



## 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: March 9, 2020**  
**Time: 6 PM**  
**Location: Commission Chambers**

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### 1. CALL TO ORDER

The eighth meeting of the 2020 Charter Review Board (CRB) was called to order by Chair Jeffrey Barker at 6 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:** Deputy City Attorney Kathryn Mehaffey and City Clerk Leslie Wallace May.

### 3. APPROVAL OF MINUTES

A motion to approve the minutes of the March 2, 2020, CRB Meeting was made by Mr. Hall and seconded by Vice Chair Thorman. There was a unanimous voice vote to approve the minutes.

### 4. REVIEW OF CHARTER SECTIONS

Deputy City Attorney Mehaffey referenced the "Charter Review Board Discussion Items" that she had emailed to the Board members on February 26 and suggested going through each of the items. The Board began reviewing the discussion items as follows:

**1) Changing elections to March of even years - Section 301. - Composition; Eligibility; Election and Terms of Office. – Discussed by CRB 2/3/20, 1/10/20, 2/18/20 & 2/24/20 (TEXT**

Chair Barker summarized the past discussion as three options: leave the section as-is; switch to March of even-numbered years; or move to even-numbered years in November to coincide with the countywide general elections. Ms. Fantell discussed her concerns with moving to a November election cycle due to the size of the ballots. She agreed with moving the elections

to March of even-numbered years. Mr. Hall agreed with not switching to November due to the ballot size, but was not in favor of switching to March of even-numbered years. He suggested not changing the section and Vice Chair Thorman agreed. Chair Barker said that at first he was in favor of moving the election to March of even-numbered years, but thought it could create for an unfair imbalance since the commission seats are on a staggered election cycle with the same ones always coinciding with the Presidential Preference Primary.

The consensus of the Board was to leave the section as-is.

**2) Term Limits- Section 301. - Composition; Eligibility; Election and Terms of Office.-**  
*Discussed by CRB 2/3/20, 2/10/20, 2/18/20, & 2/24/20 raised by Commissioner Rydell*

Chair Barker summarized the past discussion that the Board seemed to agree that term limits were not a bad idea, but should not be limited to less than three terms/12 years. Discussion ensued regarding the following proposed changes:

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*c. Election and Terms. The regular election of Commissioners shall be held in accordance with State of Florida Law on the second Tuesday in March in years when the Commissioners' terms have expired.*

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*3. Term Limits. No person may appear on the ballot for re-election if, by the end of the current term of office the person will have served (or, but for resignation, would have served) as a commissioner for twelve (12) consecutive years without relinquishing office at least one (1) full term.*

Ms. Fantell recommended removing "relinquishing office at least one full term." Ms. Finley disagreed and said the person should be able to come back at a later time to run. Chair Barker agreed with the proposed language, but wanted to know if it takes into consideration whether or not a person was appointed. Deputy City Attorney Mehaffey asked for the Board's input on whether it should include an appointed term or not. Discussion ensued.

The consensus of the Board was for Deputy City Attorney Mehaffey to draft new language for the Board to review and vote on later. She summarized that her understanding of what the Board wanted, was to allow for 3 elections, which would normally be 12 years, but which if elected to an initial partial term would not be 12 years, and if appointed, appointed time would not count which could result in just under 13 years for an appointee.

**3a) Elected Mayor -** Discussed four area districts and one at-large elected Mayor (not strong Mayor). Requires redistricting by the redistricting board, changes to numerous charter sections, and elimination of one of the five commission seats.

Chair Barker summarized the past discussions of the Board relating to having an elected Mayor.

The consensus of the Board was to not have an elected Mayor.

**3b) Term of Mayor/Clarification that there is no prohibition on successive terms for Vice-Mayor –** Discussed by CRB 2/10/20, 2/18/20, & 2/24/20 raised by Commissioner Rydell.

Chair Barker stated that he did not see an issue with allowing for the Mayor to serve a second term if that person was willing to do so. Vice Chair Thorman asked why it would need to be changed and Deputy City Attorney Mehaffey explained that currently the Charter limits the term of the Mayor to only one year.

Chair Barker summarized the following proposed language changes:

**Section 302. - The Mayor and Vice Mayor**

*a. Election.*

\* \* \*

3. *Commissioners shall not nominate themselves but they may second any nomination. Only elected Commissioners or the incumbent Mayor shall be eligible for the office of Mayor, except that the incumbent Mayor, if having served a two full terms, shall not be re-elected to a third successive term as Mayor.*

Discussion ensued regarding the wording "only elected commissioners," removing "or the incumbent Mayor," and the interpretation of the word "successive" as meaning consecutive.

Deputy City Attorney Mehaffey suggested revising the language as follows, "except that the incumbent Mayor, if having served two consecutive full terms, shall not be re-elected to a third consecutive term as Mayor."

Ms. Finley said she preferred using the word "successive" rather than "consecutive."

Chair Barker summarized the following proposed language changes regarding nomination of the Vice Mayor:

\* \* \*

6. *The newly elected Mayor shall call for nominations for Vice Mayor from among the remaining Commissioners, which may include the incumbent Vice Mayor, and election of Vice Mayor shall be held using the same procedure and eligibility requirements as for election of Mayor. The incumbent Vice Mayor, if having served two full terms, shall not be re-elected to a third successive term as Vice Mayor.*

Discussion ensued on whether changes were needed for this paragraph. Deputy City Attorney Mehaffey explained that the wording "*which may include the incumbent Vice Mayor*" could be removed, but she recommended keeping the last sentence of the proposed language, "The incumbent Vice Mayor, if having served two full terms, shall not be re-elected to a third successive term as Vice Mayor." because this has not been clearly interpreted in the past.

Discussion ensued regarding different scenarios. The consensus of the Board was to have Deputy City Attorney Mehaffey revise the proposed language as discussed and using the word consecutive in place of successive.

- 4) **Single Member Districts** - Discussed by CRB 2/10/20, 2/18/20, & 2/24/20 raised by Commissioner Rydell in the event there is an elected Mayor.

The consensus of the Board was to leave the districts language as-is and to not change to single member districts.

5) **ARTICLE VIII. - INITIATIVE, REFERENDUM AND RECALL**

Deputy City Attorney Mehaffey reminded that Board that she is still working on researching proposed language for the Article and that this would be discussed at a later meeting when the Board discusses Article VIII of the Charter.

Deputy City Attorney Mehaffey distributed a new copy of the City Charter that included the administrative changes that were made via MuniCode and includes the strikethrough and underlines of proposed changes that were previously discussed. She noted the next step was to go article by article or section by section and evaluate the language as presented and take a roll call vote on each one so that we know that the Board is okay with either leaving it as-is or as presented with the revised language. She explained that this would not be a final decision. She proceeded as follows:

**ARTICLE I. - INCORPORATION, BOUNDARIES AND CHARTER**

Deputy City Attorney Mehaffey reiterated the changes that were made administratively through MuniCode.

A motion to leave Article I as-is was made by Mr. Hall and seconded by Ms. Finley. There was a unanimous voice vote to approve the motion.

**ARTICLE II. - POWERS OF THE CITY**

A motion to leave Article II as-is was made by Mr. Hall and seconded by Ms. Fantell. There was a unanimous voice vote to approve the motion.

**ARTICLE III. – CITY COMMISSION**

***Section 301. - Composition; Eligibility; Election and Terms of Office.***

- a. *Composition. There shall be a City Commission of five (5) members, one member elected from each of the five (5) districts within the City. Each candidate for Commissioner shall be elected at large and shall be a resident of and be primarily domiciled at the time of filing in the district in which he/she has filed his/her candidacy. Each candidate shall execute and deliver to the City Clerk an affidavit of primary domicile at the time of filing his/her candidacy. Each candidate shall also provide two (2) proofs of identification showing the candidate's address of domicile, one being a Florida Driver's License or Florida State Identification Card, plus an electric bill or water bill, or other evidence of address. Each Commissioner shall at all times remain primarily domiciled in the district in which he/she is elected. The candidate in each district receiving the greatest number*

*of votes, among all candidates from that district, shall be elected. Voters shall vote for only one candidate in each district.*

- b. Eligibility. Only qualified voters, who have been residents of the City or residents of any land annexed into the City for a minimum of twelve (12) months prior to filing as a candidate for office, shall be eligible to hold the office of Commissioner*

Mr. Hall asked if the language could be simplified to be in accordance with state law, and Deputy City Attorney Mehaffey explained that staff could look into it further if that was the wish of the Board. The consensus was to leave the language as presented and there was no further discussion. The Board proceeded with a motion.

A motion to leave Section 301, paragraphs "a." and "b." as-is was made by Vice Chair Thorman and seconded by Mr. Hall. There was a unanimous voice vote to approve the motion.

- c. Election and Terms. The regular election of Commissioners shall be held in accordance with State of Florida Law on the second Tuesday in March in years when the Commissioners' terms have expired*

- 1. Commencing with the elections in March, 2007, two (2) Commissioners shall be elected, one each from districts A and D for four-year terms expiring upon the certification and swearing-in of their successor. Commencing with the elections in March, 2009, three (3) Commissioners shall be elected, one each from districts B, C, and E for four-year terms expiring upon the certification and swearing-in of their successor.*
- 2. Commissioners newly elected and/or re-elected in a duly certified election shall be sworn into office and seated at the second next-regularly scheduled Commission meeting in March of election years, however, if the certified election results have not been received within 48 hours of this meeting date, a special meeting shall be held within seven (7) business days after receipt of certification of the election results. In the event such meeting is not scheduled for the first Thursday following said election, a special Commission meeting shall be held no later than three (3) seven (7) days from the date of the certification of the election by the Broward County Supervisor of Elections.*

Chair Barker asked what the exact potential issue was in paragraph "c." that needed to be addressed. Deputy City Attorney Mehaffey summarized the reasoning, which included more time needed due to when the election results are received and the Board's previous direction to Staff to clarify when the elected officials' terms end. Chair Barker read the proposed language in subsection "1." aloud. Discussion ensued regarding different scenarios that could occur, including an Act of God that could cause the second meeting in March to be canceled. Discussion ensued and it was decided to have Staff review this section and come back with revised language for paragraph c., subsections "1." and "2."

Deputy City Attorney Mehaffey suggested the following change, ". . . seated at the next regularly scheduled Commission meeting that is at least 48 hours after receipt of certification of the election results."

City Clerk May mentioned that election results are received usually on a Friday, and she asked if the decision could be readdressed at the next meeting. Discussion ensued about the need for a special meeting and the seven day notice. City Clerk May and Deputy City Attorney Mehaffey explained that the seven day notice is required by state law to notice the meeting and the 48-hour notice is a Broward County requirement for meeting back-up to be published. Discussion ensued regarding the special meeting language and with accepting the originally proposed language. Vice Chair Thorman asked if Staff still wanted time to review this section. Ms. May said she was okay with the originally proposed language. Deputy City Attorney Mehaffey said if the Board wanted Staff to simplify the language, then more time was needed. Chair Barker asked the Board if they thought there was a need to expedite the swearing-in of a newly elected commissioner or if they were okay with a 16 day gap between the certification of election results. He questioned whether or not a special election was necessary when the new official could be sworn-in at the next meeting.

Discussion ensued and the consensus of the Board was that a special meeting was needed if the results were not received before the second meeting in March. Mr. Hall and Chair Barker wanted staff to see if there was a state law requiring a newly elected commissioner to be seated within a certain number of days after receipt of the election results.

- d. Minimum Length of Residence. Each candidate shall be a resident of and be primarily domiciled in his/her district in which he/she has filed his/her candidacy for at least twelve (12) months prior to filing as a candidate for office but for a change in district of said candidate due to redistricting by the City that has occurred within the preceding twelve (12) month period in which case the combined residency of the candidate's prior and current districts shall be considered for qualification.*

A motion to leave Section 301, paragraph "d." as-is was made by Vice Chair Thorman and seconded by Mr. Hall. There was a unanimous voice vote to approve the motion.

### **Section 302. - The Mayor and Vice Mayor.**

It was decided to wait on discussing paragraph "a."

Chair Barker read aloud the following proposed language changes regarding the duties of the Mayor:

*b. Duties.*

- 1. The Mayor shall preside at meetings of the Commission, shall be recognized as head of the City Government for all ceremonial purposes but shall have no administrative duties except as specified in subparagraph b.2. below, or as prescribed by law. The Vice Mayor shall act as Mayor during the absence or disability of the Mayor, and likewise shall have no administrative duties. In the absence of the Mayor and Vice Mayor, the member with the longest tenure on the Commission shall ~~members present shall elect a temporary chairman to~~ preside at the meeting. In the event of a tie in the length of tenure the member whose last name begins with the earliest letter in the alphabet shall preside at the meeting.*

The consensus of the Board was to have Deputy City Attorney Mehaffey revise the proposed language so that in the event of a tie, the position of temporary chair shall be decided by coin toss.

**Section 303. - General Powers and Duties; Compensation.**

- a. *All powers of the City shall be vested in the Commission except as otherwise provided by law or this Charter.*
- b. *Three (3) Commission members shall be considered a quorum, except as provided in Section 302.a., and may do business for the City and may carry out all functions according to the law as if all members were present. A minimum of three (3) affirmative votes shall be required for an all actions to be undertaken by the City Commission, and, if any motion fails to achieve the affirmative vote of at least three (3) members of the Commission, then such motion shall be deemed to have failed and no action shall be taken by that motion. In the event that there are less than three (3) members of the Commission who are eligible to vote on a particular matter due to vacancy or required abstention pursuant to applicable state or county law, then the remaining member(s) of the Commission present may vote and approve such matter by unanimous vote.*
- c. *Compensation and Expenses of Commission.*
  1. *Compensation. The Commission shall have the power to periodically establish the annual salaries of its members. Each Commissioner shall receive an automatic increase in salary effective the first of October each year based upon the Consumer Price Index, U.S. Department of Labor, All Urban Consumers, Miami/Fort Lauderdale area. The salary of a Commissioner shall not be decreased during his/her current term of office except with his/her consent. The salary of any given Commission (District) seat shall be fixed at least forty-five (45) days prior to the deadline date of filing for that seat by any candidate. All proposals to increase Commission salaries, or to initiate other benefits, shall be subject to a specific Commission vote for those intended purposes.*
  2. *Expenses. The Commission shall have the power to periodically establish policies and procedures relevant to expenses incurred by its members on City business, including advances, reimbursements, and expense allowances. All proposals to increase Commission expense allowances shall be subject to a specific Commission vote.*

Deputy City Attorney Mehaffey summarized the proposed language in paragraph "b." Discussion ensued.

A motion to approve Section 303, paragraphs "a." and "c.," as-is and paragraph "b." with the proposed language, was made by Vice Chair Thorman and seconded by Mr. Hall. There was a unanimous voice vote to approve the motion.

Mr. Hall had some questions relating to, subparagraph "d.3" and Chair Barker had questions relating subparagraph "d.1."

- d. *Salaries and Compensation of Officers and Employees; and Bonds.*

1. *The Commission shall have the power to fix the salaries of all other officers and employees of the City, whether elected, appointed or chosen, and to establish such bonds as in the opinion of the Commission are necessary for the faithful discharge of the duties of such officers and employees.*
2. *The premium of any bond required by the Commission shall be paid by the City.*
3. *The Commission may authorize the payment to any officer or employee for travel and relevant expenses for any municipal service. All payments shall be based on acceptable evidence of actual expenses incurred.*

Discussion ensued regarding whether or not this was broad language and the duties were covered in approval of the budget. Deputy City Attorney Mehaffey said she would talk with the City Manager, City Attorney and the Finance Director to get clarification on paragraph "d."

**Section 304. - Prohibitions.**

Deputy City Attorney Mehaffey explained some newly proposed changes to section "b." by the City Attorney's Office. She noted that she would bring the revised language back to the Board for approval at a later meeting. Discussion ensued and it was agreed to further discuss Section 304 at the next meeting.

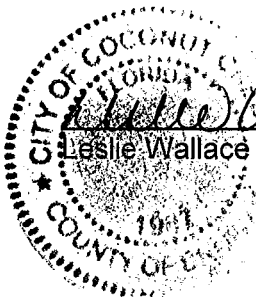
**6. CONFIRMING THE NEXT MEETING DATE AS MARCH 16, 2020, AT 6 PM.**

The March 16 meeting date and time was confirmed.

**7. ADJOURNMENT**

The meeting was adjourned at 8:02 PM.

Transcribed by: Leslie Wallace May

  
*Leslie Wallace May*  
Leslie Wallace May, MMC, City Clerk

3/16/2020  
Date