

**CHARTER REVISION BOARD MINUTES**  
**Ft. Lauderdale City Hall**  
**8<sup>th</sup> Floor Conference Room**  
**City of Fort Lauderdale**  
**Monday, May 10, 2004 – 4:00 p.m.**

	Attendance	Cumulative Attendance	
		Present	Absent
Chair Dan Lewis	P	7	0
James D. Camp	P	6	1
Chris Fertig	P	6	1
John M. Milledge	P	7	0
Ron Gunzburger	A	5	2

City Staff in Attendance

Mayor Jim Naugle  
Commissioner Christine Teel  
Harry Stewart, City Attorney  
Terry Sharp, Director of Finance  
Bud Bentley, Assistant City Manager  
Lisa Edmondson, Recording Clerk

Guests

Genia Ellis  
Richard Mancuso

Chair Lewis called the meeting to order at 4:05 p.m.

**1. Approve Minutes from April 26, 2004 Meeting**

*Motion made by Mr. Milledge, seconded by Mr. Lewis (who passed the gavel to Mr. Camp), to approve the minutes of the April 26, 2004 meeting. In a voice vote, the motion passed unanimously.*

**2. Discussion of important Charter issues by Hugh T. Miller, Ph.D., Professor and Director, School of Public Administration, Florida Atlantic University**

Dr. Miller stated that one of the key features of city charters is the form of government, i.e., a city manager or strong mayor. He stated that in reformed charters, the mayor has been conceptualized in a legislative, rather than executive position, with a move towards using a business model for running governments to improve efficiency. He noted this also explains the current trend towards a preference for an at-large system, with reformers “dreaming of a unified public interest.”

Two key issues pointed out by Dr. Miller were finance and elections.

### Finance

- There needs to be a way to raise the status of the financial management aspect of the City in the Charter, with provisions for obtaining a copy of the budget, the time and place of budget hearings, and budget adoption deadlines for the City Commission.
- There should be inclusion of an appropriations ordinance allocating funds by category, requiring the City Commission outline categories of programmatic expenditures, and being explicit about those expenditures.
- Inclusion of procedures for amending the budget, with subcategories for supplemental, emergency, transfer, or reduction of appropriations.
- An independent auditor who reports directly to the City Commission; consideration of a provision: "The City Commission by ordinance will establish the procedure and controls for administration and fiduciary oversight of the budget."
- Revision of the unencumbered balance provision.

### Elections

Dr. Miller stated that the current structure emphasizes conflicts which may exist within the community into the politics of the City. He added it is troublesome that the Mayor has been placed in the role of the leader of the Commission without the Commissioners being able to select their own legislative leader. He stated that, in theory, the district model of government diminishes the citywide perspective and the at-large model neglects minority neighborhoods.

Chair Lewis expressed concern regarding having the Mayor as the "face of the city" during times of emergency, i.e., an actual versus perceptual leader. Dr. Miller responded that he would see the City Manager in the role as the chief executive officer and "face of the city," with the City Commissioners in the role of policymakers, adding that the Charter needs to be explicit regarding the role and responsibilities of the mayor.

Dr. Miller made the following suggestions with regard to elections in the Charter:

- Retaining district representation, adding three citywide commissioners with the commission electing its own mayor from among the three at-large commissioners.
- The mayor as leader of the legislative body delivering the state-of-the-city address every year, with a city manager form of government.
- Overlapping four-year terms.
- No term limits.
- Removal of provisions regarding lease and/or sale of public property or park lands; this should be by ordinance.
- Removal of provisions regarding land appraisals.
- Removal of the reward for savings or efficiency; this is a managerial prerogative.
- Removal of referendums.

Mr. Fertig suggested that conflict is good in government as part of a check and balance system. Dr. Miller agreed, but stated that there is a reformation move toward “collective will formation.”

Dr. Miller agreed that adding commissioners based upon population growth is a viable concept, although there is a certain number at which a commission becomes too large and factions are created.

Mr. Fertig asked Dr. Miller his thoughts on the trends for municipal reform. Dr. Miller responded that the trends have been efficiency and anticorruption.

With regard to the civil service system, Dr. Miller indicated that new charter models simply delegate to the commission establishment of an ordinance dealing with those issues, and advocated removing the details from the current Charter as outlined in Article VI.

There was lengthy discussion regarding “accountability,” how to hold those persons responsible, and current trends. Dr. Miller felt that accountability was too much of an abstract ideal for specific reference in the Charter stating that, “every word in the Charter is about accountability” and recommending that the word “accountability” not be used in the document. Mr. Fertig asked if there should be a trigger in the Charter for disciplinary action for the Commission if necessary. Dr. Miller believed disciplinary action should be up to the other Commissioners, although a reference to discipline could be in the Charter addressing censure or ineligibility. He supported having the process for hearing and rebuttal of charges outlined in the Charter, as well as recall provisions.

Dr. Miller did not advocate the mayor having veto powers, reiterating his belief that the city manager should be the chief executive officer with the mayor as the leader of the commission.

In response to Mr. Camp’s question, Dr. Miller did not support a length of residency requirement, only that they be a registered voter [living in the City].

**3. General Board discussion on both process and proposals. Positions on issues and process may be discussed and votes may be taken. Public input may be allowed at the discretion of the Board.**

In response to Mr. Camp’s inquiry, Mayor Naugle suggested that the City Attorney would draft the documents for Commission consideration with the Board focusing on concepts.

*Motion made by Mr. Milledge for the Board to decide upon four or five topics for discussion at their next meeting, seconded by Mr. Fertig. In a voice vote, the motion passed unanimously.*

Chair Lewis outlined his thoughts with regard to Charter provisions as follows:

- It would not be prudent to change the mayor/commission/city manager form of government. The mayor's position should be strengthened to have more of a visionary focus for the City.
- A mechanism should be considered for increasing seats on the Commission.
- Metes and bounds should be removed from the Charter to allow more leeway for redistricting based upon number of registered voters per the Voting Rights Act.
- Inclusion of a residents' bill of rights.
- Establishment of a controller at the Commission level, serving also as the "inspector general" looking at business practices on a random basis, separate from the "main administrative track."
- There should be an "advise and consent" relationship between the City Manager and the Commission. A mechanism should be established for a partnership between department heads and the City Manager.
- The City Commission cannot be encumbered from selling property, although the public needs to be protected and open space and parks should be preserved.
- Adoption of an administrative code of policies.
- Adoption of a strong code of ethics with rules of conduct applying to all public employees.
- The Mayor to set the agenda for Commission meetings, although any Commissioner may add an item onto the agenda.

Mr. Camp noted that the Charter is rife with items that should be subject to ordinance.

#### **4. Public Input**

Mr. Mancuso asked several questions regarding balanced budget requirements and enterprise funds.

#### **5. Future Agendas**

It was decided that the following issues would be discussed at the next meeting:

1. Park lands
2. Form of government
3. Independent auditor
4. Elections/districts/commission terms
5. Citizen bill of rights

Mr. Sharp presented a written list of staff suggestions, which will be reviewed and addressed at the upcoming Board meeting.

#### **6. Old Business**

**7. New Business**

Mr. Fertig mentioned two e-mails he received; one of which requested the backgrounds of the Board Members and their qualifications to sit on the Board. Chair Lewis suggested that the Board Members not individually answer these types of inquiries, referring them to the City Attorney.

**8. Adjourn**

Thereupon the meeting concluded at 6:10 p.m.