

APPROVED
CHARTER REVISION BOARD MINUTES
CITY OF FORT LAUDERDALE
April 24, 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 (arrived at 5:42 p.m.)
E. Clay Shaw
Judy Stern, Chair

Absent: Maria Del Rosario Lescano

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

1. Discuss Amending City Charter, Articles III (City Government), VII (Elections) and VIII (Public Property)

Chairperson Stern explained the purpose of this meeting and status of the Board's work in preparation for recommendations to be presented to the City Commission.

Ms. Golub indicated that she has conducted a careful review of Article III and met with the Director of Parks and Recreation. Most of this article would fall under the jurisdiction of that department. Considering other articles that Board has identified with significant and current germane issues, she felt Article VIII could be deferred until the next cycle of review.

Article VI (Civil Service System - Senior Assistant City Attorney asked about the status of Article VI (Civil Service System) and specifically when the Board wanted this item to be presented to the Commission. Chairperson Stern understood the item was being moved forward based upon the Board's acceptance of the City Manager's recommendation. As this item is not reflected on the agenda, she asked about the procedure in bringing this item before the Commission. Discussion ensued about timing issues with the Supervisor of Elections. Chairperson Stern noted it would be easier on their staff if all items are submitted together. (Mr. Jean arrived at approximately 5:42 p.m.) Chairperson Stern read the final motion on Article VI from the November 22, 2011 Board meeting: 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. She felt the motion is sufficient direction to pass it along to the Commission.

Articles II (City Government) and VII (Elections) – Senior Assistant City Attorney provided two options which are attached to these minutes and summarized them.

After review of the concept in written form, Ms. Golub was not in favor of extending the term of office. Chairperson Stern clarified that the information would be reflected on the

ballot and therefore the voters would know they would be electing an individual for a period of six years for one time only. Mr. Golub pointed out another alternative would be an initial two-year term and then go to four years. Continuity is present in the existence of a city manager and staff. Institutional knowledge on the part of the Commission could be assisted by the administration. Having elections every two years may not be any more cost effective than every three years. Chairperson Stern advised that there is in fact a huge savings. Ms. Golub thought the Board was to be provided with data on the cost savings. Further she questioned the extension of term limits from nine to twelve years, and whether the charter provision on number of terms should be addressed with this change. Congressman Shaw believed there is consensus to extend the commission terms. The second question is what can be presented that would have a chance of passing. He did not think a six-year term would be approved. The third question is putting something forward that would be more costly in the long-run, that is the cost of an election every two years. He felt this would be a mistake. He recommended four-year terms with all members of the Commission, including the mayor, run at the same time. Staggered terms will be more costly. Chairperson Stern pointed out that by moving municipal elections to either the governor's or presidential races. The cost is essentially for pollworkers. Other costs are already covered for November elections. The City Clerk agreed that the pollworker cost is significant and the City is part of it. For the last election when the City joined with Broward County, the cost was approximately \$29,000. It always depends on how many other cities are participating. There are other costs besides pollworkers. Separately from the Supervisor of Elections' billing, the City incurs costs in the range of \$10,000. The March stand-alone election was approximately \$183,000. Chairperson Stern pointed out that joining the November cycle would put the City's costs closer to \$29,000 versus \$183,000.

Congressman Shaw thought that a staggered term concept would confuse voters. A brief discussion followed about term limits. Mr. Jean supported staggered terms and did not object to the number of terms. He did not like the idea of the full Commission being on the same ballot. Chairperson Stern felt the priority is changing the election time and eliminating the primary. She did not have a preference on the question of staggered terms and understood arguments on both sides. Fort Lauderdale is the only city in the county with primary elections. She was comfortable in recommending the term be extended an extra year from 2015 to 2016, and went on to comment that all of the other cities in the county had to do the same thing to move to the November cycle. Moreover the taxpayers were comfortable in view of the cost. She agreed with Congressman Shaw about term limits in that voters can always not re-elect someone. Ms. Golub felt the Board should make a recommendation on term. Chairperson Stern supported three, four-year terms. It gives an elected official time to learn and then perform. She requested the ballot language mention that there is a fiscal saving.

With respect to staggered terms, both Chairperson Stern and Mr. Jean indicated they could go either way on this point. Mr. Jean felt terms for the full Commission all being four years might be more palatable because it is close to what the public is used to. Some discussion followed as to whether the City elections should be tied to the gubernatorial *sp or presidential cycles. In response to Ms. Golub, the City Clerk indicated that the cost to join either the gubernatorial *sp or presidential is the same. Chairperson Stern understood that the base costs are the same regardless. The number of pollworkers is the additional cost to the City and with the City joining a general election, the number of pollworkers would be the same. The City Clerk added that another factor is how many cities are participating. In response to Ms. Golub, the Senior Assistant City

Attorney explained that both options he provided have to do with staggered terms. The difference is that in one the mayor has the first term after 2016 being six years and the commissioners have four years. The other is four commissioners have the first term after 2016 being six years and the mayor has four years.

The Senior Assistant City Attorney indicated if there is consensus for staggered terms, the question is length of the initial term being six or two years. The next question is which position or positions would be for six years and two years. The last question is whether present terms are extended in order to achieve staggering. If the answer is no to staggering these sub-issues do not have to be addressed. If there is consensus to move City elections to the November general election cycle, the question is when would it happen. This would also involve extending terms for something left in the year. There is the issue of eliminating City primaries. Lastly, there is the issue of extending terms from three to four years. Ms. Golub felt the issue of term limits should also be included.

Chairperson Stern posed the scenario of no staggering, three, four-year terms and moving to November and eliminating the primary. She felt moving to November and eliminating the primary is everyone's priority based on fiscal responsibility. The Senior Assistant City Attorney noted that the charter provision does not specify the number of years in a term, but rather just the number of terms. Ms. Golub commented that regardless of whether staggering is the recommendation, an election could be held in 2015 wherein the voters would be put on notice that the candidate would be in office until 2020. Instead of extending the terms of the sitting officials, there could be an election for new people to be in office until the next four-year November cycle. Chairperson Stern pointed out that 2015 is an off year.

With respect to changing the duration of terms from three to four years, there was unanimous consensus approval.

With a **motion** made by Mr. Jean and seconded by Congressman Shaw that there would be no term staggering, carried by a vote of 4-0.

With a **motion** made by Ms. Golub and seconded by Mr. Jean to move elections to November to coincide with either a gubernatorial *sp or presidential election, carried by a vote of 4-0.

With a **motion** made by Congressman Shaw and seconded by Mr. Jean that the next election be held in 2016, the second Tuesday after the first Monday to coincide with the presidential election, carried by a vote of 4-0.

During discussion of the above motion, both Chairperson Stern and Congressman Shaw indicated the motion would include extending the incumbents' terms by one year. Ms. Golub thought the Board had decided upon the gubernatorial *sp election cycle. Mr. Jean thought a gubernatorial *sp election will coincide at some point in time regardless. Chairperson Stern felt that campaign costs are less with the gubernatorial *sp race being the competition as opposed to a presidential race. Congressman Shaw preferred presidential because of the turnout.

The Senior Assistant City Attorney pointed out that with the election being in March, starting this in 2016 would add eighteen months. Chairperson Stern indicated that the qualification period would also change to June according to a new state law. This gives

more notice to the public of the candidates in that currently qualification is in January and the primary is the end of January.

With a **motion** made by Congressman Shaw and seconded by Mr. Jean to eliminate the primary election, carried by a vote of 4-0.

During discussion of the above motion, the Senior Assistant City Attorney pointed out that the result could be a plurality and not a majority.

In response to Chairperson Stern, the Senior Assistant City Attorney noted the charter provides for three terms only, but does not specify the number of years. It was confirmed for Ms. Golub that the public may address the Commission on this topic. She reiterated her concern about the Board not addressing the issue of terms when the number of years is essentially being extended. She believed it will be something the Commission will have to address.

The Senior Assistant City Attorney advised that there are a couple of ways to get the Board's message to the Commission. On their conference agenda, there is a section for communications from boards. Another option would be for the City Attorney's Office to place the item on the agenda. In any event, he felt it should first go to the conference. He went on to ask if Article VI, Civil Service System, should be included with these recommendations made today. Chairperson Stern advised yes. She wanted the recommendations scheduled on a conference agenda. For the benefit of transparency, she wanted it shown as an agenda item. The City Clerk raised the issue of timing for passage of legislation by the Commission once it has considered the recommendations and any deadline of the Broward County Supervisor of Elections. Discussion ensued about when the matter would be scheduled on a conference agenda. The City Clerk indicated that the agenda material for the May 1 meeting is being prepared now. The Senior Assistant City Attorney indicated that he could very likely be able to get the Board's communication to the Commission on May 1 in some form.

With a **motion** made by Congressman Shaw and seconded by Ms. Golub to authorize the City Attorney to present the Board's recommendations based on actions taken today along with Article VI, Civil Service System, to the Commission, carried by a vote of 4-0.

Continued – see below.

2. Public input

Chairperson Stern responded to a question posed by Robert Walsh, Fort Lauderdale resident, relating to election costs and the impact of other cities participating at the same time as Fort Lauderdale. Mr. Walsh supported the recommendations.

1. Discuss Amending City Charter, Articles III (City Government), VII (Elections) and VIII (Public Property)

More discussion ensued as to the timing of legislation being considered by the Commission and how the Board's recommendations should be presented. The Senior Assistant City Attorney noted another approach would be to first schedule the recommendations as a conference report. It was noted that an ordinance would be

required for a matter to be placed on the ballot and an ordinance would require advertising.

In conclusion, Congressman Shaw indicated that he attempted to accomplish these changes thirty-five years ago. At the time the Commission compromised at three years.

3. **Issues for future agendas**

4. **Old business**

5. **New business**

Congressman Shaw referred to his absence rate during the Summer and indicated he will be asking Commissioner Rogers to consider a replacement on this board.

6. **Adjourn**

There being no other matters to come before the board, the meeting was adjourned at 6:57 p.m.