

CITY COMMISSION WORKSHOP WITH CHARTER REVISION BOARD

December 1, 2009

Present: Mayor John P. "Jack" Seiler
Vice Mayor Bruce G. Roberts, Commissioners Charlotte E. Rodstrom,
Bobby B. DuBose and Romney Rogers

Charter Revision Board Members Present: Chair Mark E. Ketcham, Vice Chair Maria Del Rosario Lescano, Alain Jean, Judy Stern and E. Clay Shaw

Also Present: City Manager – George Gretsas
City Auditor- John Herbst
City Clerk - Jonda K. Joseph
City Attorney - Harry A. Stewart

Mayor Seiler called the meeting to order at 12:14 p.m. in the 8th floor conference room of City Hall. Introductions were made.

Chair Ketcham indicated the board would like to know Commission consensus of what it would like to see happen.

The City Attorney noted the deadlines by the Supervisor of Elections, Commission public hearings and action by the board. Ultimately the board would need to finalize their recommendation(s) in April.

Commissioner DuBose wanted to consider the Commission regular meetings ending at a time certain with provision by super majority to extend a meeting. He wanted to consider having conference meetings once a month perhaps on a different day in the evening that would be more inclusive. The City Attorney advised that a time limit may be included in the charter, but the ordinance controls that the Commission will meet on the first and third Tuesdays. The charter provides that the Commission will meet twice a month. Commissioner DuBose noted there is nothing that requires two conference meetings. Mayor Seiler thought there could be a look at evening conference meetings and offered the idea of a rotation. He pointed out it would require employees to be available another evening. He also suggested holding an evening conference meeting in each district once a year, although he did not think that is a charter issue. Ms. Stern noted it might impact the televising and technology requirements. Commissioner Rodstrom wanted to increase the number of conference meetings.

Commissioner DuBose indicated he would also like to see the Community Redevelopment Agency (CRA) meetings held at a later time to encourage more public participation.

In response to Commissioner Rogers, the City Attorney advised he will be issuing a memorandum tomorrow concerning moving the one month suspension of Commission meetings (recess – vacation). The meetings may be changed by motion to implement a different one-month recess. A month is defined as thirty days. Mayor Seiler noted the idea previously discussed was to meet the first Tuesday in July and the third Tuesday in August because school vacation time has changed.

Commissioner Rogers referred to Section 8.04 concerning the sale of public property, and noted there may be need for revisions such as requiring appraisals. With respect to Section 2.09, there may be a restriction with respect to affordable housing that may need to be modified.

Commissioner Rogers suggested thought be given to more home rule language being added, such as a taxpayer bill of rights.

The City Attorney advised the section referenced is a 1961 special act and a precursor to the CRA. It is an appendix to the charter because the charter could not repeal the special act. The urban renewal part is not used. He will look at the language from the standpoint of ease of selling property for urban renewal purposes to determine if the CRA needs to be amended and consequently the charter in order to do so.

Commissioner Rodstrom noted her constituents suggested changing commission terms to coincide with other elections to avoid the separate cost as well as a vote by the people for any substantial property sale. She raised the issue of powers with respect to the manager and commission.

Vice Mayor Roberts referred to that section pertaining to the civil service system and such areas as division of labor and restrictions as well as flexibility. He wanted to look at anything relating to financial requirements. He agreed with Commissioner Rodstrom concerning term limits. Essentially personnel, financial and term limits.

Mayor Seiler was not in favor of revisiting term limits. Vice Mayor Roberts clarified his point is the timing of the elections and in that regard changing the length of a term to put the City election process in sync with other elections in 2010.

Mayor Seiler wanted to see a five-year budgeting plan required in the charter. Chair Ketcham advised that item has been recommended by the board. The City Attorney indicated the ordinance will be presented to the board at their next meeting. Ms. Stern was concerned about the allotted time for review of the budget and the public hearings. She suggested May and June. Commissioner Rogers cautioned that the estimates are needed from the Property Appraiser. The City Manager believed the charter provision that references July has to do with release of the official budget. Mayor Seiler questioned if it is necessary to amend the charter in order to work on the budget (before July). The City Attorney replied no, it would be simply direction to the City Manager. In response to Commissioner Rogers, Mayor Seiler indicated it would be a forecast that forces one to think beyond 365 days. No one objected to this item.

Mayor Seiler believed that employment agreements that provide for severance should come before the Commission. It has nothing to do with any existing employees. The Commission enters into agreements with the charter offices and the unions, but this is another layer of employees whose agreements are not approved by the Commission. Commissioner Rogers did not disagree with notice to the Commission but felt approval of such agreements interferes with the Commission hiring a professional manager to run the City. Commissioner Rodstrom questioned the impact and provision for severance in the budget that is approved by the Commission. Vice Mayor Roberts felt the distinction is not the selection process but contractual obligations or the terms. Commissioner DuBose disagreed and went on to indicate that financial flexibility is needed in the hiring process based on the marketplace. Changing this takes away from the city manager form of government. Commissioner Rodstrom felt the object is the amount of money for

severance and where it is provided in the budget. In response to Mayor Seiler, the City Manager indicated there is evidence of employment contracts dating back twenty-five years. He limited severance for department directors to three months severance and three months notice; previously it varied. If a manager's hands are tied and the Commission approves department directors, it is controlling employment matters. It becomes a politically driven form of government. The Commission may wish to convert to another form, but with a hybrid, the City would have the worst of either of these forms. Severance has to do with recruitment. There has not been any issue with this for some twenty-five years. Commissioner Rodstrom understood the need for severance for initial recruitment, but questioned the need year after year. The City Manager commented that when he first arrived, department directors were leaving. People like security. Without it, it is not a stretch of thinking that they will start to leave. Mayor Seiler was not interested in serving in a strong mayor form of government. His issue on severance and notice has strictly to do with the budget. If employment contracts are capped at three months notice and three months severance, he suggested a provision in the charter that no employment contract shall go beyond three months notice and three months severance without prior approval of the Commission. Vice Mayor Roberts agreed with such a maximum and indicated his concern is financial also. He understood that the City has to be competitive with respect to recruitment.

Ms. Stern asked the City Clerk to do a survey of all Broward cities. Mayor Seiler felt that is something for the board, but asked if any board members object to the three-month notice and three month severance. Chairman Ketcham noted that it could be longer with Commission approval. He did not want to tie the hands of government in the future.

In addition to the three months notice and three months severance, Mayor Seiler felt the Commission should see every contract. The City Manager consented.

With respect to a taxpayers bill of rights, Mayor Seiler provided some history on the topic, noted it passed in the State of Colorado and commented on some difficulties. Commissioner Rogers noted that one size does not fit all and the government loses its ability to control its own destiny. He suggested some language in the charter that cements home rule and proactive things with regard to budgetary efficiency. Perhaps, maximum increases could be considered. Commissioner DuBose agreed. A brief discussion ensued of examples in St. Petersburg and Jacksonville.

Mayor Seiler noted the charter has no provisions on lobbying or ethics. He wanted the board's feedback. Congressman Shaw pointed out that anything put in the charter will be a limitation of power or a mandate to the City. He did not think anything that could be addressed by ordinance should be included in the charter. Regardless of whether it is practical, anything on ethics to be voters is like red meat. There are many laws that mandate all of this. Anything on ethics would require a great deal of study and care. He questioned if this board has the background. Hearings would almost be needed. Most of the items discussed today could be addressed by ordinance. Mr. Jean saw the charter as the City's constitution and wanted it to remain as flexible as possible. He would find it difficult to resolve a political matter with the charter. Ms. Lescano thought other charters could be examined to see if this is something generally included. Ms. Stern suggested possibly an ethics workshop on existing laws. Mayor Seiler agreed with Congressman Shaw as to addressing items by ordinance if possible. However, because it extends beyond one year, he felt the budgeting process should be included in the charter. He did not think the board has to present recommendations just to do something.

Ms. Stern requested an organizational chart.

Commissioner Rodstrom did not want to discourage the board from looking at other charters across the country. If there is any strengthening, she wanted the board to feel comfortable bringing it forward.

Commissioner Rogers wanted feedback on changing the election cycle because there is some financial savings. Ms. Stern indicated that the former board examined it. For the November cycle, the cost of an election is more expensive. There was then the question of whether the public would be willing to change the candidate contribution levels, and no one wanted to change the \$250 personal contribution limit with no corporate permissible. As to election costs, she referred to a memorandum to the Charter Revision Board from the City Clerk, dated April 28, 2008. Mayor Seiler thought if the time was changed, the City would be far down on the ballot. The City Clerk noted the City would not be able to have a primary. The City Attorney advised there is a special act for Broward County municipalities whose elections occur in November that they do not have primaries.

Chairman Ketcham suggested instead of one hundred precincts, there be ten super-precincts. This would not have to be in the charter. The City Attorney did not believe the City sets the precincts. Commissioner DuBose thought it could be problematic in terms of voter convenience. Vice Mayor Roberts remarked there was only one voter in a District I precinct in the last election. The City Attorney indicated while there may be precincts with very few Fort Lauderdale voters, there would be additional voters for the county, state or congressional districts.

Mayor Seiler summarized there is consensus on a five-year budgeting plan. He asked if the three-month notice and three month severance on employment contracts has to be in the charter. The City Attorney indicated he would have to look at it more closely.

Ms. Stern believed there are references to finance director that need to be cleaned up with respect to the city auditor. Commissioner DuBose referred to Section 4.01, Executive Officers. The City Attorney clarified that the auditor cannot be an executive officer because it would present a conflict in auditing; sitting on the dais does not diminish his role. The City Auditor indicated that the composition of the Charter Revision Board includes the Director of Finance, which may be one area to address. The City Manager did not want to remove the Director of Finance from the responsibility of signing bonds. Mayor Seiler agreed. Commissioner DuBose questioned why the Director of Finance does not sit on the dais. Vice Mayor Roberts noted that no employees retained by the City Manager sit on the dais. The City Attorney indicated this section of the charter has to do with determining who may sign contracts.

Commissioner DuBose referred to Section 7.08, Filling Vacancies in Commission, and asked for clarification. Mayor Seiler felt there should be a specific period of time within which to fill a vacancy and a cutoff as to when and who can vote. He felt the board should look at it objectively in the best interests of the City. Commissioner Rodstrom felt there should be consideration as to the effective time of a resignation.

There being no further business to come before the Commission, the meeting was adjourned at 1:26 p.m.