

CHARTER REVISION BOARD MINUTES
Ft. Lauderdale City Hall
8th Floor Conference Room
City of Fort Lauderdale
Monday, June 7, 2004 – 4:00 p.m.

	Attendance	Cumulative Attendance	
		Present	Absent
Chair Dan Lewis	P	9	0
James D. Camp	P (By phone)	8	1
Chris Fertig	A	7	2
John M. Milledge	P	9	0
Ron Gunzburger	P	7	2

City Staff in Attendance

Commissioner Cindi Hutchinson
Harry Stewart, City Attorney
Steve Chapman, Assistant City Finance Director
Jeffrey Moderelli, Assistant City Clerk
Jonda Joseph, City Clerk
Genia Duncan Ellis, President of the Council of Ft. Lauderdale Civic Associations
Jamie Opperlee, Recording Clerk

Chair Lewis called the meeting to order at 4:12 p.m.

1. Approve May 24, 2004 Meeting Minutes

Mr. Gunzburger noted that his name was misspelled in the May 24, 2004 minutes.

Motion made by Mr. Gunzburger, seconded by Mr. Milledge, to approve the minutes of the May 24, 2004 meeting as amended. In a voice vote, the motion passed unanimously.

2. General Board discussion on elections/districts/Commission terms

Mr. Camp felt that the current system, i.e., 4 district Commissioners and 1 Mayor elected at large, should stay in place. He referred to the FAU professor's argument that elections from districts tended to engender provincialism and suggested a compromise: a Commission elected citywide, requiring Commissioners to live in the districts they represent. He did not feel more Commissioners were needed. Mr. Camp felt the length of residency should be increased from 6 months to 2 years. He also favored maintaining the term of office at 3 years without staggered terms.

Mr. Gunzburger noted that residents had mentioned many diverse options without a consensus emerging. Mr. Gunzburger felt representation of individual neighborhoods was important and he favored districting. He also liked the concept of adding 2 at-large Commission seats, splitting the Commission in half and staggering 4-year terms. He felt timing the elections to coincide

with national and other county elections would lead to better participation. He did not feel a change was needed in the residency requirements.

Mr. Milledge was concerned that putting the elections on a presidential or gubernatorial cycle would allow state and national issues to overshadow local ones. He also felt that 3 years was a long enough term. Mr. Milledge thought people liked the idea of having one commissioner to go to but acknowledged that this might make for a more difficult governing structure because of the “push and pull” between parties. He felt perhaps the City Manager position could be strengthened to allow him or her to have a citywide agenda.

Chair Lewis felt they all agreed that term length and limit should not change, but he felt the residency requirement could be changed to require residency in the City, not in the Commissioner’s particular district. He felt the City Commission should be required to redistrict using federal rules whenever the districts were out of synch and when the Commission felt it appropriate.

Motion made by Mr. Camp, seconded by Mr. Gunzburger, to maintain City Commissioners’ term length at three years and maintain their term limit at three. In a voice vote, the motion passed 3–1 as follows: Chair Lewis, Yes; Mr. Gunzburger, Yes; Mr. Milledge, No; Mr. Camp, Yes.

Mr. Milledge felt they should only make motions initiating changes in the Charter; if they were leaving issues alone, they should not need to state this. He therefore opposed the motion on its structure, not on its substance.

Motion made by Mr. Gunzburger, seconded by Mr. Milledge, to change the residency requirement to 6 months anywhere within the City of Ft. Lauderdale or any newly-annexed area. In a voice vote, the motion passed 3-1 as follows: Chair Lewis, Yes; Mr. Gunzburger, Yes; Mr. Milledge, Yes; Mr. Camp, No.

Mr. Camp favored a longer residency requirement; he thought 6 months was too short a time to be qualified enough to be elected to the City Commission. Chair Lewis asked Mr. Camp to offer an amendment to the motion. Mr. Camp offered an amendment to the motion that the residency requirement be increased to 2 years. The amendment failed for lack of a second.

3. General Board discussion on citizen bill of rights

Mr. Milledge asked Chair Lewis why a citizen bill of rights was needed. Chair Lewis stated that this section was created to enable the public to see their rights recited in one place, while the rest of the charter was organizational.

Mr. Gunzburger felt these rights were already guaranteed by various state laws. Chair Lewis noted that rights stated here were different from those in state statute. Mr. Milledge felt they should wait until Mr. Fertig was present to further discuss this issue.

Motion made by Mr. Milledge, seconded by Mr. Gunzburger, to table further discussion of the citizen bill of rights until Mr. Fertig was present. In a voice vote, the motion passed unanimously.

Mr. Camp asked Mr. Stewart to research whether items relating to the citizen bill of rights contained in Chair Lewis's charter draft were covered by state statute or case law. Mr. Stewart agreed to research this and report back.

4. General Board discussion of staff suggestions

Mr. Chapman referred to Terry Sharp's memo of May 7, 2004 and described Mr. Sharp's suggestions:

- Creation of a City Auditor Position
 - Agreed with the Government Finance Officers Association: internal audit function should report to management in order to maintain a comprehensive internal control framework. The function is best left under the control of the City Manager.
- Page 5 – Section 1.04 H. Right to Public Budget Process
 - Include this in a definitions section with the following definition: City Program: City departments in the organizational structure such as Police, Fire-Rescue and City Manager.
 - Add, “estimated” before “carryover funds for each program.”
- Page 5 – Section 1.04 I. Right to a management Report on the Performance of City
 - This section should replace “offices, divisions, departments” with “City Programs”
- Page 5 – Section 1.04 J. Right to Prohibit Conflicts of Interest and Code of Conduct
 - This section should acknowledge the existence of collective bargaining agreements
- Page 5 – Section 1.04 N. Protection of Human Rights
 - This section is not needed as case law already exists
- Page 9 – Section 2.06 G. Approving Agenda Items
 - Include the City Manager in the list of those who may put items on the agenda
- Page 14 – Section 3.01 D. Department Heads
 - Confirmation by City Commission politicizes the appointments
 - Change “Department Head” to “Department Director”
- Page 14 – Section 3.01 H. Annual Report
 - Within 6 months of year-end close is a more realistic time frame than 3 months

- Page 17 – Section 4.01 E. Auditing Standards
 - Standards should reference specific auditing standards
- Page 19 – Section 6.01 B. Size of Charter Review Commission
 - The suggested size is twice that of other advisory boards in the City
- Page 19 – Section 6.01 D. No Ex-Officio Members
 - It is unclear who would fill the “Executive Director” and “Legal Counsel” positions alluded to in this section

5. General Board discussion on the powers of the City Manager, non-interference clause and the power of the City commission

Mr. Gunzburger did not see the harm in a Commissioner’s asking department heads about problems in his or her district. He felt this was one way a Commissioner effectively acted on behalf of his constituents. He felt the “Lewis Model Charter” (LMC) in effect sanctioned or punished this type of interference. Mr. Camp felt that proper procedure would be for the Commissioner to call the City Manager. Chair Lewis felt that when a Commissioner called an employee, this was almost by definition, interference. Constituent work should be accomplished by a system of authorized methods for asking questions and this could be part of the administrative code of procedures.

Mr. Milledge felt that any request should be handled through the City Manager, who could mediate between the Commission and staff. Chair Lewis did not think the language of the non-interference clause should be in the Charter at all; the Commission should be required to create those rules and policies.

Motion made by Mr. Milledge, seconded by Mr. Camp, that the Charter include a non-interference clause similar in language to that used in the LMC. In a voice vote, the motion passed 3-1 as follows: Chair Lewis, Yes; Mr. Gunzburger, No; Mr. Milledge, Yes; Mr. Camp, Yes.

6. Public input – time allowing

Ms. Genia Ellis, President of the Council of Ft. Lauderdale Civic Associations, distributed copies of a printout from the Council of Fort Lauderdale Civic Associations’ website with a display of poll results regarding the Charter. 87.5% (21) were in favor of updating the Charter; 4.17% (1) felt the Charter should not be changed; 8.33% (2) felt the Charter should be rewritten entirely. There was also a comments page; Ms. Ellis noted that many of the comments concerned city government in general, not the Charter specifically.

7. Future agendas

Chair Lewis stated that these would be sent out.

8. Old Business

The Board agreed to table continued discussion of the motion concerning the City Auditor position from the last meeting until Mr. Fertig was present.

9. New Business

The next two meetings were already scheduled for June 21 and 28.

Mr. Camp wished to include the following issues on a future agenda:

- Require public bidding on the sale of City-owned real estate
- Empower the City to establish its own electric power plant
- Increase the power of the Mayor and appoint board members with the advice and consent of the City Commission

Chair Lewis suggested that each member send a list of issues for future agendas to Mr. Stewart to compile.

10. Adjourn

Thereupon the meeting concluded at 5:47 p.m.