



CITY OF COCONUT CREEK CHARTER REVIEW BOARD MEETING MINUTES

Jeffrey Barker, Chairperson
Heidi Thorman, Vice Chairperson
Ann Fantell
Connie Finley
Steven Hall

Government Center
4800 West Copans Road
Coconut Creek, FL 33063

Date: February 24, 2020
Time: 5 PM
Location: Public Meeting Room

1. CALL TO ORDER

The sixth meeting of the 2020 Charter Review Board (CRB) was called to order by Chair Jeffrey Barker at 5 PM.

2. ROLL CALL

Chair Jeffrey Barker – District C
Vice Chair Heidi Thorman – District A
Ann Fantell - District B
Steven Hall – District E
Connie Finley – District D

ALSO PRESENT: City Attorney Terrill Pyburn, Deputy City Attorney Kathryn Mehaffey, and City Clerk Leslie Wallace May.

3. APPROVAL OF MINUTES

A motion to approve the minutes of the February 18, 2020, CRB Meeting was made by Ms. Thorman and seconded by Ms. Fantell. There was a unanimous voice vote to approve the minutes.

4. CONFIRM NEXT MEETING DATE OF 2/24/2020 AT 5 PM

The next meeting was confirmed for March 2 at 6 PM. Finance Director Peta-Gay Lake will be present.

While the Board waited for the time certain of 5:15 p.m., discussion ensued regarding the Charter sections.

Deputy City Attorney Mehaffey distributed an updated copy of the "Running Issue List," which included everything that was presented to or discussed by the Board to date. She suggested that

the Board could start reviewing the list or wait until after the March 2 meeting. She briefly explained how the list was organized by Charter section and then listed the proposed changes for that section. She noted that the larger issues, such as having an elected mayor, were not included in the list. She mentioned that City Clerk May was successful with having MuniCode make the necessary corrections of scrivener's errors and the Charter online is now up-to-date. City Clerk May displayed the Charter on the large monitor so the Board members could see the changes that were made administratively through MuniCode.

Chair Barker began reviewing the following Charter sections and recommended changes included in the Running List:

Section 308 – Independent Audit.

Deputy City Attorney Mehaffey noted the two revised language options.

After some discussion, the consensus of the Board was to move forward with Option 2, as follows:

“The Commission shall provide for an annual audit of City Accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by an independent certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. The Commission may designate such accountant or firm, in accordance with state law and with a total contact term annually for a period not exceeding five (5) years. No accountant or firm shall perform the annual audit for more than ten (10) consecutive a term that exceeds five (5) successive years. If the State makes such an audit, the Commission may accept it as satisfying the requirements of this section.”

Section 309 – Procedure.

Deputy City Attorney Mehaffey explained the suggested changes.

After some discussion, the consensus of the Board was to move forward, as follows:

“a. *Meetings.* The Commission shall meet regularly at least once in every month at such times and places as the Commission may prescribe by rule. The Commission may cancel any meeting(s) upon a vote taken at any prior regularly scheduled meeting. Special or emergency meetings, or workshops, may be held on the call of the Mayor, the City Manager or three (3) or more members of the City Commission, and, whenever practicable, upon no less than forty-eight (48) twenty-four (24) hours' notice to each member. Only the person or persons who set a special or emergency meeting shall have the power to cancel said meeting. All meetings shall be public, except as provided by state law. Notice of meetings to the public shall be in accordance and consistent with the laws of the State of Florida.

5. DISCUSSION BY VICE MAYOR LOU SARBONE (Time Certain 5:15 PM)

Vice Mayor Sarbone joined the meeting at 5:15 PM, greeted each of the Board members, and expressed his appreciation for the work being done by them. He had read the minutes for each of the meetings and mentioned that he only had a few items to discuss:

Elected Mayor, Strong Mayor, Single-Member Districts

Vice Mayor Sarbone noted his concern with having an elected mayor and with having single-member districts. He used the example of the School Board of Broward County where, prior to the single-member district structure, a person could contact any school board member for help. However, once they switched to single-member districts, it became difficult to get things accomplished. He noted that he was not in favor of having a strong mayor and that there were pros and cons with having an elected mayor. He liked the idea of having a two-year term for the Mayor, but he wanted to keep the election of the Mayor with the City Commission. He stated that going with the two-year Mayor term might be a good step to try before changing to an elected mayor.

Term Limits

Vice Mayor Sarbone expressed his concerns with having term limits that are less than 12-years. He then spoke about how a newly elected commissioner has a learning curve the first few years.

Election Dates

Vice Mayor Sarbone expressed his concerns with disenfranchising the commission seats on the ballot during the Presidential Preference Primary and with the extension of the terms necessary in order to make the switch to March of even-numbered year elections. He said he would be more in favor of switching to November elections. Discussion ensued regarding the cost savings with switching the election date and the disenfranchisement it could cause to the commission seats affected by voters who may not show-up to vote in the primary.

Placing of Agenda Items on the Commission Agenda (Charter Subsection 402i)

Vice Mayor Sarbone mentioned that he could see both sides of this matter, but emphasized that this has never been an issue in the City.

Extension of Re-Districting and Charter Review Boards

Vice Mayor Sarbone agreed with the idea of extending the convening of the two boards to ten years instead of the current five years.

Brief discussion ensued regarding not needing a residency requirement for the City Manager, the removal of the City Clerk duty as secretary to the City Commission, and limiting the number of referendum questions.

6. DISCUSSION BY THE BOARD

Term Limits

Ms. Fantell noted that all of the Commissioners seemed to want things kept as-is, they were willing to concede to three four-year term limits, but none of them wanted an elected or strong mayor. Mr. Hall disagreed with the comment that it would take a new commissioner two to three years to get up to speed. He expressed his concerns with term limits. Discussion ensued amongst

the Board regarding the need for the term limits to go into effect beginning with next election and to not be retroactive on the currently seated commissioners.

The consensus of the Board was to review the draft language provided in the Running List and provide Staff with any other additional options for further discussion at the next meeting. Direction was given that the options, if emailed, could only be sent to staff and not to each other.

Elected Mayor

Chair Barker summarized that there was probably no need for further discussion regarding a strong mayor. He said he generally liked the concept of an elected mayor as the political face of the City but had concerns regarding the steps that would need to be implemented in order to get there. He pointed out an issue with reducing the districts to four and having an at-large mayor. He said it potentially could give too much power to one district, which could lead to a district having two commissioners representing it. He disagreed with having single-member districts. Ms. Thorman added that it would segment the City, and Ms. Fantell said she liked the idea of keeping the election of the Mayor as-is. Mr. Hall gave an example where, keeping it at-large, there would still be an imbalance in voting due to candidates focusing their campaign efforts on the residents of Wynmoor who are known to have a higher voter turnout. Discussion ensued regarding the pros and cons of both sides; single-member districts versus voting at-large. The Board discussed conducting research on other cities. Mr. Hall suggested asking the Finance Director about the amount of discretionary money in the City's budget.

The consensus of the Board was to think about the subject matter further and to bring it back for discussion at a future meeting.

Chair Barker guided the Board back to reviewing the following Charter sections and recommended changes included in the Running List:

Section 310 - Action Requiring an Ordinance.

Discussion ensued regarding removing subparagraph "j."

In addition to other acts required by law or by specific provisions of this Charter, the following actions shall be by ordinance which:

- a. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- b. Levy taxes, with respect to the property tax levied by adoption of the budget;
- c. Grant, renew or extend a franchise;
- d. Regulate the rate charged for water and wastewater services;
- e. Authorize the borrowing of money;
- f. Convey or lease or authorize the conveyance or lease of any lands owned by the City;
- g. Acquire by purchase, dedication or condemnation real property;
- h. Adopt with or without amendment ordinances proposed under the initiative power;
- i. Amend or repeal any ordinance previously adopted except as otherwise provided in this Charter; and
- ~~j. Adopt or amend an administrative code.~~

City Attorney Pyburn explained that the City does not have an administrative code, but instead has Administrative Orders, which essentially are personnel policies that do not require an ordinance. The consensus of the Board was to remove subparagraph "j.," but there was concern with whether or not it was important enough to have a referendum question. Deputy City Attorney Mehaffey explained that as part of Staff's recommendations, there were additional changes needed for this section in relation to subparagraph "f." Discussion ensued regarding restrictions of the Charter and various types of short-term lease agreements.

The consensus of the Board was to have legal provide draft language on the changes to this section for discussion at the next meeting.

Section 311.b. - Ordinances in General.

The proposed revisions for this section are as follows:

b. *Procedure.* A proposed ordinance shall be read by title, ~~or in full,~~ on at least two (2) separate days, at either regular or special meetings of the Commission and notice shall be provided in accordance with state law, ~~at least seven (7) days prior to adoption, be noticed once in a newspaper of general circulation in the City.~~ The notice of proposed enactment shall state the date, time, and place of the meeting, the title or titles of proposed ordinances and the place or places within the City where such proposed ordinances may be inspected by the public. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

There was no opposition from the Board regarding the proposed language.

Section 312. - Emergency Ordinances

Mr. Hall reiterated that the City Manager had wanted to change this section to make it in accordance with state law. The proposed revisions for this section are as follows:

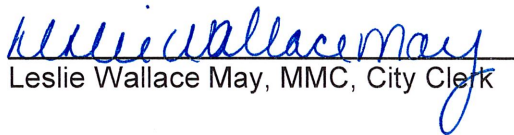
To meet a public emergency affecting life, health, property or the public peace, the Commission may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any utility for its services or authorize the borrowing of money except as provided in other sections of this Charter. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain after the enacting clause, a declaration stating that an emergency exists and describing it in clear specific terms. An emergency ordinance may be adopted with or without amendments or rejected at the meeting at which it is introduced, but an affirmative vote of at least four (4) members shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify and shall expire as stated in the ordinance itself or in accordance with state law. ~~Every emergency ordinance, except one made pursuant to other provisions of this Charter, shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this Expiration of an emergency ordinance shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinance.~~

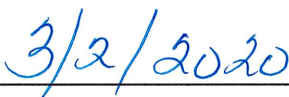
Discussion ensued regarding what requires an emergency ordinance to go into effect and the two types of emergencies. Deputy City Attorney Mehaffey explained that state law provides for the expiration of the emergency ordinance for each of the two emergency situation types. There was no further discussion.

7. ADJOURNMENT

The meeting was adjourned at 6:15 PM.

Transcribed by: Leslie Wallace May


Leslie Wallace May, MMC, City Clerk


Date