

DRAFT
City of Fort Lauderdale
Charter Revision Board

October 5, 2017
1st Floor City Commission Room – City Hall
Fort Lauderdale, FL 33301

		January-December 2017	
MEMBERS		PRESENT	ABSENT
Judith Stern, Chair	P	8	0
Wilson Atkinson	P	7	1
Desorae Giles-Smith	P	6	2
Maria Del Rosario Lescano	A	6	2
Jason King	P	2	0

Staff Present

City Clerk, Jeff Modarelli
City Attorney, Cynthia Everett
Assistant City Attorney, Paul Bengal
Assistant to the City Manager, Ryan Henderson

Roll was called at 5:54 p.m. and a quorum was established.

Communication to the City Commission

1. Member Wilson Atkinson made a motion, seconded by member Jason King, recommending the adoption as presented by Mr. Klausner in requesting that the Commission review whether this concept should be inclusive of all department heads. In a voice vote, the motion passed unanimously.

**The below recommendation is taken from Robert Klausner's letter dated 9.20.17.
(See attached)*

In order to facilitate the City's ability to promote from within its ranks to the offices of Chief of Police and Chief of Fire, the following language is recommended to be added to the first paragraph of Charter Section 6.03:

In the case of the Police Chief and Fire Chief, if the person appointed has a permanent civil service classification in the Police Department or Fire Department of the City, in the event the incumbent is removed, for reasons other than for misconduct in office, the incumbent shall automatically be returned to the highest civil service classification held prior to appointment as Police Chief or Fire Chief.



Writer's email: bob@robertdklausner.com

September 20, 2017

Via Email: Jstern@sterncnslt.com

Judy Stern, Chairperson
Charter Revision Board of the City of Fort Lauderdale

Re: Proposed Amendment to Charter Section 6.03

Dear Ms. Stern:

In order to facilitate the City's ability to promote from within its ranks to the offices of Chief of Police and Chief of Fire, the following language is recommended to be added to the first paragraph of Charter Section 6.03:

In the case of the Police Chief and Fire Chief, if the person appointed has a permanent civil service classification in the Police Department or Fire Department of the City, in the event the incumbent is removed, for reasons other than for misconduct in office, the incumbent shall automatically be returned to the highest civil service classification held prior to appointment as Police Chief or Fire Chief.

In support of this language, I have reviewed a number of ordinance and charter provisions in larger Florida cities that also have a history of hiring police and fire chiefs from within their own ranks.

1. Tampa - The Police Chief and Fire Chief in Tampa are appointed by the Mayor and have a term equal to that of the Mayor. There does not appear to be any surrender of civil service rights.
2. Miami - If the Fire Chief or Police Chief is removed the incumbent is entitled to a trial before the City Commission. In any event, they are entitled to return to the last civil service classification held.

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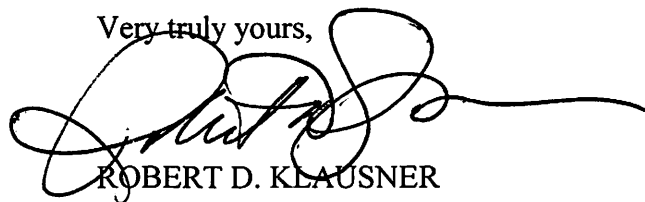
3. Orlando - If the Chief of Police or Fire Chief holds a permanent civil service classification, the individual is entitled to be returned to the last permanent Civil Service Classification.
4. West Palm Beach - If the Chief of Police or Fire Chief holds a permanent civil service classification, the individual is entitled to be returned to the last permanent Civil Service Classification.

The purpose of allowing a return to former classification is intended to encourage individuals who have risen through the ranks and who understand the nature of their respective departments best to relinquish tenure with the understanding that if they are removed for political or other reasons unrelated to honorable service and good conduct in office. This same concept could also be applied to any department head who has tenured status. Department heads are removed in local government based a variety of political or public relations reasons unrelated to honest service. It would also be a tremendous loss of institutional knowledge and proven loyalty to the City and its citizens to place a price on acceptance of the top job in any department. The knowledge that a department head still retains reversion rights will actually encourage the type of forthright thinking and behavior we expect of high appointed public officials. They should not be cowed in the exercise of office for fear of job loss. That would be to the detriment of good management and good government.

I would also note, as an aside, that this same language could be adopted by ordinance as an amendment to the City Civil Service Code. While that leaves open the possibility of a repeal, whereas the Charter is the solemn expression of the citizens, the ordinance could be structured to protect an incumbent in the event of a repeal.

I look forward to attending the meeting of the Board on October 5th.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert D. Klausner", with a long horizontal flourish extending to the right.

ROBERT D. KLAUSNER

RDK/yv