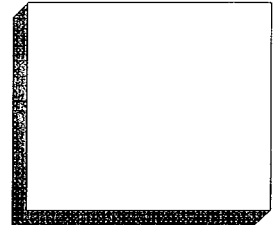




COCONUT CREEK CITY COMMISSION AGENDA ITEM REPORT



DATE: October 9, 2014

ITEM:

A MOTION TO SELECT A METHOD TO APPOINT A FIVE (5) MEMBER CHARTER REVIEW BOARD, PURSUANT TO SECTION 907 OF THE CITY CHARTER.

SUMMARY:

Pursuant to the City Charter, the Charter Review Board is mandated to meet every five (5) years and it was convened last in 2010. Also, pursuant to the Charter, the Board appointments are to be made in January of the covering year, and the members should consist of five (5) electors of the City, one from each District, holding no other office of employment in the government of the City, except for advisory boards. Mayor Lisa Aronson's District (District "E") will not be represented in January, 2015, due to her having to resign to run for the County Commission seat (effective November 17, 2014). There is no clear direction provided in the Charter as to how to select a Charter Review Board member from the unrepresented district. Further, the minutes of past meetings involving Charter Review Board member appointments do not provide any direction either as there have not been any similar instances in which only four (4) members of the Commission were present to make the appointments.

The item before you is discussion about the selection process and a motion to select a method to appoint a five (5) member Charter Review Board so that the City Commission will be ready to select the new Charter Review Board members in January, 2015, in an appropriate manner without any undue delay.

DEPARTMENT: City Attorney

City of Coconut Creek InterOffice Memorandum

To: Mayor and City Commission

Date: October 9, 2014

From: Terrill C. Pyburn, City Attorney

Subject: **Charter Review Board
Members**

Section 907 of the Charter of the City of Coconut Creek provides, "In January, 1980, and every five (5) years thereafter, the Commission shall, in January, appoint a Charter Review Board consisting of five (5) electors of the City, one (1) from each district, holding no other office, appointment or employment in the government of the City of Coconut Creek except on advisory bodies of the City." The last Charter Review Board was appointed in January, 2010. The Commission will be required to appoint a new five (5) member Charter Review Board in January, 2015. It is my understanding that in the past each Commissioner would make an appointment, selecting someone to represent their respective district.

On November 17, 2014, Mayor Lisa Aronson's term on the Commission will end due to her candidacy for a seat on the County Commission that requires that she resign by the date that she will be sworn in, if elected. There is no clear direction provided in the Charter as to how to select a Charter Review Board Member from the unrepresented district (Mayor Aronson's District – District "E") as a result of the vacancy on the Commission in January, 2015. Further, I have reviewed the minutes of past appointments to the Charter Review Board and there have not been any similar instances in which only four (4) members of the Commission were present to make the appointment. Therefore, I have the following suggestions for appointing the fifth Board member that should be discussed at the next City Commission meeting in order to ensure that we have adequate time to address this issue in an appropriate manner.

- 1) Appointment of the Charter Review Board members could be made in the usual manner (one (1) member nominated from each district by the Commissioner representing that district) with the nomination for the unrepresented district being made by the Vice Mayor. (This is in accordance with parliamentary procedure).
- 2) The City Commission could nominate all five (5) Charter Review Board members on a first come, first served basis after reviewing applications (i.e., any Commissioner can nominate any potential member of the Charter Review Board and those nominated first will be considered and voted upon first, so long as each district is represented once all five (5) members are selected). *(This is similar to the manner in which members of other advisory boards are appointed except for the Charter requirement that all Districts must be represented on the Charter Review Board).*

InterOffice Memorandum

October 9, 2014

Subject: Charter Review Board Members

- 3) Appointment of the Charter Review Board members could be made in the usual manner with the nomination for the unrepresented district being made by the Commission on a first come, first served basis after reviewing applications (i.e., Whoever on the Commission nominates someone for District "E" first will have their nomination considered and voted upon first.) (This is a hybrid of items 1 and 2 above).

Please keep in mind that in order for the Vice Mayor to nominate a potential member, she must pass the gavel because she will be presiding over the meeting in accordance with Robert's Rules.

The above-referenced suggestions are recommendations only and should be voted upon by the City Commission before moving forward with the selection process in January, 2015.

If you have any questions or wish to discuss this further before the October 9, 2014, meeting, please do not hesitate to contact me.

TCP/kle