

City of Fort Lauderdale

*City Hall
100 North Andrews Avenue
Fort Lauderdale, FL 33301
www.fortlauderdale.gov*



Meeting Minutes - APPROVED

Friday, June 24, 2016

8:30 AM

Local Government Infrastructure Surtax

City Commission Chambers

CITY COMMISSION - SPECIAL MEETING

FORT LAUDERDALE CITY COMMISSION

*JOHN P. "JACK" SEILER Mayor - Commissioner
DEAN J. TRANTALIS Vice Mayor - Commissioner - District II
BRUCE G. ROBERTS Commissioner - District I
ROBERT L. McKINZIE Commissioner - District III
ROMNEY ROGERS Commissioner - District IV*

*LEE R. FELDMAN, City Manager
JOHN HERBST, City Auditor
JEFFREY A. MODARELLI, City Clerk
CYNTHIA A. EVERETT, City Attorney*

Mayor Seiler called the Special City Commission Meeting of June 24, 2016 to order at 8:38 a.m.
Mayor Seiler announced this meeting was solely on the Infrastructure Surtax matter.

ATTENDANCE ROLL CALL

Present: 5 - Mayor John P. "Jack" Seiler, Vice Mayor Dean J. Trantalis,
Commissioner Bruce G. Roberts, Commissioner Robert L. McKinzie,
and Commissioner Romney Rogers

QUORUM ESTABLISHED

Also Present: City Manager Lee Feldman, City Auditor John Herbst, City Clerk
Jeffrey A. Modarelli, City Attorney Cynthia Everett

RESOLUTIONS

R-1 16-0811 Resolution Rescinding Resolution 16-63 and Adopting Resolution 16-97
for Transportation System and Infrastructure Surtaxes Interlocal
Agreement

City Manager Feldman announced this meeting will include one vote on the following items both being
addressed on Resolution 16-97:

1. Adopting Resolution 16-97, an Interlocal Agreement with Broward County and the other municipalities located within Broward County that will spell out the oversight provisions, and details regarding use of the Transportation System and Infrastructure Surtaxes Interlocal Agreement should the Infrastructure Surtax be approved on the November 2016 ballot; and
2. The repeal of Resolution 16-63, the first resolution passed placing the Cities' Infrastructure Surtax on the ballot. City Manager Feldman stated Resolution 16-63 will no longer be necessary as the County is placing the Infrastructure Surtax on the ballot pursuant to the Interlocal Agreement (item #1 above).

City Attorney Everett stated for the record that as a result of the negotiations with the lead municipality, there is only one resolution incorporating both items numbered 1 and 2 above. City Attorney Everett noted this is consistent across the County.

Commissioner Rogers asked City Attorney Everett if anyone has opined differently as to the legality to tie both actions together, i.e., if one fails, both fail. City Attorney Everett deferred to Assistant City Attorney Cole Copertino who attended the meetings to ascertain if this was discussed.

Assistant City Attorney Cole Copertino addressed the Commission stating this question was not addressed during any of the negotiations and it appears the way it will be placed on the ballot will be as two separate items. City Manager Feldman stated the ballot language ties the two together.

City Attorney Everett stated she was not aware of anyone opining on this issue. As the County proffered this to everyone and there has been no challenge, it remains to be seen.

Mayor Seiler asked why the languages in the items are not the same for the voting option of the voter. One says "yes/no" and the other says "for/against". Assistant City Attorney Cole Copertino stated it was prepared by the County Attorney's Office in conjunction with the law firm Weiss, Serota.

Assistant City Attorney Cole Copertino stated the City Attorney's Office has some pending questions to both the County Attorney's Office and the law firm Weiss, Serota on the semantics and how things will work procedurally which have not yet been answered. City Attorney Everett stated she will get an answer to this question.

Further discussions and comments ensued on the ballot issue and Mayor Seiler thought it should be consistent.

Vice Mayor Trantalis asked for confirmation that this vote will address the two ballot items and it was confirmed. Further discussions ensued on the half cent sales tax being a portion based on population not based on receipts. City Manager Feldman stated the sales tax is based on population where the point of sale occurs at the County level noting there is no mechanism at the State level to collect sales tax at the City level. Further comments and discussions ensued on the fairness of distribution and not voting for this would leave money on the table that would go to the City. Assistant City Attorney Copertino stated by not "opting in" in the first year, because of the 20 year limitation on the Infrastructure Sales Tax before the split, it could impair the City's ability to bond out projects.

Commissioner Rogers stressed the fact that this needs to be legally sustainable and is the baseline from his perspective. City Attorney Everett stated she would get the necessary information to give Commissioner Rogers a comfort level that this item is legally sustainable.

City Attorney Everett stated Assistant City Attorney Spence had an opportunity to review the relevant State Statute in detail and the way the Statute is worded for surtaxes, it sets out for the various types of taxes and expenditures how the ballot wording should be. However, when it comes to the transportation tax, it is silent and one refers back to the general statutory language regarding ballot questions which has language of "yes or no".

Further comments and discussions ensued.

Mayor Seiler opened the public hearing.

Mayor Seiler recognized Count Rosenthal, 1237 NW 4th. Avenue who addressed the Commission with his comments, thoughts, and concerns regarding this item and noting the need for the City to have a congressional representative to have a voice in actions that affect the City.

There being no one else wishing to speak on this item, Vice Mayor Trantalis made a motion to close the public hearing, which was seconded by Commissioner Roberts. Roll call showed: AYES: Commissioner McKinzie, Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, and Mayor Seiler. NAYS: None.

Mayor Seiler closed the public hearing.

Commissioner Roberts introduced Resolution 16-97, which was read by title only.

APPROVED

Aye: 5 - Commissioner McKinzie, Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, and Mayor Seiler

ADJOURNMENT

There being no further business before the Commission at this Special Meeting, Mayor Seiler adjourned the meeting at 8:58 a.m.



John P. "Jack" Seiler
Mayor

ATTEST:



Jeffrey A. Modarelli
City Clerk