

## **AGENDA**

### **CHARTER REVISION BOARD CITY OF FORT LAUDERDALE, FLORIDA**

\*Vice Chair Charlotte Rodstrom will participate telephonically

**DATE:** Thursday, October 4, 2018

**TIME:** 5:30 p.m.

**PLACE:** First Floor Chambers  
City Hall  
100 N. Andrews Avenue  
Fort Lauderdale, Florida 33301

1. Roll Call
2. Approve Minutes from the June 7, 2018, Meeting
3. Chair's Report
4. Public Input
5. **Old Business**
  - **Review of "Clean-Up" Items and "Substantive" Items discussed at the previous Joint Commission Meeting.**
  - **Review of items discussed at the June 8, 2017, Charter Review Board Meeting in which the Board voted to discuss further:**
    - **Section 4.05 – City Manager, appointment, qualifications, compensation.**
    - **Section 4.06 – Acting City Manager upon resignation of or during absence or disability of city manager**
    - **Section 4.07 – Assistant to the City Manager**
6. **New Business**
  - **Items that the Charter Revision Board will like to discuss with the City Commission at the Joint Meeting on October 15, 2018.**
7. Adjourn

**\*PURPOSE:** Advise the City Commission on the propriety of the existing charter and, further, to make such suggestions and recommendations to perfect said charter so as to establish a better government of and for the City.



**DRAFT**

**City of Fort Lauderdale  
Charter Revision Board  
October 4, 2018, 5:30 p.m.**

**1<sup>st</sup> Floor City Commission Chambers – City Hall  
Fort Lauderdale, FL 33301**

<b>MEMBERS</b>		<b>January-December 2018</b>	
		<b>PRESENT</b>	<b>ABSENT</b>
Judith Stern, Chair	P	4	0
Jason King	P	3	1
Wilson Atkinson	P	4	0
Desorae Giles-Smith	A	2	2
Charlotte Rodstrom (by phone)	P	2	0

**Staff Present**

Lee Feldman, City Manager  
 Ryan Henderson, City Manager’s Office - Liaison  
 Paul Bangel, Senior Assistant City Attorney  
 Jeff Modarelli, City Clerk  
 Jamie Opperlee, Prototype, Inc.

**1. Roll Call**

Roll was called at 5:34 p.m. There was a quorum.

**Motion** made by Mr. King, seconded by Mr. Atkinson, to allow Ms. Rodstrom to attend by phone. Motion adopted by consensus.

**2. Approve Minutes from the June 7, 2018, Meeting**

**Motion** made by Mr. King, seconded by Mr. Atkinson, to approve the minutes of the June 7, 2018, meeting as presented. Motion adopted by consensus.

**3. Chair’s Report**

Chair Stern reported they expended a lot of effort to get the public involved to no avail. They tried to get the civic associations engaged, with Mr. Henderson attending those meetings, but nobody appeared to take interest.

Attention has been paid to the issue of the elections, but the charter has not been updated since the 1980s.

**4. Public Input - None**

**5. Old Business**

- **Review of “Clean-Up” Items and “Substantive” Items discussed at the previous Joint Commission Meeting.**

Mr. Atkinson stated that his notes are ready to create a red-lined copy, and he will do that at the board’s pleasure.

Mr. Modarelli confirmed they had sent memos to the City Commission with suggested clean-up items, and those items are contained in documents from Mr. Atkinson. All those clean-up items were forwarded to the City Commission as of the last joint meeting.

Mr. Modarelli recalled they discussed how to package those items to get them on the ballot, and Chair Stern suggested that the Legal Department work on bundling the items to make them less wordy.

Chair Stern asked about the situation where items in the charter might be in conflict with everyday law. Mr. Atkinson advised that the charter has to comply with both County and State laws and also the practicality of it being put into effect.

- **Review of items discussed at the June 8, 2017, Charter Review Board Meeting in which the Board voted to discuss further:** (not addressed)
  - **Section 4.05 – City Manager, appointment, qualifications, compensation.**
  - **Section 4.06 – Acting City Manager upon resignation of or during absence or disability of city manager**
  - **Section 4.07 – Assistant to the City Manager**

## **6. New Business**

- **Items that the Charter Revision Board will like to discuss with the City Commission at the Joint Meeting on October 15, 2018.**

Mr. Atkinson stated to have a primary or not should be addressed at a workshop. He added that if they shift the primary date, they would not have the problem that occurred the last time. (If they realign with the November elections, the primary would probably be in August.)

Chair Stern reviewed the possible configurations for election dates.

Mr. Atkinson noted he would not be present at the joint meeting, and asked that they first consider if they will try to get on the same ballot as the bond measure (March 2019) with

any charter revision changes, or wait until 2020. The deadline to get on that ballot is most likely in early January, according to Clerk Modarelli.

Mr. Atkinson said the second question would be to set the deadline for getting the board's recommendations to the City Commission. It was suggested that each Commissioner discuss the charter changes at their district meetings, and then bring back public input to the board.

Discussion ensued on the timing of the meetings and their relation to the timing of the ballot.

The measures have to go through the Legal Department before being accepted by the City Commission. Also, the Supervisor of Elections will need specific information in order to place it on the ballot. Chair Stern said she spoke with representatives from that office, who said they would be happy to put the timeline/deadlines in writing. The information is also on the website.

Mr. Atkinson was doubtful all the necessary components could be pulled together in the remaining time. However, he agreed that the City Commission needs to weigh in on the matter. If the Commission wants to change the election cycle to November, Chair Stern said she would be amenable to that. Ms. Rodstrom pointed out that if they change the election to November, the terms also have to be changed.

Since changing the election cycle involves possible complex changes to terms, Mr. Atkinson suggested that the board work to get on the March 2019 ballot for a clean-up vote. The other issues could be addressed on the November 2020 ballot.

Chair Stern stated they need a definitive answer from the City Commission at the joint meeting about the conflicting language with State law that now exists in the Charter. She noted that multiple Attorney Generals had opined that a city does not pre-empt the State if the city already has a charter in place.

Ms. Rodstrom asked if all the clean-up changes have to be on the ballot, and Mr. Bangel stated that items like gender neutrality and some combinations could be done off the ballot. Ms. Rodstrom recalled that some items may be done by ordinance. Chair Stern recalled that the discussion was if issues of concern should be charter issues versus issues addressed by ordinance.

Mr. Bangel read from the Statute on Charter Amendments which said that the governing body of a municipality may by ordinance submit to the electors of said municipality a proposed amendment to its charter. The amendment may pertain to all parts of the charter, except the boundaries of the municipality.

Mr. Bangel confirmed that the Commission adopts the ordinance, which directs what goes on the ballot. If the ballot fails, the ordinance fails. Mr. Atkinson requested a formal opinion on that to the board.

Discussion occurred on the City Commission's right to change election dates, noting that even though it followed an Attorney General's opinion, it was not necessarily right.

Mr. Bangel commented that the ordinance is the vehicle for the verbatim language, while the ballot measure just summarizes them.

Discussion ensued on the 2017 change of the makeup of voting members of the board, with Mr. Bangel explaining how ex-officio membership conflicts with the Sunshine Law.

It was noted that getting the clean-up language on the ballot in 2019 will bring the Charter to the public's attention and perhaps add to the voter participation on Charter ballot issues in the future.

The board discussed how to summarize the various changes for the ballot in 75 words, with Mr. King proposing they may have to limit the number of changes.

Ms. Rodstrom referred back to the minutes of April 13, 2017, mentioning several items about the petition process in order to get items on the ballot, asking if they should consider that route as well. Mr. Atkinson explained that was for a different purpose.

Mr. Henderson suggested revising the spreadsheet of clean-up items in order to present it to the City Commission. Items could be prioritized. Mr. Bangel said there is no limit to how many items a City can put on a charter revision ballot. With that in mind, Mr. Atkinson suggested breaking the changes down by section.

Mr. Henderson suggested two items for the joint meeting:

1. Clean-up items
2. Discussion of global election process

If there is enough time, the City Commission could, if they so desired, discuss voting dates, primaries, election cycles, term length, and staggered terms.

Chair Stern recommended that they inform the Commission of the board's discussions, their efforts to get public feedback, and the request for district meetings.

Social media was discussed as a way to generate interest in the Charter and the board meetings.

Ms. Rodstrom asked if the City Commission could make a decision regarding an election in which they may be participants, and Mr. Bangel did not know of a restriction.

Ms. Rodstrom also wanted to know if there were issues that the board should be aware of regarding pros and cons of changing the election (to be discussed under the second agenda item). Chair Stern advised that other municipalities in the County have changed their election dates by ordinance. The date of the primary is in the charter, but it is not in compliance with the activities prescribed in State law. Chair Stern elaborated on the inconsistency and the operations of elections.

Ms. Rodstrom asked about the second item under Old Business, pertaining to the City Manager. Mr. Modarelli explained those were substantive items in the Charter that needed further discussion.

Mr. Henderson read an example of what another municipality did by combining changes to two charter sections into one question.

In response to a question, Mr. Bangel stated that the City Attorneys have not issued a formal opinion on the compliance of the charter with the State Statute, although they have read it.

## **7. Adjourn**

Upon motion duly made and seconded, the meeting was adjourned at 6:48 p.m.

[Minutes transcribed by J. Rubin, Prototype, Inc.]