



CITY OF COCONUT CREEK CHARTER REVIEW BOARD MINUTES

Government Center
4800 West Copans Road
Coconut Creek, FL 33063

Date: April 16, 2025
Time: 5:00 p.m.
Location: Public Meeting Room
Adjacent to Commission Chambers

1. CALL TO ORDER

The meeting was called to order by Chair Craig Valvo at 5:06 p.m.

2. PRESENT UPON ROLL CALL:

Chair Craig Valvo - District E
Vice Chair Alex Escoriza - District D
Jonathan Ahlbum - District A
David Mintzes - District B
Mohammed Razib - District C

Also present: City Clerk Joseph J. Kavanagh, Deputy City Attorney Kathy Mehaffey, and City Attorney Terrill C. Pyburn.

City Attorney Pyburn noted that the meeting was being conducted live with a quorum physically present and explained the procedures for the meeting.

APPROVAL OF MINUTES

3. A MOTION APPROVING THE MINUTES FROM PREVIOUS CHARTER REVIEW BOARD MEETING(S). (2025-0326)

MOTION: Mintzes/Ahlbum – To approve the Minutes of the March 26, 2025, Charter Review Board Meeting, as presented.

The Motion passed by a unanimous voice vote.

4. REVIEW OF DRAFT CITY CHARTER AMENDMENTS

Deputy City Attorney Mehaffey provided an overview of the materials provided and the procedure to move forward with the proposed amendments. She reviewed the proposed changes as previously discussed individually and provided the Board with an opportunity for further discussion of each Section.

Section 106. – Rules of Construction.

- a. *The singular includes the plural and vice versa.*
- b. *Words used in the present or past tense include the future as well as the present and past.*
- c. *The words "written" or "in writing," may include any form of reproduction or communication, except oral.*

- d. References to “days” shall mean calendar days unless the specified time is 15 days or less, then it shall mean business days.

MOTION: Escoriza/Razib – To approve the changes to Section 106.d. as presented.

Upon roll call, the Motion passed by a 5-0 vote.

Section 303. – General Powers and Duties; Compensation.

- d. *Salaries and Compensation of Officers and Employees; and Bonds.*
1. *The Commission has the power to fix the salaries of ~~all other officers and employees~~ the City Manager and City Attorney hired or appointed by the City Commission, and to establish such bonds as in the opinion of the Commission are necessary for the faithful discharge of the City Manager’s and City Attorney’s duties of ~~such officers and employees~~.*
 2. *The premium of any bond required by the Commission will be paid by the City.*
 3. *The Commission may authorize the payment to any Commission member, officer or employee hired or appointed by City Commission for travel and relevant expenses for any municipal service. All payments will be based on acceptable evidence of actual expenses incurred.*

MOTION: Valvo/Escoriza – To approve the changes to Section 303.d. as presented.

Upon roll call, the Motion passed by a 5-0 vote.

Section 304. – Prohibitions.

- a. *Holding Other Office or Employment Except as Authorized by Law. Commission members must not hold any office in this City (other than Mayor or Vice Mayor), or serve as an officer on a homeowner or condominium association board within the City, or serve as a City employee during the term for which he/she is elected to office or be employed as a paid lobbyist.*

Mr. Razib asked for clarification on whether the proposed changes to Section 304 would apply only after a candidate was elected. Deputy City Attorney Mehaffey confirmed the language was written to apply only to Commission members.

MOTION: Valvo/Escoriza – To approve the changes to Section 304.a. as presented.

Upon roll call, the Motion passed by a 4-1 vote, with Mr. Mintzes voting nay.

Section 604. – Lapse of Appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if so determined by the City Commission through the annual budget process. ~~five (5)~~

~~years pass without disbursement from or encumbrance of the appropriation.~~

MOTION: Mintzes/Valvo – To approve the changes to Section 604 as presented.

Upon roll call, the Motion passed by a 5-0 vote.

Deputy City Attorney Mehaffey advised that proposed amendments to Sections 801, 802, 803, and 806 were related to initiatives.

Chair Valvo referenced Section 806 and asked if there was a situation where a special election would be required. Deputy City Attorney Mehaffey advised that everything possible had been done to eliminate that situation. Discussion continued regarding the election timeline and associated State Statute, as well as the potential to create the need for a special election and consideration of additional language to address the concern. City Attorney Pyburn and City Clerk Kavanagh provided additional details. Consensus was to leave the language as-is.

ARTICLE VIII. – Initiative, Referendum, and Recall

Section 801. – General Authority.

- a. *The Power to Initiate or Repeal an Ordinance. The qualified voters of the City shall have power to propose ordinances for adoption or to require repeal of any adopted ordinance following the procedures of this Article.*
- b. *Limitations. Such power to initiate shall not extend to the budget or capital improvement program or any ordinance relating to the Land Development Code or Comprehensive Plan or any ordinance related thereto or to appropriation of money, levy of taxes or salaries of City officers or employees and such power to repeal an ordinance shall not extend to any emergency ordinance relating to appropriation of money, nor to the levy of taxes, the budget, or the capital improvement program except on capital improvement projects financed by tax revenue certificates for water and sewer systems.*

MOTION: Mintzes/Razib – To approve the changes to Section 801.b. as presented.

Upon roll call, the Motion passed by a 5-0 vote.

Section 802. – Commencement of Proceedings; Petitioner's Committee; Affidavit.

- a. *Any fifty (50) qualified voters may commence initiative or repeal proceedings by filing with the City Clerk an affidavit stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be repealed.*
- b. *The proposed initiative ordinance or ordinance sought to be repealed shall be reviewed by the City Attorney or designee within fifteen (15) days of submittal for consistency with the City Charter, Comprehensive Plan, City Code of Ordinances and applicable City, County, state and federal laws and requirements. If the City Attorney determines the proposed amendment is facially invalid, inconsistent or creates conflicts with any other applicable legal authority, the petition shall be returned to the Petitioner, together with a notice of deficiency specifying the deficiencies or conflicts. The Petitioner will thereafter have a period of thirty (30) days from the date of the notice of deficiency within which to submit a revised*

petition addressing such deficiencies. The City Attorney shall review any subsequent resubmissions pursuant to this paragraph and provide a finding of consistency or deficiency within fifteen (15) days of any resubmission. Petitioner may submit a revised petition addressing identified deficiencies no more than three (3) times after the initial submittal. If the petition is determined deficient after the third (3rd) re-submittal, the petition shall be deemed withdrawn. Petitioner may initiate a new petition pursuant to this Section 802, with new affidavits pursuant to Section 802(a), no sooner than thirty (30) days after a prior petition is deemed withdrawn.

- c. If the City Attorney determines the petition is consistent, Promptly after the affidavit of the petitioner's committee is filed, the City Clerk shall promptly issue the appropriate blank petition forms to the Petitioner's committee.

MOTION: Mintzes/Valvo – To approve the changes to Section 802, as presented.

Upon roll call, the Motion passed by a 5-0 vote.

Section 803. – Petitions.

- a. *Action Form and Content. All pages of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall also contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.*
- b. *Affidavit of Circulator. Each page of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he/she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his/her presence, that he/she believes them to be genuine signatures of the persons whose names they purport to be and that each signatory had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.*
- c. *Time for Filing Petition to Initiate or Repeal an Ordinance. Initiative and Repeal Petitions signed by a minimum of five (5) percent of the total number of registered voters as of the preceding election must be filed within ninety (90) days after the ~~affidavit of the petitioner's committee is filed with the City Clerk~~ blank petition forms are provided to petitioner by the City Clerk.*

MOTION: Escoriaza/Valvo – To approve the changes to Section 803 as presented.

Upon roll call, the Motion passed by a 5-0 vote.

Section 806. – Action by Petitions.

- a. *Action by Commission. When an initiative or repeal petition has been finally determined sufficient, the Commission shall promptly consider the proposed initiative ordinance or repeal of the referred ordinance in the manner provided in Section 311 of this Charter. If the Commission fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within ~~thirty (30)~~ sixty (60) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the City, unless same would violate state or federal law.*

- b. *Submission to Voters. The vote of the qualified voters of the City on an ordinance proposed for adoption or for repeal shall be held not less than thirty (30) days and not later than one (1) year from the date of the final Commission vote thereon and shall be noticed in accordance with state law. If no general election or regular City election is to be held within the period prescribed in the subsection, the Commission shall provide for a special election otherwise, the vote shall be held at the same time as such regular election, except that the Commission may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the ordinance proposed for adoption or for repeal shall be made available at the polls.*

MOTION: Escoriza/Valvo – To approve the changes to Section 806 as presented.

Upon roll call, the Motion passed by a 5-0 vote.

Deputy City Attorney Mehaffey advised that proposed amendments to Section 807 and 906 were related to how to deal with conflicting amendments.

Section 807. – Results of Election.

- a. *Initiative. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Commission. If conflicting ordinances are approved at the same election, ~~the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict~~ they shall be implemented as provided in Section 906, "Amendments to Charter."*
- b. *Repeal. If a majority of the qualified electors voting on an ordinance referred for repeal vote to repeal the ordinance, it shall be considered repealed upon certification of the election results.*
- c. *Amendment or Repeal of Initiated Ordinance. An ordinance of the City of Coconut Creek which has been enacted after a favorable vote of a majority of the electors shall not, for a period of five (5) years, be amended or repealed by the City Commission unless such amendment or repeal is approved by a majority of the electors voting in a referendum called for that purpose.*

MOTION: Mintzes/Album – To approve the changes to Section 807 as presented.

Upon roll call, the Motion passed by a 5-0 vote.

Section 906. - Amendments to Charter.

- a. The Charter may be amended by any one of the following:
- a1. *As provided by the Florida Statutes.*
- b2. *By a Charter Review Board as provided for in Section 907 of this Article.*
- b. In the event that there is more than one Charter Amendment on a ballot at the same election and the results of the elections on those Charter Amendments creates a conflict between the approved Charter Amendments, then each Charter Amendment shall go into effect in respect to the provisions that are not in conflict and, where there is conflict, the one receiving the highest affirmative vote shall prevail as to the provisions in conflict.

MOTION: Mintzes/Valvo – To approve the changes to Section 906 as presented.

Upon roll call, the Motion passed by a 5-0 vote.

Deputy City Attorney Mehaffey advised that language in Section 907 had been drafted to allow for a Commission decision on whether the Charter Review Board should meet every six (6) or eight (8) years, as was the direction of the Board. She asked for clarification on whether the board wanted to definitively recommend amending the Charter Review Board schedule to align with future election cycles.

Chair Valvo stated he believed it was valuable for the Charter Review Board to be in sync with the election cycle and Vice-Chair Escoriza and Board Members Mintzes, Razib and Alhbum concurred with proposing the amendment and asking the City Commission to decide if the reviews should be every six (6) or eight (8) years.

Section 907. – Charter Review; Charter Review Board.

In January, 1980 [2030/2032], and every five (5) [six (6)/eight (8)] years thereafter, the Commission will 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. Commencing with the reorganization of the City Commission on March 13, 2029 and thereafter, the composition of the Charter Review Board will include an appointed elector from each of the four (4) districts, and one (1) appointed elector who is selected by the Elected Mayor and resides in any district of the City; all of whom must not hold any other office, appointment or employment in the government of the City of Coconut Creek except on advisory bodies of the City. In addition, the Commission may appoint a Charter Review Board at any other time as it may deem necessary or desirable, having the required composition as stated herein. Such Board must review the Municipal Charter, and within one hundred twenty (120) days after such appointment, submit to the Commission such alteration, revisions, and amendments, if any, to this Charter, as in its judgment are desirable. The Commission will submit to the electors not later than the next succeeding general election or municipal election any such proposed alterations, revisions, or amendments. The members appointed to said Board will serve without compensation and their terms will expire one hundred twenty (120) days after their appointment.

MOTION: Escoriza/Razib – To approve the changes to Section 907 as presented.

Upon roll call, the Motion passed by a 5-0 vote.

Deputy City Attorney Mehaffey stated this represented the full list of Charter changes the Board had come to consensus on. She asked if there were any further issues to discuss, and there were none.

5. DISCUSSION OF BALLOT QUESTIONS AND REVIEW OF DRAFT CHARTER AMENDMENT ORDINANCE

Deputy City Attorney Mehaffey reviewed the Draft Charter Amendment Ordinance and ballot language. Discussion ensued regarding splitting the questions further, ballot fatigue, and clarification of the ballot language.

Mr. Mintzes suggested that Mayor be added to clarify question two (2). The Board and

staff discussed revised language for clarity. Consensus was to amend the language.

Chair Valvo expressed concern that question four (4) would not be understood by the average person. City Attorney Pyburn commented that the title summarized the change. Discussion continued. Consensus was to amend the language.

Deputy City Attorney Mehaffey suggested an amendment to remove the final clause in question five (5). Discussion ensued briefly and consensus was to remove the clause.

Chair Valvo asked for clarification on abandonment of appropriations as addressed in question three (3). Deputy City Attorney Mehaffey explained. Discussion ensued regarding the language and next steps.

Deputy City Attorney Mehaffey reviewed the amended language of the proposed ballot questions as follows:

1. CLARIFYING CALCULATION OF “DAYS” AND CONFIRMING COMMISSION SETS CITY MANAGER AND CITY ATTORNEY SALARIES

SHALL THE CHARTER BE AMENDED TO PROVIDE GENERAL CLARIFICATION, BY SPECIFYING WHEN REFERENCES TO “DAYS” MEANS CALENDAR DAYS AND WHEN IT MEANS BUSINESS DAYS AND CLARIFYING THAT THE OFFICERS THE CITY COMMISSION SETS SALARIES FOR ARE THE CITY MANAGER AND CITY ATTORNEY?

2. PROHIBITING MAYOR OR COMMISSIONERS FROM SERVING ON HOMEOWNER OR CONDOMINIUM BOARD DURING THEIR COMMISSION TERM

SHALL THE GENERAL POWERS AND DUTIES OF THE MAYOR AND CITY COMMISSION BE AMENDED TO PROHIBIT THE MAYOR OR CITY COMMISSIONERS FROM SIMULTANEOUSLY SERVING AS AN OFFICER ON A HOMEOWNER OR CONDOMINIUM ASSOCIATION BOARD LOCATED WITHIN THE CITY WHILE THEY ARE SERVING AS THE MAYOR OR A CITY COMMISSIONER?

3. AUTHORIZING CITY COMMISSION TO DETERMINE, DURING THE BUDGET PROCESS, WHETHER APPROPRIATIONS SHOULD BE ABANDONED

SHALL THE CHARTER BE AMENDED TO REMOVE THE CURRENT FIVE-YEAR AUTOMATIC LAPSE OF UNSPENT APPROPRIATIONS AND INSTEAD AUTHORIZE THE CITY COMMISSION TO DETERMINE, DURING THE ANNUAL BUDGET PROCESS, WHICH APPROPRIATIONS SHALL BE DEEMED ABANDONED? CURRENTLY, THE CHARTER REQUIRES ABANDONMENT OF APPROPRIATIONS WITHIN FIVE YEARS, IF NOT DISBURSED OR ENCUMBERED, WHICH REDUCES THE EFFECTIVENESS OF LONG RANGE FINANCIAL PLANNING.

4. REVISING INITIATIVE, REFERENDUM, AND RECALL PROCEDURES

SHALL THE CHARTER BE AMENDED TO REVISE THE INITIATIVE AND REPEAL PROCEDURES TO PROVIDE THAT THE LAND DEVELOPMENT CODE, COMPREHENSIVE PLAN AND RELATED ORDINANCES ARE NOT SUBJECT TO THE REFERENDUM PROCESS; DEFINE A PROCEDURE FOR VALIDATION OF THE FORM OF A PETITION OR ORDINANCE; AND A METHODOLOGY FOR ADDRESSING CHARTER AMENDMENTS APPROVED BY THE VOTERS.

5. CHARTER REVIEW BOARD

SHALL THE CHARTER BE AMENDED TO REQUIRE REVIEW OF THE CITY CHARTER EVERY [SIX/EIGHT] YEARS BEGINNING IN APRIL [2030/2032] IN ORDER TO ALIGN WITH THE GENERAL ELECTION SCHEDULE? CURRENTLY, THE CHARTER IS REVIEWED EVERY FIVE YEARS WHICH OFTEN DOES NOT ALIGN WITH A SCHEDULED ELECTION THEREBY CREATING A DELAY IN VOTER CONSIDERATION OF THE BOARD'S RECOMMENDATIONS.

MOTION: Escoriza/Valvo – To approve the Draft Charter Amendment Ordinance as amended.

Upon roll call, the Motion passed by a 5-0 vote.

6. REVIEW OF DRAFT CHARTER REVIEW BOARD TRANSMITTAL REPORT

Deputy City Attorney Mehaffey reviewed the draft transmittal letter, outlining and summarizing the work of the Charter Review Board. She explained a summary of the Board's discussion regarding the Charter Review Board included the recommendation that the Commission consider a change to six (6) or eight (8) year intervals to align with the election schedule, and noted the letter also included the Board's recommendations for non-Charter issues.

Chair Valvo called for a recess at 6:21 p.m., and the meeting reconvened at 6:29 p.m.

MOTION: Valvo/Escoriza – To accept and execute the Charter Review Board Final Transmittal Letter.

Upon roll call, the Motion passed by a 5-0 vote.

7. ADJOURNMENT

Deputy City Attorney Mehaffey and City Attorney Pyburn thanked the Board for their time and thoughtfulness throughout the process.

The meeting was adjourned at 6:32 p.m.



Joseph J. Kavanagh, MMC
City Clerk



5/12/2025
Date