Silva had talked about privatizing different sectors of city government, perhaps he would like to go further and privatize or outsource the entire City Manager's office. Mr. Silva stated there were a couple of Broward County municipalities that contracted out the City Manager's position. Chair Lewis noted that he was familiar with these ideas but felt this was not "somewhere where we want to go today."

Chair Lewis closed public input.

Mr. Milledge felt they needed to refine the process for handling public input and passing it on to the City Commission. Mr. Stewart stated that according to language in the Code, they could "take no action until [they] have a recommendation." Chair Lewis asked if this meant they needed to formulate a proposal, get a recommendation from staff on that proposal, and then vote. Mr. Stewart stated that they could make whatever recommendation they wished, after which staff could provide input. Chair Lewis listed what he felt their steps should be:

- Discuss their proposals
- Formulate their proposals without voting to recommend them to the City Commission.

- Hear from city staff before a final vote to recommend their proposals to the City Commission

Mr. Stewart read the language: “The City Manager, Director of Finance, City Clerk, and City Attorney shall state their recommendations to the Charter Revision Board before any action is taken at the Charter Revision Board meetings.” Chair Lewis interpreted this to mean that City staff had the opportunity to make whatever recommendations they wished to the Charter Revision Board. The Board could choose to accept or not accept these recommendations and formulate their proposals to the City Commission. Mr. Milledge asked why they should open up the whole process to staff. Chair Lewis felt that the Board should remain independent. Staff was present at every meeting and able to give input here. Mr. Milledge thought they could informally request input on their recommendations from staff.

Mr. Fertig noted that the word “recommendation” in the current Charter seemed more proactive than reactive. He felt they should ask staff for input, not approval. Chair Lewis pointed out that they were going to make recommendations to the City Commission; he assumed they would be obtaining recommendations from staff at the same time. At no point or time was staff excluded. Mr. Milledge wanted to be sure they met the letter of the Charter.

Chair Lewis noted there were two meetings scheduled for next month, May 10 and May 24 from 4:00 to 6:00 p.m. These were to be regular meetings, however, public comment would be accommodated. Mr. Milledge suggested that they have a list of agenda items to consider prior to the meetings. Chair Lewis suggested that at the next meeting they have general discussions, talk about the “laundry list,” go over proposals, and try to pare the issues down.

Mr. Fertig suggested they create a spreadsheet of topics to discuss. Chair Lewis did not agree, as he did not want to put any “hot buttons” on the discussions and over-refine topics.

Mr. Silva asked if the Board would be looking at copies of other Charters. Chair Lewis stated that he had done this and knew that other Board members had as well. Mr. Stewart thought that he had forwarded copies of all requested Charters to the Board members.

#### **IV. Adjourn**

Thereupon the meeting concluded at 5:40 p.m.