

CHARTER REVISION BOARD MINUTES
Ft. Lauderdale City Hall
8th Floor Conference Room
City of Fort Lauderdale
Monday, May 24, 2004 – 4:00 p.m.

	Attendance	Cumulative Attendance	
		Present	Absent
Chair Dan Lewis	P	8	0
James D. Camp	P	7	1
Chris Fertig	P	7	1
John M. Milledge	P	8	0
Ron Gunzburger	P	6	2

City Staff in Attendance

Commissioner Christine Teel
Harry Stewart, City Attorney
Steve Chapman, Assistant City Finance Director
Alan Silva, Acting City Manager
Jeffrey Moderelli, Assistant City Clerk
Jonda Joseph, City Clerk
Jamie Opperlee, Recording Clerk

Chair Lewis called the meeting to order at 4:06 p.m.

1. Approve Minutes from May 10, 2004 Meeting

Mr. Camp pointed out the misspelling of the word “metes” [as “meets”] on page 4.

Motion made by Mr. Gunzburger, seconded by Mr. Milledge, to approve the minutes of the May 10, 2004 meeting as amended. In a voice vote, the motion passed unanimously.

2. General Board discussion on park lands

Mr. Fertig felt the issue was whether the sale of park land should require a vote of referendum. This had prompted the question of what constituted park land. Chair Lewis stated that the City staff had felt the referendum requirement would “unduly tie their hands.”

Mr. Gunzburger felt a provision to replace lost open space with an amount equal to or greater, within a certain radius, would be a flexible enough tool to allow for business decisions while ensuring the retention of green and open space.

Mr. Stewart quoted from an amendment he had included in a February 18 memo: “Notwithstanding anything to the contrary in this charter, the City shall not sell or exchange parks or open space without, as a condition of sale or exchange, requiring a parcel equal to or greater in size in the course of being sold or exchanged, and such acquired parcel must be within

a [blank] radius of the parcel sold or exchanged. Additionally, any sale or exchange of park or open space must be approved by a majority plus one of the Commission.” It was agreed that a time limit for replacement was problematic. There was consensus that a referendum should not be required.

Mr. Fertig wondered how parks would be defined; Mr. Stewart referred to the document the Parks Department had distributed that referred to zoning regulations to define parks and open spaces; it also included a list of parks.

Chair Lewis felt the Commission should be directed to create rules to accomplish the preservation of parks and open spaces. He asked Mr. Stewart to draft language indicating that:

- There should be no reduction in parks and open space.
- The Commission must pass an ordinance to insure that the number and quantity of park and open space must be preserved.
- In order to sell or convert any of that property, a majority plus one Commission vote was required.

Mr. Stewart stated there was a framework to provide parks in the land use plan. Chair Lewis noted that the land use plan could be amended and the current level of park land exceeded the land use plan requirement. He wanted the Charter to indicate that the present level should be maintained. Mr. Gunzburger noted that he felt public opinion definitely was against any reduction in parks or open space below the current levels.

Mr. Fertig wanted to be sure their definition included special use parcels like the stadium and boat ramps. Mr. Milledge thought it might be difficult to create these definitions. He suggested they use Mr. Stewart’s language and add a provision that the Commission be required to adopt an ordinance to effectuate this provision within a certain period of time. In their report to the Commission they would specify what the ordinance should contain.

Motion made by Mr. Fertig, seconded by Mr. Milledge, to accept Mr. Stewart’s language [as follows] regarding the disposition of park lands within the City, with the proviso that the Board direct the City Commission to adopt an ordinance to implement the provisions of the parks section. In a voice vote, the motion passed as amended.

Mr. Stewart restated his language: “Notwithstanding anything to the contrary in this charter, the City shall not sell or exchange parks or open space without, as a condition of the sale or exchange, requiring a parcel equal to or greater in size than the parcel being sold or exchanged and such acquired parcel must serve the same general population as the parcel sold or exchanged. Additionally, any sale or exchange of park or open space must be approved by a majority plus 1 of the Commission.” Mr. Stewart agreed to add additional language that would require the City Commission to adopt an ordinance to implement the provisions of this section. Chair Lewis felt a time limit of perhaps 90 days should be included.

Mr. Silva felt this provision might cause the Commission to be averse to ever acquiring new park land because it might tie their hands in the future. Mr. Gunzburger noted that the charter could always be changed in the future if this became a problem. Mr. Milledge felt they should express their concerns regarding the radius issue and the definitions in a separate motion. Chair Lewis felt they should not include a blank for the radius in the Charter; Mr. Camp agreed. Mr. Camp suggested amending the language: “the parcel must serve the same general population” instead of a specific radius.

***Motion** made by Mr. Fertig, seconded by Mr. Gunzburger, to make a recommendation that the City strongly consider incorporating all city-owned urban open space, neighborhood park, community park, school parks, special use facilities and large urban parks as currently defined by the Parks and Recreation Department Table 1 document in the “parks” or “open space” referred to in the previous motion. In a voice vote, the motion passed 4–1 as follows: Mr. Fertig, Yes; Chair Lewis, Yes; Mr. Gunzburger, Yes; Mr. Milledge, Yes; Mr. Camp, No.*

Mr. Camp stated that he agreed with the principle, but felt it beyond the scope of the Charter Revision Board to tell the City Commission what ordinances to pass.

3. General Board discussion on form of government

Mr. Camp felt comfortable with the current form of government. Mr. Milledge felt that when the City Commission had gone from at-large commissioners to single-member districts there had been an agenda change; previously, the Mayor and Commissioners had all shared the same view. He felt this presented a management problem that could be addressed in one of two ways: either go to a strong mayor form of government or strengthen the City Manager. He favored strengthening the City Manager position; he suggested that “beefing up” the non-interference clause might be a way to accomplish this.

Mr. Gunzburger felt there was no popular support for a strong mayor. He felt the present form of government usually worked and should not change. He felt that adding two at-large seats might help remedy some problems the City had experienced.

Mr. Fertig felt they were not necessarily confined to either of Mr. Milledge’s options. He felt a non-voting or “weak, weak” mayor who was the political head of the City was feasible. He felt this might enable the Mayor to encourage consensus on the Commission and move a political agenda forward. The commission seat left open could then be filled with another commissioner from an additional (fifth) district.

Mr. Silva felt that a City Manager’s power did not derive from the non-interference clause but from the authority he or she had. He felt there were currently many things that were on the City Commission’s agenda that could be part of the administrative authority of the City Manager. He felt a strong City Manager should be given executive authority, as well as administrative authority.

Chair Lewis stated that he favored the ICMA city manager/council form of government. This model emphasized non-interference to keep the City Manger in charge and accountable. Chair Lewis was not comfortable with the idea of changing the form of government right now.

Mr. Fertig felt they were in agreement favoring a stronger City Manager

Motion made by Mr. Camp, seconded by Mr. Gunzburger, to recommend that the Charter continue to contain the city manager/commission form of government. In a voice vote, the motion passed unanimously.

After some discussion of the non-interference clause, Mr. Milledge suggested that they put this on a future agenda after they had each given it some additional thought. Mr. Fertig asked Mr. Silva to create a list of the duties and powers of the City Manager to which the Board could refer at a subsequent meeting. Chair Lewis clarified that the way most non-interference policies work was by differentiating between asking questions and creating work product. The best way to create a non-interference clause was to require the commission to create one legislatively and have public debate. Mr. Gunzburger wanted to create a non-interference clause to allow constituent assistance. He agreed this should be put on the agenda for a future meeting.

4. General Board discussion on independent auditor

Mr. Fertig felt the public was unanimous in desiring an independent auditor. Mr. Fertig favored a position combining the responsibilities of auditor and inspector general. Mr. Milledge favored a position like that used by the county: a “beefed up” outside auditor. Mr. Gunzburger favored the county idea as well: an independent auditor who served a fixed term. Mr. Camp approved of the fixed-term idea and thought a super majority should be required to remove him or her.

Mr. Silva was concerned with the possibility of a “built-in antagonism” between the auditor and the City Manager. There was also a lot of grey area in terms of chain of command. Mr. Silva noticed that the City Commission did not have the staff to analyze things but relied on the City Manager.

Chair Lewis read a description of the county model for the auditor position from the “L document” (a Charter revision document created by Chair Lewis), the wording of which was taken directly from the County Charter. Since this provision of the County Charter had been passed, there had been an increase of cooperation in the county.

Motion made by Mr. Gunzburger, seconded by Mr. Milledge, to adopt the concepts contained in Article IV of the “Lewis Model” of the Charter regarding the creation of a City Auditor position, with the City Commission responsible for the selection. Motion was tabled.

Mr. Chapman felt outside audits should be handled by the Director of Finance, as he was the “record-keeper” for the City; doing so through the independent auditor position would add another layer of bureaucracy. Chair Lewis explained how this was handled at the county level. Mr. Fertig felt they had determined at the public meetings that they would like to have someone answerable to the City Commission examining various financial issues. He did not want to limit the position to a person holding an M.B.A. Chair Lewis felt a C.P.A. should be required.

Mr. Milledge stressed that this person could be available to the City Commission “on the spot” as the City Attorney was, to give spontaneous advice. Mr. Chapman felt they were describing a Director of Management and Budget who would have management and financial functions. Mr. Fertig thought the title “Auditor” was problematic and suggested they remove the term “City Auditor” and change the title to “Inspector General” or some other term not including the word “audit” to avoid confusion.

Mr. Fertig was also concerned about the job requirements and the possibility of the position’s being too broad or invasive. Chair Lewis clarified that it was “absolutely the idea to separate the oversight accounting functions away from the City Manager/administrator chain of command.”

Chair Lewis tabled the motion and asked Mr. Stewart to review the language for the Board to consider. Chair Lewis tabled the remainder of the agenda and added the powers of the City Manager, non-interference clause and the power of the City Commission as one topic in order to discuss the interplay between the City Manager and the City Commission.

There was brief discussion regarding the next meeting date; because of the Memorial Day holiday, Monday, June 7 was selected.

- 5. General Board discussion on elections/districts/Commission terms**
- 6. General Board discussion on citizen bill of rights**
- 7. General Board discussion of staff suggestions**
- 8. Public input – time allowing**
- 9. Future agendas**
- 10. Old Business**
- 11. New Business**
- 12. Adjourn**

Thereupon the meeting concluded at 6:37 p.m.