

**CHARTER REVISION BOARD MINUTES
CITY OF FORT LAUDERDALE
May 13, 2008**

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

Roll call showed:

Present: Gregory Durden
Chris Fertig
Daniel W. Lewis
Judy Stern
Ronald K. Wright (arrived 6:05 p.m.)

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

Approve Minutes

The April 23, 2008 meeting minutes were approved as submitted by unanimous vote.
4-0

The June 21, 2004 meeting minutes were approved as submitted by unanimous vote.
4-0

City Auditor and City Clerk requests - clarify personnel issues

Chairman Durden referred to the four items provided the Board by the Commission for their review. He referred to two of the items that are housekeeping in nature with respect to the Auditor and Clerk.

Ms. Stern thought the original intent was for the Auditor and Clerk to be able to appoint their staff; therefore she had no objection to moving those items forward.

Mr. Lewis pointed out that the past Board's recommendations were not followed concerning independence of the employees, therefore he questioned if the Commission has changed its position. The City Manager noted Mayor Naugle raised the subject of the Clerk's Office positions at a conference meeting, that it was not included and he wanted to make sure it was a topic for the Board. And, the Auditor raised the subject of his positions as well and there were no objections on the part of the Commission either. Mr. Lewis pointed out it was taken out of the Board's recommendations last time and now they want it in. He questioned how that is not a change. The City Attorney believed it was a matter of economy to put those things most important to the electorate at the time; there were some 16, 18 recommendations of the Board then. Mr. Lewis noted the issue of the Auditor was put on the ballot, but it excluded specifically the recommendation that the employees be independent. The City Attorney indicated the Commission that is sitting now forwarded these questions to the Board.

Ms. Stern pointed out the current Commission discussed it and moved it forward. She could not say what was in the minds of the previous Commission. In reading the minutes, it was clearly the intent.

Mr. Wright arrived at 6:05 p.m.

Motion made by Ms. Stern to move forward the City Auditor and City Clerk recommended charter revisions.

Mr. Lewis wanted to move forward the original recommendation of the previous board. Chairman Durden called attention to the current recommendations before this board. Mr. Lewis wanted to see the actual language that would be in the charter. The City Attorney indicated he will put it into an ordinance form and submit it to the Board.

In response to Chairman Durden's question as to the Auditor's staff being removed from the classified civil service status. The City Auditor explained this would not affect the existing staff that would be grandfathered into their positions. For example, if he created a Senior Auditor position which does not currently exist and offered existing staff the opportunity to promote up to Senior Auditor, that position would no longer be classified. They would still have a right of reversion if they wished to step back into their last previous available civil service position. This would not impact the clerical staff. It would be the responsibility of the City Auditor, not the City Manager. He also confirmed it was discussed at a conference meeting; there seemed to be general assent that it was an oversight and they were amenable to correcting. Averill Dorsett, Director of Human Resources, noted the charter specifies the positions that are specifically excluded from classified service. The recommendation would be in line with such staff in the Manager and Attorney offices.

Mr. Lewis noted the previous board was unanimous in wanting the Auditor's staff to be completely independent. He was happy to move it forward.

In response to the City Manager, the City Auditor noted that the City Manager and Human Resources Department has been cooperative; this is more a matter of independence for the future, a separation of duties.

Ms. Stern thought it was in line with the previous board's intent.

Mr. Fertig seconded the motion.

Mayor's request - terms of office

Mr. Lewis wanted to hear from the public. On an issue of this importance, public hearings would be held in various areas of the city.

In response to Chairman Durden, the City Attorney did not think it would likely be possible to make the November ballot and this item would probably be better for the March ballot in any event.

Mr. Lewis pointed out the Commission could proceed without any action from this board. He was uncertain what the Commission wishes the board to do.

Mr. Fertig agreed about broad public input. He wanted to know more specifics on the options, variations.

Ms. Stern commented the cost for a candidate to run for office needs to also be considered. She referred to the \$250 campaign contribution cap and the difficulty for an individual running in a general election.

The City Clerk noted an email address has been opened on the City's website in order for the public to comment. She will provide any emails received to the board, but none have been received to date.

Ms. Stern wanted to look at all of the items to decide what they will address this evening and what will be handled at a future meeting.

Commissioner Moore's request – filling vacant commission seats

Chairman Durden noted the only remaining item on the agenda is Commissioner Moore's request to permit a vote concerning a vacancy on the Commission before the vacancy actually exists.

The City Attorney indicated that this issue arose when Commissioner Moore announced he would be a candidate for the County Commission. Currently, the charter provides a mechanism by which a vacancy will be filled. The neighborhoods wanted input. He believed they have input. Commissioner Moore will be able to vote on the issue if a successor is named prior to the time he leaves. In that way, they would have input and if the appointment is named after he leaves, they would still have input with the remaining Commission. It is proposed to require the Commission, prior to the vacancy, to be able to give the outgoing commissioner the opportunity. He did not see how that could be done because there are other reasons for vacancies, such as death, sudden vacancy, illness or inability to do the job. He believed the charter provides an opportunity for everyone.

Chairman Durden believed the provision seems to be quite standard throughout the state. The City Attorney noted that the proposal would be impossible in the case of a sudden vacancy.

In response to Ms. Stern, the City Attorney outlined what occurred when Commissioner Moore resigned before.

Mr. Lewis noted the Charter says the remaining members will vote and fill the vacancy. He was not sure how that reconciles if the outgoing commissioner is still on the Commission. He noted a scenario taken from the judiciary where the Commission selected from a group of nominees that are recommended by homeowner associations. It maintains the representative ability of the single member district. There are effective schemes available to assure people in a district that they are represented. He did not think it is workable for the outgoing commissioner to force the body to vote on a replacement.

Ms. Stern thought interested individuals would submit their names and lobbying would take place from the community.

In response to Ms. Stern, the City Attorney explained if (less) than half of the term remains, the Commission appoints. Otherwise they do not appoint and a special election is held. This is consistent with other local governments.

In response to Ms. Stern, the City Attorney indicated the soonest time an ordinance could be put before the Commission would be June 10 (the first meeting in June may be changed to June 10).

Mr. Fertig agreed the Board should move forward the issues that require no discussion. He felt the Board should treat all issues coming before them as new items. Although the scheme in place that is used for other governmental agencies is workable, this is not what the Board has been asked to do. He wanted staff or the City Attorney's office to do research and the Board then get community input.

Ms. Stern wanted more public notice on the topics.

Public Input

Tim Smith, 1720 NE 9 Avenue, District II, concurred with making employees of the Auditor and Clerk independent. With respect to holding the elections in November, he fully supported it. He felt the turnout would double. He wanted to know more about the timing. With respect to filling a vacancy, he agreed with the current process, although there should be sensitivity to make people in that district feel that they have input. He wanted the Board to enlarge their mission and look at the City's structure.

In response to Mr. Fertig, Mr. Smith preferred two, four-year terms as opposed to three, four-year terms; he suggested leaning toward shorter terms.

Mayor Naugle thanked the Board for their service. He had brought forward the idea of changing the election date, before he knew of the restriction concerning a runoff. He felt there is a benefit to individuals being elected with a majority and not a plurality. He referred to Miami where a runoff is held two weeks after an election if needed. He encouraged some thinking outside of the box, such as a mail-in ballot or electronic voting that would not use the Supervisor of Elections.

In response to Mr. Fertig, Mayor Naugle felt a term limit of eight years would limit elected officials from having leadership positions in organizations such as the League of Cities at the state and national levels. He felt the City has benefited from City officials serving in those capacities. He preferred three, four-year terms.

Eugenia Ellis, 1801 Marietta Drive, District IV, preferred two, four-year terms. She felt leadership positions would still be available. She wanted the issue moved forward today. In terms of District III, she noted that she is chair of the Council of Civic Associations which encompasses neighborhoods from all over the city. A recurring comment from District III, with the resignation of Commissioner Moore, is that someone could be appointed that might be a candidate which would give that individual an unfair advantage. She felt there is merit to that concern. They have talked about putting together teams to look for people to recommend to the Commission. This district has larger problems than other areas. Whether it is a task force appointed by the Commission or the homeowners associations, she felt they should be given serious consideration.

In response to Ms. Stern, Ms. Ellis noted that Commissioner Moore's vote is one of five. It is who is at issue, not Commissioner Moore's vote.

Mr. Fertig felt the issue is much broader than the five individuals on this board simply putting together their feelings on it. He felt the Board should listen and find out what the community as a whole wants. Ms. Ellis agreed. She noted the issue has been before the public and Commission for quite some time. She suggested the board make the effort to get it on the November ballot.

Art Seitz, resident in the Fort Lauderdale beach area, felt that two, four-year terms would make sense. He was concerned about competence and people who care about the beach and barrier island. He felt a commissioner for the barrier island is needed. He was opposed to some of the beach developments that have been approved. He felt the Board should meet annually as there are many things to review.

Elizabeth Hays, 1691 SW 27 Terrace, First Vice President of Council of Civic Associations, said she resides in District IV but the western edge of it. She felt there could be positives about November elections, but also people who do not know what is going on. They turn out for the major election, such as the presidency. If the election is held at another time, only serious people turn out. Perhaps those people should be making the choices as they have the interest and knowledge of what is going on in the City. She supported three, three-year terms. Term limits are important. The \$250 (contribution) limit is good. With respect to the Commissioner Moore issue, she felt the rules should be followed. There is a need for someone to represent the minority communities. She would not support citywide (at-large) elections, even though there are sometimes problems. For example, sometimes commissioners are reluctant to speak on an issue that affects another district.

In response to Mr. Fertig, Mr. Hays did not like the idea of commissioners being elected without a majority vote. Runoffs give people a chance to make a better selection and to learn more about the candidates.

Dennis Ulmer, 1007 NW 11 Place, District III, noted since there have been districts; there were two vacancies in District I and both were filled by Commission appointment. The neighborhoods had input and he was not aware of any concerns. He felt November elections is a good idea, but agreed with Mayor Naugle that there needs to be a runoff or a way to ensure candidates are elected by a majority.

Chairman Durden understood the consensus is to get more input on terms and filling a vacancy (Moore issue). In response to Chairman Durden, the City Manager was happy to have staff provide whatever kind of information desired. The Board could frame the scope of information or the staff could do that; it is the Board's choice. As to reaching out to people to get input, Mr. Fertig recalled previously there were a series of community meetings in various geographic locations. At that time, the Board was looking at the entire charter. He felt it could work now. Chairman Durden felt these issues like an additional commission member should be brought out and the public have time to think about them.

Mr. Lewis thought the League of Cities might be used as a resource.

Ms. Stern pointed out it has only been four years since the whole charter was scoured. The world is different now. There are different budget restraints, for example, the expense to expand.

Mr. Fertig noted in order to expand the Commission two members would have to be added in order to have an odd number and then redistricting becomes an issue. In such case, he did not think it would be possible to make the November timeline. Ms. Stern noted with November elections, it would be much more difficult for a grassroots individual.

Chairman Durden felt the Board could have another organizational meeting sometime before the election and get to work after the election.

City Auditor and City Clerk requests – clarify personnel issues

Chairman Durden called attention to the motion on the floor. In response to Mr. Lewis, the City Attorney understood he would prepare a draft and submit it to the Board for a vote and forwarding to the Commission. In response to Chairman Durden, the City Attorney indicated it would probably not be possible to get the amendments on the November ballot. Chairman Durden wanted to move it forward to the Commission without coming back to the Board in order for it to make the November ballot.

Mr. Lewis offered an amendment to the motion, which was accepted, directing their recommendation be forwarded to the Commission with the request that it be placed on the November ballot if possible.

Amended Motion made by Ms. Stern, seconded by Mr. Fertig to move forward the City Auditor and City Clerk recommended charter revisions for the November ballot if possible with language prepared by the City Attorney submitted to the Commission, carried unanimously.

Future Agendas

Mr. Fertig was concerned about postponing the guts of what the Board will be doing until after the elections. Ms. Stern wanted to know the cost attached to any amendment. Chairman Durden wanted to talk more about what things should be added for the Board's review, establish a structure to reaching the community and then do it. He wanted to wait until after the current elections when there would be more time to accomplish it. Ms. Stern felt many people will be away on vacation until August. Mr. Fertig suggested another organizational meeting and decide upon a course in June.

The City Attorney indicated there has been a problem with respect to responses in scheduling meetings. He will provide available dates to the Board.

There being no other matters to come before the Board, the meeting was adjourned at 7:17 P.M.