

APPROVED

**CHARTER REVISION BOARD MINUTES
CITY OF FORT LAUDERDALE
April 5, 2012**

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
E. Clay Shaw (arrived momentarily)
Judy Stern, Chair

Also Present: Jonda K. Joseph, City Clerk
Paul Bangel, Senior Assistant City Attorney
Lee R. Feldman, City Manager

1. Approve minutes – February 2, 2012

With a **motion** made by Ms. Lescano and seconded by Mr. Jean, the February 2, 2012, meeting minutes were approved by unanimous vote.

2. Discuss Amending City Charter, Articles III and IV (City Government and Form of Government), VII (Elections) and VIII (Public Property)

Chairperson Stern summarized previous work of the board.

As to Public Property, Ms. Golub advised that the list of matters furnished by Phil Thornburg, Director of Parks and Recreation, are not worthy of charter revision in her opinion. If something is removed, she would be happy to discuss those items. She agreed to present a formal document to the Senior Assistant City Attorney for review and presentation to the board and ultimately the Commission.

As to terms of office, Mr. Jean believed there was some concern about an amendment to change the term from three to four years. He wanted to confirm any amendment would impact future officials only. Chairperson Stern indicated there was some discussion about staggering terms. She emphasized the fiscal impact of the current election cycles. Mr. Jean questioned the actual dollar amount as to impact. The City Clerk advised that the Broward County Supervisor of Elections has not provided a specific dollar amount. There is a wide range as to cost. Mr. Jean supported a four-year staggered term. In response to Chairperson Stern, the City Clerk noted that the election date change from February to January was a special time in history with the entire primary being changed. The cost was based on a percentage of estimated voter turnout and a cost per ballot. Another factor is the number of cities that happen to be participating at a particular time. The City has the cost for the 2012 elections. Chairperson Stern was interested in the cost for a municipal primary versus a regular election cycle. The City Clerk explained that it is not possible for the Supervisor of Elections to be specific on a blanket basis. Should Fort Lauderdale move to November, there are other cities that would participate from time to time and other times would not.

She offered to furnish the cost differential from the City holding its primary on January 31, 2012 (conjunction with presidential preference) instead of February. The Senior Assistant City Clerk agreed that it is a matter of needing to know how many municipalities would be involved. Congressman Shaw provided the history on how the terms were changed from two to three years. He also supported a four-year staggered term. There will be a savings. He wanted to make a recommendation to the Commission on this matter.

Discussion turned to the mayor's race in relation to that of the commissioners if the terms were staggered. Chairperson Stern indicated another question is whether a primary be eliminated. Congressman Shaw questioned if a runoff has ever varied from the primary. Chairperson Stern advised yes, in 2006 Commissioner Rodstrom would have lost without a runoff. Also in 2009, Commissioner Roberts was in second place and moved to first place in the runoff. Congressman Shaw and Mr. Jean concluded there is value in a primary. Chairperson Stern pointed out the examples are a February cycle with a smaller turnout than what would occur in November. The \$250 personal contribution limitation and no corporate contributions whatsoever is very restrictive and makes it difficult for a candidate to get his or her message out. The City Clerk noted that there is a state law prohibiting cities in the November cycle from having a primary. Chairperson Stern indicated there is legislation on the governor's desk now aligning filing dates for municipal candidates whose elections are in November will be the same as County filing dates. In response to Ms. Golub, Chairperson Stern indicated that without having a primary, the 50 percent plus one vote requirement to win would be waived. In response to Mr. Jean, Chairperson Stern explained there would not be any cost-savings if the elections were maintained in the spring. She thought that increasing the contribution limit may be an item to address at a subsequent charter revision. She went on to comment that a change to November responds to the budgetary aspect and the public outcry about low voter turnout.

Mr. Jean asked if the City's election cycle could be changed to August. The City Clerk indicated that the Broward County Supervisor of Elections has frowned upon municipalities participating in the August cycle, but she did not know of any law that would prohibit it. Mr. Jean was concerned about the City's candidates being far down on a November ballot with it being either presidential or gubernatorial each time. Chairperson Stern noted that both judicial and school board candidates, which are non-partisan, occur in August, and she would not oppose August. Ms. Golub preferred November than to relying on absentee ballot for a traveling population. Chairperson Stern discussed recent turnout. Congressman Shaw felt there are three topics for the board. He believed there is consensus on a change to four-year terms. Secondly, there is the question of staggered terms. It would be a little confusing to voters and the City would have to gear up for an election every two years instead of four. Lastly, there is the topic of campaign contributions. He did not think this one should go forward.

Congressman Shaw thought perhaps staggered terms may not be such a good idea. It could be confusing to the voters. He wanted to recommend four-year terms only. Discussion ensued about the concept of the mayor running separate from the commissioners and how the City could transition into staggered terms. Ms. Golub pointed out it would be difficult to decide which districts would be on the ballot with the mayor. Congressman Shaw pointed out that a commissioner with a four-year term could take a free shot at the mayor and retain his or her seat. Chairperson Stern thought this could be addressed with the resign to run requirement. She went on to comment on the

numerous cities that have moved to November. The recommendation could be forwarded to the Commission and the board could collect information from other Broward municipalities. Senior Assistant City Attorney pointed out that without a primary there could be a plurality. Chairperson Stern noted that a plurality can occur now in partisan elections. In response to Congressman Shaw, Chairperson Stern indicated that charter amendment questions could be on the ballot as early as August. The City Clerk advised that historically there have not been municipal questions on the August ballot. Mr. Golub thought that the Commission may want more time to inform the public. Congressman Shaw wanted to only recommend the four-year term amendment. Chairperson Stern felt there is consensus on the four-year term and moving elections to November. She thought the board should also raise the idea of staggered terms. Ms. Golub felt issues should be raised so as not to advocate a change that has a snowball effect without recognizing what would result from such a change. Absent a specific recommendation, the board could raise the issues and gather information. Chairperson Stern reiterated the impetus of considering a change was fiscal responsibility. Some discussion ensued as to the filing fee.

In response to Chairperson Stern, the City Clerk advised two hearings would be required for an item to be approved for placement on a ballot. Chairperson Stern concluded the matter would need to be presented in May in order for the ballot question to be considered by the electorate in 2012. The City Manager wanted to check with the Supervisor of Elections on the timeline in that he believed there is a statute providing for submittal forty-five days prior to the election date.

Discussion returned to the staggering of terms. Congressman Shaw indicated the question would need to be resolved as to whether a sitting commissioner would have to resign to run against the mayor. The City Manager noted that the resign to run law would apply.

As he is out of town often in the summer, Congressman Shaw indicated he intends to ask Commissioner Rogers to appoint someone else.

Ms. Lescano understood that the first cycle for mayor would be six years for the purpose of creating staggered terms. Mr. Golub clarified that in the first election the mayor would run for six years. Chairperson Stern suggested the current terms be extended for a period of one-year so that there would not be an election until 2016. Ms. Golub pointed out that thought should be given as to whether the mayor or commissioners should be set to run with the president or governor. Congressman Shaw thought the provision of a six-year term for the mayor could cause the amendment not to pass. Ms. Golub pointed out that the alternative would be two years. Both Congressman Shaw and Ms. Golub thought the two items of term and staggering should be separate questions. Chairperson Stern and Ms. Golub concluded that a decision needs to be reached on whether the mayor or the commissioners would have an initial six-year term and how current terms would be extended to 2016.

Ms. Lescano framed a directive to the Senior Assistant City Attorney to draft a proposed amendment to those areas of the City Charter germane to those issues discussed by the board this evening for the board's review.

There was consensus for arrangements to be made for the board to meet on April 18 subject to room availability and a quorum.

3. **Discuss any amendment to Charter suggested by Board Members** – none
4. **Public input** - none
5. **Issues for future agendas** - none
6. **Old business** - none
7. **New business** - none
8. **Adjourn**

There being no other matters to come before the board, the meeting was adjourned at 6:51 p.m.