

# City of Fort Lauderdale

*City Hall  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301  
[www.fortlauderdale.gov](http://www.fortlauderdale.gov)*



## Meeting Minutes

**Monday, October 23, 2017**

**6:00 PM**

**City Commission Meeting Room**

## **CITY COMMISSION - SPECIAL MEETING**

***FORT LAUDERDALE CITY COMMISSION***

***JOHN P. "JACK" SEILER Mayor - Commissioner  
BRUCE G. ROBERTS Vice Mayor - Commissioner - District I  
DEAN J. TRANTALIS Commissioner - District II  
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***

## Pledge of Allegiance

Sergeant at Arms Jaime Costas.

## ROLL CALL

**Present** 4 - Commissioner Robert L. McKinzie, Vice Mayor Bruce G. Roberts,  
Commissioner Dean J. Trantalis, and Mayor John P. "Jack" Seiler

**Excused** 1 - Commissioner Romney Rogers

## QUORUM ESTABLISHED

**Also Present:** City Manager Lee R. Feldman, City Clerk Jeffrey A. Modarelli, City Attorney Cynthia A. Everett, City Auditor John Herbst, and Sergeant at Arms Jaime Costas

**No e-comments were submitted for this meeting.**

## CALL TO ORDER

Mayor Seiler called the Special Commission Meeting to order at 6:04 p.m.

## ORDINANCE SECOND READING

### [17-1306](#)

Ordinance - 2018 Regular Triennial Municipal Primary Election - Modification of Date and Qualifying Period

Mayor Seiler announced this item is an Ordinance for the Second Reading and opened the public hearing.

Mayor Seiler recognized Carol Ann Bartholomey, 3000 Holiday Drive. Ms. Bartholomey commented on conversations with a municipal liaison from the Broward County Office of Supervisor of Elections (Supervisor) who acknowledged the Supervisor's Office is receiving new equipment and a rumor that this will impact the upcoming municipal primary date. She stated the municipal liaison said the reason for the date modification was due to the 45-day timeline between the primary and the general election for military personnel serving overseas ballots. Ms. Bartholomey commented on City Attorney Everett's legal opinion that this issue does not apply to municipalities. She stated there are two alternatives, seek another advisory opinion or filing a legal action to force the Supervisor to hold the primary on the date listed in the City Charter, February 13, 2018. Ms. Bartholomey further commented on changing City election dates.

Mayor Seiler and Commissioner Trantalis confirmed the Commission's position that they do not wish to alter the election dates. Further comments and discussions ensued. Mayor Seiler confirmed the change of election dates is due to the position of the Supervisor of Elections. Ms. Bartholomey said her remarks were to update the Commission on her inquiries regarding this matter.

Mayor Seiler recognized former Commissioner Charlotte Rodstrom, 66 Nurmi Drive. Commissioner Rodstrom discussed her concern about holding the election a day following the Martin Luther King national holiday. She explained the item's backup indicates the Supervisor's position was a recommendation to change the election date, not an instruction. Commissioner Rodstrom also commented that no representative from the Supervisor's Office has been present for the First or Second Reading of this Ordinance.

Mayor Seiler inquired if there were any further questions or public comments on this matter. There were none.

There being no one else wishing to speak on this item, Commissioner McKinzie made a motion to close the public hearing, which was seconded by Commissioner Trantalis. Roll call showed: AYES: Commissioner McKinzie, Vice Mayor Roberts, Commissioner Trantalis and Mayor Seiler. NAYS: None. Not Present: Commissioner Rogers.

In response to Mayor Seiler's request to comment on communications received from the Supervisor of Elections, City Attorney Cynthia Everett discussed her communications with the Supervisor of Elections legal counsel. These communications indicated the Supervisor of Elections could not conduct the municipal elections if the City adhered to the prescribed dates in its Charter. She also commented on communications between the Supervisor of Elections and City Clerk Modarelli. City Clerk Modarelli confirmed the Supervisor of Elections recommended the dates the City is proposing and comports with the law. A communication regarding this was included in the backup at a previous Commission Conference Meeting on this topic. Discussions ensued on written communications from the Supervisor's Office.

Commissioner Trantalis gave a review of previous discussions regarding the 45-day timeline for overseas ballots and the recalibration of election machines should a runoff be necessary. He also discussed the high-cost to the City to hold the election without the assistance of the Supervisor of Elections. Mayor Seiler stipulated these are the issues being voted on.

For the record, Mayor Seiler confirmed there was a letter from the Supervisor of Elections and their legal counsel on this issue dated September 22, 2018, quoting from a portion of this communication.

***A copy of this correspondence is attached to these minutes.***

Commissioner Trantalis introduced this Ordinance for the Second Reading which was read by title only.

**ADOPTED ON SECOND READING**

**Aye:** 4 - Commissioner McKinzie, Vice Mayor Roberts, Commissioner Trantalis and Mayor Seiler


**Not Present:** 1 - Commissioner Rogers

**ADJOURNMENT**

There being no further business before the City Commission at the Special Meeting of October 23, 2017, Mayor Seiler adjourned the meeting at 6:15 p.m.

  
\_\_\_\_\_  
John P. "Jack" Seiler  
Mayor

ATTEST:

  
\_\_\_\_\_  
Jeffrey A. Modarelli  
City Clerk

## Jeff Modarelli

---

**From:** Jeff Modarelli  
**Sent:** Tuesday, September 19, 2017 3:04 PM  
**To:** Cynthia Everett; Bruce G. Roberts; Dean Trantalis; Jack Seiler; Robert McKinzie; Romney Rogers  
**Cc:** Lynnette McIntosh; Maureen Richards; Maxine Singh; MJ Matthews; Robbi Uptegrove; Safeea Ali; Scott Wyman; Tracy Roach; John Herbst; Lee Feldman  
**Subject:** Election Code  
**Attachments:** image001.jpg; image002.png; image003.png; Letter To Fort Lauderdale City Clerk 91917.pdf; FORT LAUDERDALE MUNICIPAL ELECTION SCHEDULE 2018.pdf; RE: Fort Lauderdale Municipal Election Schedule 2018

Good afternoon Mayor and Commissioners.

Per below, should this be discussed today, I wanted to make certain you had the most recent attached communication (Memo) from the SOE.

In addition,  
the Clerk's Office normally places an item on the October/November Agenda that sets the election dates and qualifying period for the upcoming election(s).

Jeff

Jeffrey A. Modarelli  
City Clerk  
City of Fort Lauderdale  
100 N. Andrews Ave.  
Fort Lauderdale, FL 33301  
954-828-5006  
[jmodarelli@fortlauderdale.gov](mailto:jmodarelli@fortlauderdale.gov)

---

**From:** Cynthia Everett  
**Sent:** Monday, September 18, 2017 3:17 PM  
**To:** Bruce G. Roberts; Dean Trantalis; Jack Seiler; Robert McKinzie; Romney Rogers  
**Cc:** Lynnette McIntosh; Maureen Richards; Maxine Singh; MJ Matthews; Robbi Uptegrove; Safeea Ali; Scott Wyman; Tracy Roach; Cynthia Everett; Jeff Modarelli; John Herbst; Lee Feldman  
**Subject:** FW: Election Code

Good Afternoon Mayor and Commissioners:

We were able to speak with the representatives of the Election Division in Tallahassee last week. Below is a summary of the telephone conference by Assistant City Attorney Tania Amar (she and Senior Assistant City Attorney Paul Bangel participated in the call) which indicates that the 45 day rule does not have to be met. The Supervisor of Elections was not a participant on the call and still maintains that the 45 day rule applies. We can discuss further tomorrow if necessary.

Cynthia

Cynthia A. Everett | City Attorney  
City of Fort Lauderdale | City Attorney's Office  
100 North Andrews Avenue, Fort Lauderdale, FL 33301  
T: 954.828.5037 | F: 954.828.5915 | E: [ceverett@fortlauderdale.gov](mailto:ceverett@fortlauderdale.gov)



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**From:** Tania Amar  
**Sent:** Thursday, September 14, 2017 5:14 PM  
**To:** Paul Bangel  
**Cc:** Cynthia Everett  
**Subject:** RE: Election Code

Although David Fugett specifically stated that they could not provide a legal opinion, he advised that the Department is in agreement with our analysis and review of the Statute and at this time he does not have an issue with us proceeding with our election as scheduled.

Florida Statute 100.3605 specifically states that "the Florida Election Code, chapters 97-106, shall govern the conduct of a municipality's election **in the absence of** an applicable act, charter, or ordinance provision. No charter or ordinance provision shall be adopted which conflicts with or exempts a municipality from any provision in the Florida Election Code that expressly applies to municipalities." Given that the Florida Election Code does not expressly apply to municipal primary elections, Mr. Fugett and Maria Matthews agree that we have some flexibility and that the 45 day does requirement does not apply in light of our charter provisions.

As to our second inquiry as to how much time is needed in a practical sense is needed to get ballots overseas and to uniformed personnel, Ms. Matthews advised that the Department generally defers to the Florida Elections Code and when the question was posed on a very general basis they do maintain that the 45 days is the default and prudent timeline that they recommend using. Again, given that our Charter does not allow for this timeline and the Code does not expressly apply to municipalities, we do not have to adhere to the 45 day timeline. Mr. Fugett directed us to Florida Statute 101.6103(7) which states "with respect to absent electors overseas entitled to vote in the election, the supervisor of elections shall mail an official ballot with a secrecy envelope, a return mailing envelope, and instructions sufficient to describe the voting process to each such elector on a date sufficient to allow such elector time to vote in the election and to have his or her marked ballot reach the supervisor by 7 p.m. on the day of the election." According to the Statute there is no specific timeline/date.

Please note that Mr. Fugett did advise that the Supervisor of Elections is not under any legal obligations to oversee/administer municipal elections and that our office will need to work with her/her office directly to confirm that she agrees with our conclusions and would be willing to proceed with the elections as scheduled.

Tania Marie Amar | Assistant City Attorney  
City of Fort Lauderdale | City Attorney's Office  
100 North Andrews Avenue, Fort Lauderdale, FL 33301  
T: 954.828.5156 | F: 954.828.5915 | E: [tamar@fortlauderdale.gov](mailto:tamar@fortlauderdale.gov)



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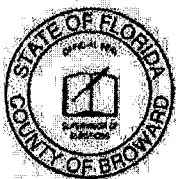
**From:** Paul Bangel  
**Sent:** Thursday, September 14, 2017 4:57 PM  
**To:** Tania Amar  
**Cc:** Cynthia Everett  
**Subject:** Election Code

Tania, would you please e-mail Cynthia a summary of our conversation with the Division of Elections folks? Thanks.



Paul G. Bangel  
Senior Assistant City Attorney  
City of Fort Lauderdale  
100 North Andrews Avenue, 7<sup>th</sup> Floor  
Fort Lauderdale, FL 33301  
954-828-5106  
[pbangel@fortlauderdale.gov](mailto:pbangel@fortlauderdale.gov)

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**SUPERVISOR OF ELECTIONS**

*Dr. Brenda C. Snipes*

**BROWARD COUNTY, FLORIDA**

**BROWARD GOVERNMENTAL CENTER • 115 SOUTH ANDREWS AVENUE, ROOM 102 • FORT LAUDERDALE, FLORIDA 33301 • 954.357.7061**

**September 19, 2017**

**Jeff Modarelli, City Clerk  
The City of Fort Lauderdale  
100 N. Andrews Avenue  
Fort Lauderdale, FL 33301**

**Dear Mr. Modarelli:**

**Enclosed is the draft calendar for the Municipal Election Cycle for the City of Fort Lauderdale.**

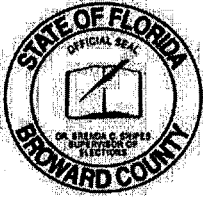
**As you are aware, there have been several communication items regarding the appropriate date(s) to conduct your election. The dates included in the attached timeline represent the best dates to ensure that all of the election functions are met in a timely fashion and that every eligible voter will have equal and unfettered access to the balloting process.**

**Following your review please let me know if you have questions or need clarification on any information that is included.**

**Sincerely,**

**Brenda C. Snipes, Ed. D.  
Broward County Supervisor of Elections**

**BCS:ps  
Fort Lauderdale Municipal Election Schedule 2018 - 9/19/2017.doc**



*DR. BRENDA C. SNIPES*  
*Broward County Supervisor of Elections*

## FORT LAUDERDALE MUNICIPAL ELECTION SCHEDULE

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### **QUALIFYING PERIOD**

Begins on Monday, November 6, 2017 at noon, and ends on Monday, November 13, 2017 at noon.

### **PRIMARY SCHEDULE - January 16, 2018**

- |                                                          |            |
|----------------------------------------------------------|------------|
| ✓ Begin Mailing Vote-by-Mail Ballots to Overseas Voters  | 12/02/2017 |
| ✓ Begin Mailing Domestic Vote-by-Mail Ballots            | 12/12/2017 |
| ✓ Book Closing Date                                      | 12/18/2017 |
| ✓ Logic & Accuracy Testing                               | 01/10/2018 |
| ✓ Last Date to Request Vote-by-Mail Ballots to Be Mailed | 01/10/2018 |
| ✓ Last Day to Mail Vote-by-Mail Ballots                  | 01/12/2018 |
| ✓ Ballot Pick-Up Begins                                  | 01/11/2018 |
| ✓ Election Day                                           | 01/16/2018 |
| ✓ Provisional Ballot Review/ Election Certification      | 01/18/2018 |

### **MUNICIPAL GENERAL ELECTION - March 13, 2018**

- |                                                          |            |
|----------------------------------------------------------|------------|
| ✓ Begin Mailing Vote-by-Mail Ballots to Overseas Voters  | 01/27/2018 |
| ✓ Begin Mailing Domestic Vote-by-Mail Ballots            | 02/06/2018 |
| ✓ Book Closing Date                                      | 02/12/2018 |
| ✓ Logic & Accuracy Testing                               | 03/07/2018 |
| ✓ Last Date to Request Vote-by-Mail Ballots to Be Mailed | 03/07/2018 |
| ✓ Last Day to Mail Vote-by-Mail Ballots                  | 03/09/2018 |
| ✓ Ballot Pick-Up Begins                                  | 03/08/2018 |
| ✓ Election Day                                           | 03/13/2018 |
| ✓ Provisional Ballot Review/ Election Certification      | 03/15/2018 |

## Jeff Modarelli

---

**From:** Patricia Santiago <psantiago@browardsoe.org>  
**Sent:** Tuesday, September 19, 2017 1:41 PM  
**To:** Jeff Modarelli  
**Cc:** Dr. Brenda C. Snipes; Andrea Perri.  
**Subject:** RE: Fort Lauderdale Municipal Election Schedule 2018  
**Attachments:** Letter To Fort Lauderdale City Clerk 91917.pdf; FORT LAUDERDALE MUNICIPAL ELECTION SCHEDULE 2018.pdf

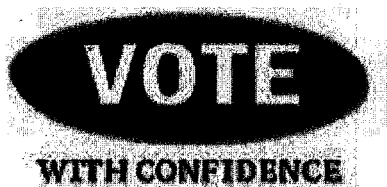
Mr. Modarelli,

Please find a letter from Dr. Brenda Snipes and Election Timeline.

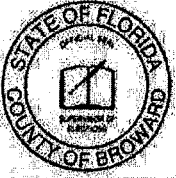
Thank you.

Patricia Santiago  
Administrative Assistant to Dr. Brenda C. Snipes  
Broward County Supervisor of Elections  
115 South Andrews Avenue, Room 102 • Ft. Lauderdale, FL 33301  
Office: 954-712-1950 • Fax: 954-357-7070  
[www.browardsoe.org](http://www.browardsoe.org)

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SUPERVISOR OF ELECTIONS  
*Dr. Brenda C. Snipes*  
BROWARD COUNTY, FLORIDA

BROWARD GOVERNMENTAL CENTER • 115 SOUTH ANDREWS AVENUE, ROOM 102 • FORT LAUDERDALE, FLORIDA 33301 • 954.357.7061

September 19, 2017

Jeff Modarelli, City Clerk  
The City of Fort Lauderdale  
100 N. Andrews Avenue  
Fort Lauderdale, FL 33301

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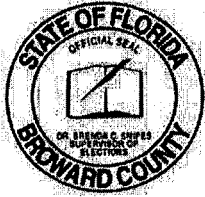
Enclosed is the draft calendar for the Municipal Election Cycle for the City of Fort Lauderdale.

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Following your review please let me know if you have questions or need clarification on any information that is included.

Sincerely,

Brenda C. Snipes, Ed. D.  
Broward County Supervisor of Elections



*DR. BRENDA C. SNIPES*  
*Broward County Supervisor of Elections*

## FORT LAUDERDALE MUNICIPAL ELECTION SCHEDULE

### **QUALIFYING PERIOD**

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## Jeff Modarelli

---

**From:** Cynthia Everett  
**Sent:** Friday, September 22, 2017 2:38 PM  
**To:** Bruce G. Roberts; Dean Trantalis; Jack Seiler; Robert McKinzie; Romney Rogers  
**Cc:** Lynnette McIntosh; Maureen Richards; Maxine Singh; MJ Matthews; Robbi Uptegrove; Safeea Ali; Scott Wyman; Tracy Roach; Cynthia Everett; Jeff Modarelli; John Herbst; Lee Feldman; Alain Boileau; Bradley H. Weissman; Candace Duff; Dina Kaizen; Donald Londeree; Gustavo Ceballos; Kimberly Mosley; Lynn Solomon; Paul Bangel; Rhonda M Hasan; Tania Amar  
**Subject:** FW: Letter to Cynthia Everett, Esq. from Counsel for the Supervisor of Elections  
**Attachments:** 201709221241.pdf

Good Afternoon Mayor and Commissioners:

I have just received this correspondence from the attorney for the Supervisor of Elections. The letter states that the Supervisor cannot conduct our election if we keep to our current dates. You will have to make a decision whether to accede to the Supervisor's wishes, negotiate further with the Supervisor or conduct your own election. If you desire to change your dates, you will need to make that decision and adopt an ordinance, which I believe, based on the SOE's position, will give you reasonable cause to do so. Please contact me if you have any questions.

Cynthia

Cynthia A. Everett | City Attorney  
City of Fort Lauderdale | City Attorney's Office  
100 North Andrews Avenue, Fort Lauderdale, FL 33301  
T: 954.828.5037 | F: 954.828.5915 | E: [ceverett@fortlauderdale.gov](mailto:ceverett@fortlauderdale.gov)

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-----Original Message-----

From: [bnorris@bnwlegal.com](mailto:bnorris@bnwlegal.com) [mailto:[bnorris@bnwlegal.com](mailto:bnorris@bnwlegal.com)]  
Sent: Friday, September 22, 2017 2:13 PM  
To: Cynthia Everett  
Subject: Letter to Cynthia Everett, Esq.

Please find attached.

Burnadette Norris-Weeks

LAW OFFICE OF  
**BURNADETTE NORRIS-WEEKS, P.A.**

401 NORTH AVENUE OF THE ARTS  
(NW 7TH AVENUE)  
FORT LAUDERDALE, FLORIDA 33311  
TELEPHONE: (954) 768-9770  
FACSIMILE: (954) 768-9790



REPLY TO:  
POST OFFICE BOX 14065  
FORT LAUDERDALE, FLORIDA 33302

EMAIL: [bnorris@bnwlegal.com](mailto:bnorris@bnwlegal.com)

September 22, 2017

Cynthia A. Everett, Esq.  
City of Fort Lauderdale, City Attorney  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301

RE: Florida Statutes, Section 101.64(4)(a)

Dear Ms. Everett,

This letter serves as a response to your inquiry of whether Section 101.64(4)(a), Florida Statutes requiring vote-by-mail ballots to be mailed to uniformed services voters and overseas voters at least 45 days in advance of an election applies to municipalities.

On September 18, 2017, you forwarded to me a summary of conversations that your office has had with the Division of Elections. In short, and according to your summary, the State has advised that your City has "some flexibility and that the 45 day requirement does not apply in light of our charter provisions."

It appears that the Division of Elections has provided conflicting information to the Broward County Supervisor of Elections Office because Maria Matthews, Division Director, specifically referred Broward SOE's staff to Section 100.3605, Florida Statutes which states:

*100.3605 Conduct of municipal elections.—*

*(1) The Florida Election Code, chapters 97-106, shall govern the conduct of a municipality's election in the absence of an applicable special act, charter, or ordinance provision. No charter or ordinance provision shall be adopted which conflicts with or exempts a municipality from any provision in the Florida Election Code that expressly applies to municipalities.*

*(2) The governing body of a municipality may, by ordinance, change the dates for qualifying and for the election of members of the governing body of the municipality and provide for the orderly transition of office resulting from such date changes.*

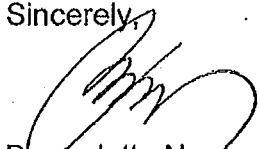
It is my understanding that your City Charter does not specifically address this issue. Notwithstanding the conflicting interpretations pertaining to the applicable statutes, we have already discussed that the voting system devices used by Broward County are not available for both your primary election and the general municipal election date for which the equipment will be used for all other cities holding elections. Specifically, the Municipal General Election is scheduled for March 13, 2018. Eight municipalities, including the City of Fort Lauderdale, are scheduled for this election. Preparation for the General Election will begin with the candidate qualifying period scheduled from January 2, 2018, through January 9, 2018.

Following the qualifying period, several election preparation functions will begin, including the development of the election definition, ballot development and testing, the loading into the system the file of voters who have requested to vote by mail for the election, and the mailing of ballots in a timely manner to all participating vote-by-mail voters. It is important to note, that the system is not designed to process different elections simultaneously, nor in an overlapping configuration.

Adequate timing is critical to the success of any election. The Broward County Supervisor of Elections Office is unable to enter into an agreement to conduct an election where adequate time is not available to process returns.

Please let me know if you have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Burnadette', written over a horizontal line.

Burnadette Norris-Weeks, Esq.  
General Counsel, Broward County Supervisor of Elections Office