

**CHARTER REVISION BOARD MINUTES
CITY OF FORT LAUDERDALE
March 4, 2010**

The meeting was called to order at 5:33 p.m. on the above date by Chairman Ketcham in the City Commission Meeting Room of City Hall.

Roll call showed:

Present: Mark E. Ketcham, Chair
Alain Jean
Maria Del Rosario Lescano
Judy Stern (arrived at 5:40 p.m.)

Also Present: George Gretsas, City Manager (arrived at 5:39 p.m.)
John Herbst, City Auditor
Jonda K. Joseph, City Clerk
Harry A. Stewart, City Attorney

Absent: E. Clay Shaw

1. Approve minutes – January 7, 2010

Motion made by Ms. Lescano and seconded by Mr. Jean to approve the minutes of the January 7, 2010 meeting as submitted. Roll call showed: YEAS: Members Jean, Lescano and Chairman Ketcham. NAYS: None.

Communication to City Commission

Motion made by Ms. Stern and seconded by Ms. Lescano to request the City Commission to meet with the board for a wrap-up session prior to their final evaluation, carried unanimously. Chairman Ketcham asked the City Clerk to convey this request. Roll call showed: YEAS: Members Jean, Lescano and Stern and Chairman Ketcham. NAYS: None.

Chairman Ketcham requested the City Clerk convey the request to the Commission. As to a meeting time, Chairman Ketcham suggested before the board's April meeting however Ms. Lescano and Stern felt it should simply be before the deadline. Ms. Stern pointed out there is April and May available to meet. The City Attorney did not have the deadline details available. He advised that the ballot questions have to be submitted to the Supervisor of Elections by June and the ordinance adopted prior to the election in November. The City Clerk indicated the Supervisor of Elections deadline is June 18. The City Attorney indicated he will prepare an ordinance that contains the ballot question which will be presented to the Commission. Chairman Ketcham outlined the chronology: if something was developed at the board's May meeting and the City Attorney brought it back at their June meeting for passage, would there be time to send it to the Commission and meet the deadline. The City Attorney thought as long as the board's meeting is before the Commission meeting or the third Tuesday is before the deadline, it would work, otherwise there would need to be a special meeting or accomplish it in May.

2. Discuss any amendment to Charter suggested by Board members**Revision to City of Fort Lauderdale Charter, Section 8.04, Sale of real property to private persons, firms or corporations – Memorandum from City Auditor 09/10-04**

The City Auditor reviewed highlights of his Memorandum 09/10-04, dated March 3, 2010, to the board. In response to Chairman Ketcham as to any potential objection, the City Auditor thought that people may perceive that the City is selling property for less than it is worth. Another objective of the amendment is to enable the creation of a community land trust which he went on to explain. Chairman Ketcham recalled a state law the local governments cannot advertise or promote charter revisions. The City Attorney advised that it applies to all local governments, but it does not prohibit the government from providing information. Chairman Ketcham noted the potential for misunderstanding without proper explanation to the electorate.

The City Manager and Ms. Stern arrived.

Ms. Lescano questioned if the sale of real property for affordable housing would always be surplus City property. The City Attorney indicated it may not necessarily be surplus. In further response, the City Attorney felt a new section is a better approach in this case because it carves out a very limited exception.

In response to Chairman Ketcham, the City Attorney indicated this cannot be accomplished by ordinance, but rather by amending the charter.

Motion made by Ms. Lescano and seconded by Mr. Jean directing the City Attorney to draft an ordinance providing for an amendment to the charter as delineated in the City Auditor's Memorandum 09/10-04, dated March 3, 2010 for consideration by the board at their April meeting. Roll call showed: YEAS: Members Jean, Lescano and Stern and Chairman Ketcham. NAYS: None.

In response to Chairman Ketcham, the City Attorney indicated the board would stay within their timeline by considering the ordinance in April and forwarding it to the Commission.

3. Public input

Richard Mancuso, Fort Lauderdale resident, referred to a list of charter issues he previously submitted and provided a revised list. He highlighted some of the items. A copy of the list is attached. He also provided two news articles relating to the election cycle.

In response to Mr. Jean, Mr. Mancuso explained he envisioned there being a public safety director and the police chief and fire chief would report to that director or have the police chief and fire chief report to the Commission and not create a public safety director.

Mr. Jean asked for a recap of the challenges in changing the election cycle. The City Attorney indicated the terms would have to change from three to two or four years. There is a special act that applies only to Broward County that would prevent a primary

and run-off, therefore someone in a four-person race could win with 26%, for example. The contest would occur in November. The advantages would be an election cycle every four years and the City would not have to pay for a special election every other cycle. Ms. Stern referred to the City's limitations on campaign contributions and noted it restricts the affordability of running a campaign in November. This would have to be revisited also. The City Attorney noted this provision is an ordinance.

Ms. Stern referred to Mr. Mancuso's comments concerning a public safety director and noted the structure in the City of Sunrise and that they have found it successful for the police department to answer directly to the Commission. She went on to note that the professional standards director reports to the city manager and there is concerns about how willing people are to speak to him because of the lack of protection. She raised the idea of that position reporting directly to the Commission.

4. Issues for future agendas

Ms. Stern wanted to meet again with the Commission. She believed there was some confusion about items that Mayor Seiler wanted to put into the charter that was previously raised by Ms. Lescano. She thought the language was such to ask the Commission whether to go into the charter or an ordinance. With regard to an inspector general, she suggested the role of the City Auditor be expanded instead of hiring another individual. She suggested another joint meeting.

In response to Chairman Ketcham, the City Attorney believed there is a June deadline for the Supervisor of Elections. Chairman Ketcham noted the longevity of the charter and the board's previous comment to the Commission that if they felt strongly about something, it should be enacted by ordinance and tested for a period of time. If it is important to the City, a future charter revision board could consider it. He noted that the City is almost one hundred years old compared to the many commissions that have served. He was not comfortable with a charter change until the Commission passes an ordinance. Ms. Stern felt the concerns are based on the various abuses the Commission has observed and that is the reason for the new mind set. Chairman Ketcham felt the problem could be fixed by the passage of an ordinance. After a period of five years, if there are no more problems, it could be considered by a charter revision board then. Discussion turned to four members of the Commission being new to office and then to their governmental experience. Ms. Stern wanted to give the Commission the choice of charter amendment or ordinance. Chairman Ketcham felt they have that choice now. Ms. Lescano questioned at what point is the threshold met for something to be done by charter. Chairman Ketcham noted that the item raised this evening can only be done by a change to the charter. He went on to point out how difficult it is to remove something from the charter. He reiterated his suggestion to test a change by enacting an ordinance and then consider a charter change after a five-year test. Ms. Stern reiterated her desire to give the Commission the choice of enacting a change by ordinance or charter amendment. Chairman Ketcham believed the Commission already has the choice.

Mr. Mancuso questioned if an officer of the same level as the city attorney, city clerk, city auditor could be created by ordinance. The City Attorney advised no. He also confirmed for Mr. Mancuso that the election cycle cannot be altered by ordinance.

The City Manager was concerned about Ms. Stern's references to abuses. There have been no abuses. Ms. Stern believed that is incorrect. The City Manager referred to the

adage of if it isn't broke, don't fix it, and pointed out that crime is at its lowest levels in thirty years. Ms. Stern believed that the police and fire have done outstanding jobs.

Ms. Stern wanted to have a final wrap-up session with the Commission prior to the board's final evaluation. The City Manager believed the Commission was clear in their direction to the board, their schedule is heavy and they are relying on the board to summarize its recommendations and go forward. He believed Ms. Stern's suggestion is political rhetoric. Ms. Stern based her request on conversations with various members of the Commission. The City Manager believed there could potentially be a Sunshine violation.

NOTE: Please see continuation under Communication to the City Commission on page 1.

5. **Old business**

6. **New business**

There being no other matters to come before the board, the meeting was adjourned at 6:12 p.m.