

**CHARTER REVISION BOARD MINUTES  
CITY OF FORT LAUDERDALE  
November 22, 2011**

The meeting was called to order at 5:36 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 (left at 6:43 p.m.)  
E. Clay Shaw  
Judy Stern, Chair

Also Present: John Herbst, City Auditor  
Jonda K. Joseph, City Clerk  
Paul Bangel, Senior Assistant City Attorney

It was noted that upon official ratification of Mr. Shaw's reinstatement to the board, he will be a full voting member.

Chairperson Stern referred to the board's joint workshop with the Commission and identification of various sections the charter that the Commission directed be reviewed. The Supervisor of Elections would like (ballot) questions submitted no later than the candidate filing timeframe of June. Therefore the board needs to complete its work by May so there is time for Commission consideration before that timeframe in June.

**1. Approve minutes – September 1, 2011**

Ms. Golub noted that her name is incorrectly spelled.

With a **motion** made by Ms. Lescano and seconded by Mr. Jean, the September 1, 2011 meeting minutes were approved as corrected by unanimous vote.

**3. Discuss the subject of amending Article VI (Civil Service) and Article VIII (Public Property)**

Chairperson Stern highlighted those articles that were discussed at the joint workshop with the Commission. She also noted the City Manager's memorandum (11-06), dated November 1, 2011, addressing Article VI, Civil Service System, provided to the board and Commission. A copy of this memorandum is attached to these minutes. \*

Ms. Golub questioned if the City Manager's recommendation is to remove the civil service rules from the charter, and only provide in the charter, the desire for there to be a civil service system with the rules addressed by ordinance. She questioned the reasoning for including civil service in the charter initially which she gleamed was about seven years ago. Chairperson Stern indicated that the prior administration moved contract employees under the manager. The number of those employees jumped from nine to eighteen at the time. This is why the idea of reviewing this section came up. More compelling, Ms. Golub noted that there has not been any appointment to the Civil

Service Board for eight years. This board should weigh in on whether there should be a charter-authorized board that does not meet. There appears to be two issues: 1) to have no civil service and 2) to have civil service implemented by ordinance. She did not want any misunderstanding about there being a movement to take away civil service rights. Chairperson Stern pointed out this item was brought forward to the Commission, who then requested the City Manager provide a recommendation and the board to then provide their recommendation to the Commission.

Ms. Lescano questioned whether removing civil service from the charter would remove the obstacle that the City Manager experienced in converting directors to division directors. The Assistant City Attorney advised that those positions are not part of the civil service system. Much of the reorganization has been accomplished by ordinance. It does not address changing positions, titles and jobs, but rather the duties of a vacant, classified position. Mr. Shaw believed the City Manager is desirous of having the freedom to consolidate some positions which the charter seems to prohibit. Anything that he does of that nature would have to go before the Commission anyway in ordinance form. This would save money and that is the direction the Commission has given to the City Manager. The Assistant City Attorney explained that job classifications were deleted and others created. Mr. Jean questioned going forward with an amendment if the objective has already been accomplished. Chairperson Stern advocated cementing things to avoid future abuses. The goal would be to remove such flexibility. In response to her question, the Assistant City Attorney indicated he is unaware whether the City Attorney worked with the City Manager in the drafting of his Memorandum 11-06. He went on to point out that the City Manager's goal was accomplished via the ordinance amendment process. Ms. Golub did not think the former city manager was able to create additional positions without Commission approval. If this is the kind of issue to address, she was uncertain whether it should be put before the electorate. Chairperson Stern pointed out that the employment contracts were not presented to the Commission. The Assistant City Attorney indicated that Section 6.05 of the Charter, provides that the Commission shall establish a pay plan by ordinance. The pay plan contains the list of job classifications, titles, pay ranges, management categories, etc. He believed there would have been a pay plan amendment at the time, creating those job classifications which would have been approved by the Commission. Ms. Golub did not think that removing civil service from the charter would then not prohibit a manager from hiring too many directors. The Assistant City Attorney noted that actions with respect to positions were also taken through the budget process. The City Auditor indicated last year the Budget Office was reorganized through the budget process. He was never entirely comfortable with how it was done, because the budget is adopted by resolution, not ordinance. Nothing was done with the current budget process because of the constraint of time between when the City Manager came onboard and when the budget was to be submitted according to the charter. The City Manager now wants there to be instead a budget manager, not division, and that manager to fall under the City Manager's Office. It is being accomplished by the position of Assistant To The City Manager to accomplish this. He believed that the City Manager is looking for an easier way to accomplish such a change.

Chairperson Stern asked of the some thought behind the City Manager's memorandum (11-06), Lillian Rosa, Professional Standards Coordinator, Human Resources, indicated that the memorandum contains an example of how the City Manager was unable to quickly accomplish his reorganizational moves. There is reference to a non-classified employee not being able to have the duties of a classified position. Moving a former

director (non-classified) to a division or assistant director (classified) cannot be accomplished without a lot of steps. In response to Ms. Lescano, Chairperson Stern indicated that currently such a change goes before the Commission. According to the personnel rules, Ms. Rosa understood that it has not been fully accomplished because recruitment is required which would take several weeks and there may also have to be a pay plan amendment. In response to Ms. Golub, Ms. Rosa advised that the personnel rules are adopted by resolution and attached to the code of ordinances as Appendix A. The Assistant City Attorney advised that the personnel rules were adopted pursuant to the civil service system. Chairperson Stern questioned if classifying the position as at-will had a bearing. The City Auditor thought a solution might be to include division director positions in non-classified service. He did not think the City Manager wishes to reach into line manager/supervisor/foreman levels which is what the civil service system is designed to protect. The civil service system is designed to provide continuity of professional administration of day to day activities within the government. He believed the City Manager wants to be able to place key people into positions of leadership within the departments. A division director is a key management position and should be at-will. One would not want a manager to have the ability to replace people at the day to day job rank level. Expanding the number of non-classified positions might accomplish both aims: oversight and flexibility. Ms. Golub did not think there are obstacles in Article VI that would restrict a manager. The charter is broad. She agreed with the City Auditor. In response to Chairperson Stern, the Assistant City Attorney believed the last Civil Service Board meeting was in 2004 or 2005. Ms. Rosa advised that there are about 240 employees not covered by civil service. The City Auditor advised that there are roughly two thousand employees in all. The Assistant City Attorney noted that grievances, discipline and discharge issues are addressed in the collective bargaining agreements and not the civil service system, but recruitment is handled according to the civil service system. Ms. Rosa indicated that designated management and confidential employees are covered by the civil service system. In response to Chairperson Stern, Ms. Rosa advised that the Manager's recommendation is to remove Article VI from the charter and put it into the code of ordinances upon approval of the voters. Ms. Golub reiterated that she is not convinced that problems from the former administration were caused by Article VI of the charter. Chairperson referred to paragraph three of the proposal on page seven of the Manager's Memorandum 11-06. She thought placing the provision in the code of ordinances gives the Commission more flexibility to work with the administration. Stanley Hawthorne, Assistant City Manager, explained the issue is really about personnel administration activities that are ministerial in nature. Any changes to the pay plan must be made by ordinance. There are massive changes being made across the organization. Even a change to a position title must go through a pay plan amendment and takes an extended period. Where it makes sense for changes to be made it is archaic to be required to be approved by the voters. He referred to the survey of other communities that was done and that the Manager would like to change the process to align with what is done in other organizations. It is about efficiency in government. Mr. Golub was concerned about too much power being given to the City Manager. She asked where is the pay plan defined. She felt it is not so much the words of the charter, but the way it is being defined and implemented. Perhaps, it would be better to start with the definitions and personnel rules or remove from the charter whatever would facilitate amending the definitions. Mr. Hawthorne indicated that civil service and its administration is ministerial. The pay plan is only one example. The overriding issue is that this provision has become antiquated. There are a very small number of employees who even fall under this provision. A referendum is not required with respect to collective bargaining. The Assistant City Attorney noted that the pay plan is addressed in the code

of ordinances to the extent of 13-14 pages. Chairperson Stern pointed out that the City Manager indicates (in Memorandum 11-06) that a charter civil service system requires an election each time there is a need to change the methods of personnel administration. The request is to move the subject from something that would have to go before the voters to an ordinance at the Commission level for cost-savings and flexibility. Mr. Shaw questioned why it was ever put into the charter originally. The charter is very rigid and cumbersome. The manager could bring matters to the Commission and they could make decisions accordingly. He was comfortable moving it to ordinance form.

With a **motion** made by Mr. Jean and seconded by Ms. Lescano, to concur with the City Manager's recommendations with respect to Article VI of the charter as outlined in Memorandum 11-06 attached to these minutes, carried by a vote of 3-1. Ms. Golub voted no.

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Chairperson Stern indicated that Article VIII, Public Property, needs a lot of time invested. She wanted to request that the Commission authorize one member of the board to work with staff on this item. The City Clerk outlined the procedures for creation of a subcommittee. The Assistant City Attorney questioned the need for subcommittee when there are only five members on the full board. Without a quorum, it is unclear when official action is being taken and generally discussion only is about when the next meeting will be held. (Ms. Lescano left the meeting at 6:43 p.m. at this point of the discussion.) Ms. Golub asked how would one or more members of the board meet with staff to discuss the items that the board has been charged to handle. Chairperson Stern explained that the vote would be taken by the full board, not the subcommittee. Mr. Shaw pointed out the difficulties of two or more members meeting in view of the Sunshine Law. Chairperson Stern acknowledged that the meeting would have to be publicly noticed. It would be helpful to the board to have a work product similar to the City Manager's Memorandum 11-06. Mr. Golub suggested the board independently identify issues with Article VIII and such a list be circulated amongst certain departments for responses that would be in a public forum. Chairperson Stern indicated that it would be a public forum in either way. Further discussion ensued on past practice with respect to creation of subcommittees, the issue of creating a subcommittee and the logistics of working with staff. Ms. Golub suggested the Chairperson simply assign certain areas to individual members of the board and report back to the board. Mr. Shaw suggested the minutes (October 18, 2011 joint workshop) along with a memorandum from the City Attorney with some direction for the board could be presented at the next meeting. Chairperson Stern requested a copy of the joint workshop minutes be provided to the board and a workshop date to meet with staff could then be scheduled. The Assistant City Attorney thought the easiest way to get staff input would be to ask the City Manager. Because the board is already working at the direction of the Commission, it is simply a matter of coordinating with the City Manager how to get input from staff. Chairperson Stern indicated that she would meet with the City Manager and seek his advice. She was concerned about running out of time.

**2. Discuss the subject of amending City Charter, Articles III and IV (City Government and Form of Government and Elections)**

There was unanimous consensus to defer these items to the next meeting of the board.

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**4. Discuss any amendment to Charter suggested by Board Members**

**5. Public input**

Stephanie Auguiste, 14 SE 10 Street, inquired about the timeline for adoption of an ordinance. The Assistant City Attorney outlined the procedure. She questioned an ordinance that was presented to the individuals participating in Occupy Fort Lauderdale and with whom should she speak. Chairperson Stern explained the purpose of the board and suggested that she contact the City Manager's Office. The City Attorney and City Clerk offices could provide information about existing ordinances.

**6. Issues for future agendas**

Chairperson Stern noted the board is proceeding with those items it was requested to address.

**7. Old business - none**

**8. New business - none**

There being no other matters to come before the board, the meeting was adjourned at 7:03 p.m.



CITY OF

## FORT LAUDERDALE

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City Manager's Office

**Memorandum No.: 11-06**

Date: November 1, 2011

To: Charter Revision Board

From: Lee R. Feldman, ICMA-CM, City Manager

Re: Fort Lauderdale City Charter Article VI: Civil Service System (CSS)

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Since becoming City Manager, I have spent considerable time reviewing the organizational structure of the City of Fort Lauderdale. In August, I realigned the organizational framework by making departmental, divisional, and functional changes. Such changes will facilitate interdepartmental communication and collaboration around our core service areas.

Unfortunately, I have found that the civil service rules do not allow me the latitude to make the accompanying personnel moves. For example, I eliminated some department director positions and converted them to division directors. However, City Charter Sec. 6.02, Classified and non-classified service, states that "nonclassified personnel may not be assigned the duties of a vacant classified position except in accordance with the personnel rules and regulations". Such provisions present obstacles to the smooth implementation of the City's reorganizational objectives.

At the October 18, 2011, joint workshop between the City Commission and the Charter Revision Board, I stated that I would review and propose necessary modifications to Article VI of the City Charter, Civil Service System. City Commissioners also asked the City Manager's Office to research the charter provisions of other Broward County municipalities and of other cities similar in size to Fort Lauderdale.

This memo will: (1) summarize the current Fort Lauderdale charter section on the civil service system; (2) review the civil service sections in the charters or ordinances of other cities; and (3) propose that the civil service provisions be transferred from the Fort Lauderdale City Charter to the Code of Ordinances and explain the reasons why this is the recommended course of action.

## **FORT LAUDERDALE CITY CHARTER**

### **§ 6.01: Civil Service Established:**

Summary: This preamble establishes the civil service system (CSS) of personnel administration based on merit principles of employment. The CSS shall not be abolished or substantially modified except upon approval by referendum vote. The CSS and personnel rules do not apply to regular employees covered by a collective bargaining agreement.

[Note: Since department heads and bargaining unit employees are not covered the civil service rules, this charter section only applies to approximately 240 city employees.]

### **§ 6.02: Classified and Non-classified Employees:**

Summary: This section states that the executive officers (City Manager, Attorney, Auditor, Clerk) and their Assistants are non-classified and all other city employees are classified. Executive officers are appointed by the City Commission and positions in the classified service are filled in accordance with the personnel rules.

[Note: This section is somewhat redundant with the Charter sections concerning the specific executive officer positions. The following sections: City Manager and Assistant Managers (§ 4.05 - 4.07), City Attorney and Assistant Attorneys (§ 4.10 - 4.11), City Clerk and Assistant Clerks (§ 4.13), and City Auditor and Assistant Auditors (§ 4.14), also state that the executive officers and their Assistants are non-classified and exempt from the civil service.]

### **§ 6.03 Status of Present Employees and Offices:**

Summary: This section provides that a person displaced from non-classified service shall be eligible to go back to prior classified position. It "grandfathered" in employees in classified positions as of the charter effective date.

### **§ 6.04 Civil Service Board; Created; Composition:**

Summary: This states that the Civil Service Board shall consist of 3 members. It explains the purpose, duties, and powers of the board and how appointments to the board are made. It provides a disciplinary appeals process for regular employees.

[Note: The Civil Service Board has not met since approximately 2003 and no new appointments have been made.]

### **§ 6.05 Pay Plan and Personnel Rules:**

Summary: The City Commission shall establish a pay plan by ordinance and adopt personnel rules by resolution. The adoption or revision of personnel rules which have been disapproved by the civil service board shall require an affirmative vote of four city commissioners.

**§ 6.06 City Commission Involvement Prohibited:**

Summary: City Commission shall not direct the appointment or removal of city employees. All inquiries dealing with city employees shall be with the City Manager.

[Note: This section is redundant with City Charter § 3.07: Not to direct appointment of employees, which also states that the City Commission shall not direct the appointment of any employee and shall deal with the administrative service solely through the City Manager.]

**CHARTERS AND ORDINANCES OF OTHER CITIES**

1. **City of Pembroke Pines** Personnel administration is contained in the Code of Ordinances, not the City Charter.

City Charter § 4.08: Personnel System, states that personnel administration is based on merit principles. The Commission shall, by ordinance, establish personnel procedures and rules.

Pembroke Pines Code of Ordinances: § 34.25: The career service rules are repealed by the City Commission and the revised "Employees' Handbook" is adopted.

§ 34.26: The Employees' Handbook may be amended from time to time based on recommendations from city administration, the City Commission, employees, or interested citizens.

2. **City of Sunrise** Personnel administration is contained in the Code of Ordinances, not the City Charter.

City Charter § 4.07: Personnel System, the Merit Principle and Employee's Oath Personnel System based on merit. City Commission, by ordinance, shall create and maintain a personnel system with established procedures and rules. The City manager shall recommend personnel procedures and rules.

Sunrise Code of Ordinances, Chapter 10 – Personnel: Establishes rules and regulations for employees.

3. **City of Hollywood** Personnel administration is contained in the Code of Ordinances, not the City Charter.

City Charter, Article IX, Civil Service: "All sections of the former Article IX of this Charter, which provided the Civil Service System of the city, are ordinances which shall be amended or repealed as other ordinances."



Hollywood Code of Ordinances § 33.170 – 33.180 – Civil Service. Establishes a civil service system of personnel administration with a civil service board. The board adopts rules and regulations and conducts appellate hearings for grievances.

4. **City of Coral Springs** Coral Springs does not have a civil service system. Administrative personnel policies are published on the city website.

City Charter, § 8.11, Civil Service:

The City Commission may establish a personnel system based on merit principle and governing the employee appointment, promotion, and removal process; provided, however, that no ordinance establishing a civil service system for city employees shall become effective until approved at a referendum.

5. **City of Pompano Beach** Personnel administration is contained in the Charter and the Code of Ordinances.

City Charter, Article X, Department of Personnel, § 53, Civil Service Merit System: Personnel system is based on merit principles. To carry out this system there shall be a Department of Personnel and an Appellate Board to review personnel actions.

The City Commission, by ordinance, shall create personnel rules and regulations to effectuate the purpose and intent of this Article.

§ 53(4) Defines classified and non-classified service. § 53(7-16) Employees' Board of Appeals – 5 members, appointment, duties, appeals to the board.

§ 53(19) Amendments: "The civil service system, having been established by a referendum vote, cannot be abolished or substantially changed or modified except upon approval by a referendum vote, except that the section relating to the Employees' Board of Appeals may be amended, supplemented, replaced or superseded by ordinance established by the City Commission."

Code of Ordinances, Title III – Administration, Chapter 34, City Policy Contains classification and pay plans and establishes an Employee Board of Appeals.

6. **City of North Lauderdale** Personnel administration is contained in the Code of Ordinances, not the City Charter.

City Charter, Article 1X: General Provisions, § 9.1 Civil Service System: The City Council shall create, by ordinance, a civil service system, based upon merit principles. The ordinance creating the CSS shall set forth the powers and duties of the civil service board. § 9.1(a).

Defines classified and non-classified employees. § 9.1(b).

North Lauderdale Code of Ordinances, Chapter 46 – Personnel, Article II – Civil Service System, § 46.36-50 Civil Service Board created (§ 46.38). 5 principal members and 2 alternates. Duties of Board (§ 46.39).

Pay Plan – establishment, management, maintenance (§ 46.71-73).  
Classification Plan and Administration (§ 46.96-103).

7. **City of Miramar** The City Charter has a civil service section which creates a civil service board. Civil service rules and regulations are contained in the Code of Ordinances.

City Charter Article VIII – Civil Service: Creates a civil service board and provides the methods for appointing, electing, and removing board members.

Miramar Code of Ordinances, Chapter 16, Civil Service Rules and Regulations: This section contains the classification and pay plan and the civil service grievance procedures.

8. **City of Gainesville** Gainesville does not have a civil service system. Personnel administration is neither contained in the City Charter nor in the Code of Ordinances. Administrative personnel policies are developed internally.

9. **City of Port St. Lucie** Personnel administration is contained in the Code of Ordinances, not the City Charter.

City Charter, Article VIII– Civil Service Board: § 8.01 "When the city council deems it necessary, and it is in the best interests of the city, the city council may, by ordinance, create a civil service board and a civil service appeals board."

City Charter, Article X – Administrative Departments: The personnel system shall be based on merit principles. The City Manager proposes personnel rules to the City Council who may adopt them by ordinance.

Port St. Lucie Code of Ordinance Chapter 34 – Personnel Policies: Personnel Policies are adopted. It establishes a civil service appeals board and sets forth the board's powers and duties.

10. **City of Cape Coral** Personnel administration is contained in the Code of Ordinances, not the City Charter.

City Charter – Article VI – Administrative Departments: The city council shall, upon recommendation of the city manager, establish personnel standards. The

personnel standards provide a classification and pay plan procedures for appeals of disciplinary actions.

Code of Ordinance, Article III – Personnel Rules and Regulations: Contains procedures for employee appointments, classifications, compensations, disciplines and appeals.

11. **City of Miami Beach** The City Charter has a civil service section which creates a civil service board. Civil service rules and regulations are contained in the Code of Ordinances.

City Charter, Article IV – Civil Service System: Charter states that certain classified employees are in the civil service. Personnel Board of nine members is created and duties are defined.

Miami Beach Code of Ordinances, Chapter 2, Article IV – Officers and Employees: This section lists city departments, defines the appointing authority, and provides for removal from office.

12. **City of Clearwater** Personnel administration is contained in the Code of Ordinances, not the City Charter.

City Charter, Article III, Administration § 3.05 Appointments and promotions of city officials and employees, except those specifically exempted by ordinance, shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence as provided by law.

Clearwater Code of Ordinances, Chapter 2 – Administration § 2.281 – 2.291 Civil service board is created, 5 members. Personnel policies are established in the ordinances.

13. **City of Tallahassee** Tallahassee does not have a civil service system. Personnel administration is neither contained in the City Charter nor in the Code of Ordinances. Administrative personnel policies are developed internally.

14. **City of Orlando** City Charter creates a civil service system for Police and Fire departments personnel only. General employees and management are not part of the civil service system. Personnel rules are created administratively.

City Charter, Chapter 13, Powers of the City Generally § 58-59, Civil service board (5 members) is created; Applicability of Act to Police and Fire Department Personnel.

15. **City of North Miami** Personnel administration is contained in the City Charter, not in the Code of Ordinances.

City Charter, Article XI – Department of Personnel, § 137-152: Merit basis of appointment, personnel board created, powers and duties. Defines unclassified and classified service.

### **CITY OF FORT LAUDERDALE PROPOSAL**

The review of other city charters and codes of ordinances demonstrates that many Broward County municipalities and similarly-sized cities do not have the civil service system codified in the City Charter. Many charters contain a statement that the city's personnel administration is based on a merit-based personnel system, however, the actual civil service policies and procedures, if any, are in the code of ordinances.

Of the 15 cities reviewed, three of them do not have a civil service system and do not have their personnel provisions in either the charter or the code of ordinances (Coral Springs, Gainesville, and Tallahassee). Seven of them have their personnel administration systems within the code of ordinances but not in the city charter (Pembroke Pines, Sunrise, Hollywood, North Lauderdale, Port St. Lucie, Cape Coral, Clearwater). Four cities (Pompano Beach, Miramar, Miami Beach, North Miami) have charter sections that create civil service boards and the personnel rules are contained in the code of ordinances. One charter, in Orlando, creates a civil service system for police and fire department personnel only but general employees and managers are not included in the civil service.

Having the personnel administration system in the code of ordinances instead of in the city charter provides the cities' elected officials and administrators with greater flexibility to adopt the procedures that best suits their needs. A charter civil service system requires the municipality to hold an election each time there is a need to change the methods of personnel administration. Such city-wide elections can be very expensive and time-consuming and the associated costs and time may serve as a barrier to accomplishing the city's goals.

The City of Fort Lauderdale should hold a referendum at the next scheduled city-wide election to ask the city voters to approve the transfer of the civil service provisions from the city charter to the code of ordinances.

On November 2, 2010, the City of Hollywood held a voter referendum in which the voters were asked to approve the transfer of the civil service provisions from the city charter to the code of ordinances. The following ballot question was presented to the Hollywood voters:

#### **CONVERSION OF CHARTER PROVISIONS TO ORDINANCES**

*These amendments would remove from the City Charter the provisions contained in Article IX regarding civil service, Article X regarding the*

*general employees pension plan, and Article XII regarding the firefighters pension plan. These provisions would become ordinances of the City, subject to amendment or repeal as other ordinances, except as otherwise provided therein. The ordinances resulting from these amendments would contain the exact language that is removed from the Charter.*

*Should the City Charter be amended to remove from the Charter the provisions regarding civil service, the general employees pension plan, and the firefighters pension plan and make such provisions ordinances?*

Yes \_\_\_\_\_

No \_\_\_\_\_

The referendum passed 52.98% (12,645 votes) to 47.02% (11,221 votes)]<sup>1</sup>. The City of Fort Lauderdale can adopt the same procedure that Hollywood used to accomplish the transfer of the code sections. PLEASE NOTE: Although the Hollywood example above includes a reference to their pension system, the proposed Fort Lauderdale referendum WOULD NOT affect the city pension systems. The proposed ordinance would be strictly limited to the civil service system.

**PROPOSED FORT LAUDERDALE VOTER REFERENDUM**  
**CONVERSION OF CHARTER PROVISIONS TO ORDINANCES**

*These amendments would remove from the City Charter the provisions contained in Article VI regarding civil service. These provisions would become ordinances of the City, subject to amendment or repeal as other ordinances, except as otherwise provided therein. The ordinances resulting from these amendments would contain the exact language that is removed from the Charter.*

*Should the City Charter be amended to remove from the Charter the provisions regarding civil service and make such provisions ordinances?*

Yes \_\_\_\_\_

No \_\_\_\_\_

The entire civil service section should be transferred from the charter to the code of ordinances at the same time to avoid the voter confusion that could arise if voters are faced with multiple ballot questions at once. Also, a ballot question which attempts to amend several provisions of the civil service section could violate the single subject rule which requires referendums to limit the number of topics addressed. For example, if the City of Fort Lauderdale wanted to amend Charter sections 6.02, 6.04, and 6.05, the city would have to do it on a piecemeal basis because one ballot question could not simultaneously address the civil service board and the pay plan provisions.

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<sup>1</sup> <http://www.hollywoodfl.org/election/2010/2010results.htm>

City Manager's Office Memo 11-06  
November 1, 2011

By having just one ballot question regarding the city's civil service system, the city would minimize voter confusion or frustration. Additionally, the city would not have to engage in protracted and expensive voter education campaigns to inform the voters of the proposed changes.

The City Commission can place this voter referendum on the ballot for the November 6, 2012 general election because it does not have to take the time to revise individual subsections of Charter Article VI – Civil Service System. Once the section is placed in the Code of Ordinances, the city commission can amend the ordinances to adopt the best personnel system for the City of Fort Lauderdale.

cc: Honorable Mayor and City Commissioners  
Harry A. Stewart, City Attorney  
Jonda K. Joseph, City Clerk  
John C. Herbst, City Auditor  
Stanley D. Hawthorne, Assistant City Manager  
Susanne M. Torriente, Assistant City Manager  
Chaz Z. Adams, Acting Public Affairs Manager