

**CHARTER REVISION BOARD MINUTES
CITY OF FORT LAUDERDALE
September 1, 2011**

The meeting was called to order at 5:34 p.m. on the above date by Chairperson Stern in the City Commission Meeting Room of City Hall.

Roll call showed:

Present: Rochelle Golub
Alain Jean
Maria Del Rosario Lescano
Judy Stern, Chair

Also Present: Lee R. Feldman, City Manager
John Herbst, City Auditor
Jonda K. Joseph, City Clerk
Harry A. Stewart, City Attorney

Absent: E. Clay Shaw

1. Approve minutes – June 2, 2011

With a motion made by Ms. Lescano and seconded by Ms. Galub, the June 2, 2011 meeting minutes were approved as submitted by unanimous vote.

2. Discuss the subject of implementing Charter Schools in the City

The City Attorney advised that the Education Advisory Board has a communication to the City Commission that will be presented at their next meeting, suggesting that the City hold public forums in order to investigate this issue and the board also questioned who had made this inquiry. Dependent upon what action is taken by the Commission, he may bring it back to the board. If the Commission takes no action, there is no reason to bring it back to the board. He also offered to communicate to the Commission that the Charter Revision Board also is curious as to who raised the issue originally.

3. Discuss any amendment to Charter suggested by Board Members

Chairperson Stern wanted a way to limit the number of directors and thought perhaps direction should be sought from the Commission as to whether the board should pursue this. She noted that she is pleased with the current status but did not want to waiver in the future. The City Manager outlined the number of assistants in his office compared to the previous administration. He cautioned against such detail in the charter. He suggested if the organization became top-heavy and the manager was not sensitive to this, the solution would be to remove the manager. Ms. Golub agreed because she did not know how not to open the door for other abuse. Chairperson Stern thought perhaps the proper Charter section would be classified and non-classified service and employment contracts. The City Attorney advised that the number of contracts that could be authorized has been significantly reduced by the City Manager. Currently there are no contracts. While the Charter provides for the option of employment contracts, the City Manager advised that he does not believe in contracts for his direct reports and has

no exercised that option. He would not object to such an amendment. At Ms. Golub's suggestion, Chairperson Stern asked that this topic be scheduled for discussion at the joint workshop with the Commission.

In response to Chairperson Stern, the City Attorney advised that the Commission decided not to put the Charter amendment concerning the five-year financial forecast on the ballot until the next general election due to cost. It was put in ordinance form and approved. The ordinance will probably be considered by the Commission in October. The election date is not yet available. Chairperson Stern asked about scheduling the question on the next August primary where the election cost would be borne by the County. The City Clerk believed that the Supervisor of Elections discourages scheduling questions on specifically the August primary. The City Attorney offered to inquire and report back. As to setting an election date, he commented that there may be some reluctance to a primary where one party will not come to the polls. Chairperson Stern indicated that is why she thought of the August date.

Ms. Golub asked about imposing a deadline for redistricting after a census. The City Attorney advised that there is no time-specific requirement except that it be done after the census. It is a complicated process. The City did not receive the census numbers until May/June. He expanded upon what has occurred to date. The supervisor of elections has requested that the information be submitted by August. He believed if the information is submitted by mid-October or the first of November for March, the City has a good chance of getting it accomplished by the time of the next election. He cautioned against a deadline because he did not think it could be accomplished within a specific timeframe. Chairperson Stern was uncertain whether this is a charter issue as there is a governing state statute on the process. Mr. Golub was concerned about the subjectivity of getting it done within a specific period of time and questioned that the supervisor of elections could set an arbitrary deadline. She supported having some type of objective structure to protect the City from violating state law. The City Attorney indicated that staff's work was presented to the Commission in June and after that time, it becomes a political process. Ms. Golub did not think that the drawing of district lines should be a political process. She wanted redistricting to be accomplished as soon as possible. Chairperson Stern thought there could be consideration of a boundary, so that the process is not delayed. Mr. Jean asked about the supervisor of elections' authority to impose such a timeline on municipalities. The City Attorney advised that her authority is derived from the statutes. The Department of Elections has some say and it develops some rules. Chairperson Stern advised that she will obtain an opinion from a Tallahassee-based attorney who is an expert on election law and ethics and has expressed the opinion that it needs to be accomplished within the fastest process for the next election which would include a municipal election. The City Attorney pointed out that the City does not have to wait ten years to redistrict. The Charter requires redistricting in ten years. If there is a large population shift, redistricting could be required earlier than the ten-year period. With a plan of redistricting every ten years, it is acceptable under the law. Chairperson Stern noted that this time constraint is unique in that after the last census in 2000, there was no municipal election until 2003. Mr. Golub reiterated her concern about having a speedy specific time requirement. She felt foot-dragging could negatively impact the one person, one vote principle. The City Attorney pointed to the scenario of a population shift after five years and the one person, one vote principle does not arise for another five years. He questioned what would be accomplished that the ten-year rule does not accomplish. Ms. Golub was uncertain about a population shift, but would know of any change based on the census. In

response to Ms. Lescano, the City Attorney believed the purpose of the Charter is to set precepts, not how to do it. The idea is to reapportion the districts at a point in time.

Chairperson Stern suggested clarification be obtained from the supervisor of elections and the state department of elections as to their intent of which election cycle. The City Attorney recapped the Commission's schedule concerning discussion of this issue and highlighted what he presented to the Commission. He noted that one neighborhood had concerns and he anticipated receiving several proposals from them. He suggested the topic could be raised at the upcoming joint workshop with the Commission. If everything proceeds as planned, he anticipated there would be a redistricting ordinance on the agenda for the same date as the joint workshop. Chairperson Stern requested the City Clerk contact the supervisor of elections and state department to obtain their opinions for discussion at the joint workshop.

Ms. Golub raised the matter of the Commission authorizing leases of City land. She thought the idea of adding a fifty-year lease to another fifty-year lease so as to grant perpetuity should be reviewed. Chairperson Stern commented that some matters in the Charter may be more of a housecleaning for the future than implementing for today. In response to Mr. Jean, the City Attorney advised that the Charter provides for fifty-year leases with one fifty-year renewal period. Ms. Golub disagreed. She did not think the lease could be renewed until the end of the fifty years, however, the City Attorney indicated that is not in the language. Ms. Golub did not agree with that interpretation. The City Attorney commented that it is an interpretation that fits with what the Commission has done over the past fifty years. Ms. Golub preferred to make the Charter say what is meant and enforcing it accordingly. It appears that an interpretation was created to justify an act that was taken. She requested and there was no objection to add this topic to the joint workshop agenda. Ms. Golub left the meeting at approximately 6:20 p.m.

4. **Public input** - none

5. **Issues for future agendas**

Chairperson Stern noted that items have been raised for the upcoming joint workshop.

6. **Old business** - none

7. **New business** - none

There being no other matters to come before the board, the meeting was adjourned at 6:20 p.m.