

**CHARTER REVISION BOARD MINUTES
CITY OF FORT LAUDERDALE
April 23, 2008**

Meeting was called to order at 6:17 p.m. on the above date, City Commission Meeting Room of City Hall.

Roll call showed:

Present: Gregory Durden
Chris Fertig (arrived at 6:44 p.m.)
Daniel W. Lewis
Judy Stern
Ronald K. Wright

Also Present: City Manager George Gretsas
City Attorney Harry A. Stewart
City Clerk Jonda K. Joseph

The City Attorney provided some highlights on the Sunshine Law as it pertains to each individual serving on the board.

The City Attorney noted that there are certain things the City Commission has asked the Board to do; the first and foremost are to consider changing the three-year terms elected tri-annually in March to four-year terms to coincide with the presidential election every four years. This would require amending the charter in about five or six places. With such a change, it would not be possible to have primary elections pursuant to special act of the State Legislature regardless of what the charter says. If there were five candidates for mayor and one got 24% and everyone else got less, that individual would be elected. Other items for consideration are listed on Item 2 of the agenda.

Mr. Durden asked about public input. The City Attorney indicated discussion would take place at a public meeting. When a proposal is formulated, it would be appropriate to have public input on the proposal.

Ms. Stern wanted backup materials, such as a cost analysis to change the elections and the special act. The City Attorney indicated staff would take direction from the Board as to what information they need.

In response to Ms. Stern, the City Attorney indicated the meeting was noticed for the benefit of the public. The media was informed also.

Mr. Lewis commented that once the board is empanelled, it decides the issues it will take and does not have to be limited by the call of the Commission. The last Charter Revision Board felt it was important to involve the public. They wanted backup and public input before making decisions.

In response to Ms. Stern, the City Attorney believed the charter was last amended in 2004. Ms. Stern felt it is important to hear from the City Commission who works on the issues that come before them, and it appears these are their concerns. Since it has

only been four years and there is a tight time frame, June 20th, she wanted to stay with the issues requested by the City Commission.

The City Attorney explained the deadline is even tighter, May 22nd. In order to place an issue on the ballot in November, the Commission would first have to adopt an ordinance which requires two public meetings in June. The Board would have to be finished by May 22nd in order to get on the agenda for the first meeting in June. It would be possible to address changing the election date to November for the November ballot and continue with the other issues for the election the following March.

Ms. Stern commented that the reasons why some may wish to change the election to November may roll over into a discussion where one may or may not want a discussion to continue after November into the March election.

Ms. Stern commented that the charter was really picked apart four years ago; therefore, based on the time, she wanted to stick to the issues at hand.

Mr. Durden emphasized his desire for public input. He did not want to rush. Ms. Stern did not object to public input, but commented that the public spoke when they elected the City Commission.

Mr. Lewis commented that the Commission may put anything on the ballot at anytime with or without recommendations from the Board. He was disappointed that fifteen recommendations were presented to the Commission and they took three. The Board has no authority; it is advisory. He did not see the need for the Board to consider items if the Commission wishes to place them on the ballot; the Commission should simply proceed. If the Board is going to take on a job, it should do it. If the Board is being asked to conduct public hearings, independent of the Commission, this is a different matter.

Ms. Stern explained these issues came before the Commission and they felt they needed to be further explored. The Commission asked the Board to look into these specific issues, take and consider public input and the backup, and make a recommendation to them.

Mr. Durden thought it would be appropriate to give the public an opportunity to raise issues; email. The City Attorney explained that one-way communication is acceptable, but responding is a violation. The City could make arrangements to the public to email to a website. Mr. Lewis commented that it was done with the previous Charter Revision Board. The City Manager indicated staff would put together whatever communications the Board needs.

With respect to scheduling meetings, the City Attorney indicated that the City Commission has requested the meetings be televised and there are only two rooms with that capability. He noted available dates and locations. Mr. Lewis felt an effort should be made for everyone to be able to attend.

1. Election of Chairperson and Vice-Chairperson

Motion made by Ms. Stern and seconded by Mr. Wright to appoint Gregory Durden as chair and Chris Fertig as vice chair, was adopted by unanimous vote. Mr. Fertig was not present.

Mr. Fertig arrived at 6:44 p.m.

Mr. Lewis provided the City Attorney's memorandum to the City Commission on the previous board's recommendations, minutes of the last meeting of the previous board, June 21, 2004 which were not approved, ballot questions and results by district. Chair Durden asked this information be furnished to the Board. Mr. Lewis suggested the minutes be scheduled for approval at the next meeting.

Regarding meeting dates, Mr. Durden asked inquiries be made by email. He suggested the available dates be provided regardless of the meeting room.

- 2. Consensus approval to refer the following items to the board: changing terms of office to four years to facilitate moving election date to coincide with general elections held in November of even numbered years; filling a vacancy on the City Commission; providing for City Clerk's employees to be appointed by City Clerk; providing for City Auditor's employees to be unclassified.**

Mr. Durden asked about term limits. The City Attorney explained term limits would either have to be deleted or amended to coincide with the even numbered years. It would not impact the current term limits.

Mr. Lewis suggested a certified copy of the charter be requested for each member. The City Attorney could also be requested to provide a list of those areas in the charter that would need to be amended for the four items in Agenda Item 2. Then one or two public hearings could be held before the Board states a position. In the past, the Board decided not to identify where they stood on any issue until hearing from the public.

In response to Mr. Durden, the City Attorney explained the appointing of employees by the City Clerk and City Auditor are housekeeping issues. Certain employees report to the Commission and all others to the Manager. They raised the issue of a manager, not the current one, starting to hire and fire the deputy clerk or deputy auditor.

Mr. Durden asked about the term, unclassified. The City Attorney explained it is a civil service matter. Non-classified are listed in the charter and everyone else is classified under the civil service system. Appointed employees would also be unclassified.

In response to Mr. Lewis, the City Attorney explained the Auditor and Clerk raised these issues when the Commission was discussing the topic and they directed for these issues to be sent along as well. Mr. Lewis pointed out that the previous Board recommended the Auditor's employees be unclassified. The City Attorney was not sure; he thought it might have been an oversight.

With some discussion on the topic continuing, the City Manager clarified there are two separate issues; 1) who has the hiring and firing authority; and 2) should those employees be subject to a civil service process. Ms. Stern requested a copy of the

Commission meeting where they discussed these points. Mr. Durden requested, if possible, a summary be provided for each. The City Attorney thought the Clerk and Auditor would be happy to do so.

Ms. Stern reiterated her request for a cost analysis on changing the election date and terms from three to four years and not having a primary if changed to November.

Mr. Durden referred to the item of filling a vacancy on the City Commission. The City Attorney explained the charter provides that if the remaining term from a resignation, for example, is less than half of the term, the Commission chooses the individual until the next election. Commissioner Moore is considering resigning to run for the County Commission and wants his district to have some input. If he is still on the Commission, he will have input. If they wait until he is off the Commission, he would not have any input, but the public would have input. Commissioner Moore wanted to put something in the charter to require public input. The City Attorney did not know how to accomplish that or that it is actually needed. Mr. Wright pointed out it a public meeting could be mandated in the charter. Mr. Durden pointed out that there would be public input at the Commission level in any event.

Ms. Stern wanted a copy of the state statute on appointments versus an election cycle.

In response to Chair Durden, Mr. Lewis explained Commissioner Moore wanted the Commission to take into account as part of a process the interests and concerns of a specific district. More and more often there are political calculations on the dais that favor one district over another. The City Attorney indicated there is a memorandum from Commissioner Moore on this and he will provide it.

3. Public input

Chair Durden opened the floor to public comment but there was none.

Mr. Lewis indicated the previous Board allowed any member to place anything on the agenda, although that did not mean it would ultimately be discussed. Members simply informed the City Attorney's Office. Ms. Stern was fearful of an abuse of time. Mr. Fertig indicated previously the board as a whole decided if they wished to discuss a topic or it would simply die. It was collegial and he endorsed the process. Ms. Stern reiterated that it has only been four years since the electorate voted and she did not want to revisit or beat a dead horse.

Chair Durden pointed out there will have to be a time frame from receipt of an item and getting it on the agenda for public notice. The City Attorney indicated that at least three days meeting notice is necessary and therefore at least five days advance notice would be needed. Previously a motion to stop discussion was effective in moving forward.

There being no other matters to come before the Board, the meeting was adjourned at 7:14 P.M.