



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 3, 2020
Time: 3:30 p.m.
Location: Public Meeting Room

1. CALL TO ORDER

The third meeting of the 2020 Charter Review Board (CRB) was called to order by Chair Jeffrey Barker at 3:31 p.m.

2. ROLL CALL

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

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 January 27, 2020, Charter Review Board Meeting was made by Vice Chair Thorman and seconded by Mr. Hall. There was a unanimous voice vote to approve the minutes.

While the Board waited for the time certain of 3:45 p.m., discussion ensued regarding the January 27 Charter Review Board Meeting.

City Attorney Pyburn mentioned that the list of staff's recommended charter changes were emailed to the Board last week. In relation to City Manager Karen Brooks list of recommended changes, she explained that they have been very busy and had not been able to discuss some draft language that was necessary before it is discussed with the Board.

Item 7 was heard before Item 4.

7. RESCHEDULING OF 2/18/2020 MEETING DATE

City Clerk May explained that after the last meeting, where the meeting time for February 18 was

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changed to 5 p.m., it was discovered that another public meeting had been scheduled for 6 p.m. on the same date. She noted the original 3:30 p.m. meeting time was still available. Discussion ensued regarding availability of the board members. City Attorney Pyburn summarized that Commissioner Rydell would be meeting with the Board on February 10, and Vice Mayor Sarbone was available to meet with the Board on February 24. She would check with Commissioner Belvedere about presenting on February 18 and that one hour would be an adequate amount of time for that meeting. She noted that Finance Director Peta-Gay Lake would meet with the Board on March 2.

A motion to hold the Tuesday, February 18, 2020, Charter Review Board meeting beginning at 4:30 p.m. was made by Ms. Finley and seconded by Ms. Fantell. There was a unanimous voice vote to approve the new meeting time.

The following meeting dates were noted by Chair Barker:

- Monday, February 10 at 5 PM
- Tuesday, February 18 at 4:30 PM
- Monday, March 2 at 5 p.m.

City Clerk May mentioned that the meeting room had already been reserved for the Charter Review Boards meetings, beginning with March 2 forward, on Mondays at 5 p.m.

The Board agreed with discussing the sections of the Charter while waiting for the 3:45 p.m. time certain.

City Attorney Pyburn confirmed that the Board members had received the list of Staff's recommended charter changes and the City Clerk's recommended changes to Charter Section 406 – Appointment and Duties of the City Clerk. The board members nodded in affirmation that the above documents were received.

The Board proceeded with review the charter by section, except for sections that either could not be changed by the Charter Review Board, such as the boundaries of the City, or did not require review, such as standard legal language or reserved sections.

Section 101 – Incorporation: City Attorney Pyburn noted that the company who codifies the Charter and Ordinances, had failed to update this section by noting the date of the 2015 Charter amendment. Staff may be able to fix this directly with the company.

Section 106 – Rules of Construction: City Attorney Pyburn noted that paragraph "a." would be removed since the Charter was amended in 2015 to be gender neutral. Staff may also be able to fix this directly with the company.

Section 202 – Construction: Discussion ensued that this was perfunctory language that could be reworded but was not necessary.

4. DISCUSSION BY – MAYOR WELCH (Time Certain 3:45 p.m.)

Mayor Welch joined the meeting at 3:45 p.m. She greeted the Board members and thanked them for their service on the Board. She noted that she had recommended Charter changes for the Board's consideration and then there were some topics she wanted to discuss, but was not going

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to make recommendations. The Mayor began reviewing her recommendations on the below-listed Charter sections.

Section 301 – Composition; Eligibility; Election and Terms of Office

Mayor Welch suggested the following changes:

- Subparagraph “c.2.” – “Commissioners newly elected and/or re-elected in a duly certified election shall be sworn into office and seated at the next second regularly scheduled Commission meeting in March of election years. However, if the certified election results are not received within 48 hours of this meeting date, a Special Commission Meeting shall be held no earlier than seven business days from the date of receipt of the certified election results, after 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) days from the date of the certification of the election by the Broward County Supervisor of Elections.”

She explained the reasoning for moving the swearing-in ceremony to the second regularly scheduled Commission meeting in March, and shared a recent situation where we had to have a special meeting to swear-in one commissioner, whose election results were not certified in time for the first regular meeting, while another commissioner, who ran unopposed, was sworn-in at the at the first meeting. In response to questions from the board regarding a situation where a commissioner is not re-elected and would still be able participate at the first meeting, City Attorney Pyburn expressed that it was more important to comply with the meeting notice requirements and not run a risk of violating our Charter to meet these requirements. Discussion ensued and the Board asked Mayor Welch to read the language changes she was suggesting, which she did.

The Board suggested adding language to define when the terms end and to state that it included upon receipt of certified election results and the swearing-in of the newly elected official.

Chair Barker confirmed that the City Attorney will send proposed language to the Board showing the Mayor’s proposed language plus the additional language.

Section 302 – The Mayor and Vice Mayor

Mayor Welch suggested the following changes:

- Paragraph “a.” (election) - Mayor Welch suggested changing the wording so that it is consistent with the changes in Section 301 as follows:

“after the swearing-in of newly elected Commissioners, or, in years where there are no newly elected Commissioners, at the first second regularly scheduled Commission meeting” ~~subsequent to the second Tuesday.~~”

- Subparagraph “a.3.” - she noted the scriveners error where it was necessary to add an ‘s’ after the word “Commissioner”.
- Subparagraph “b.1” (Duties) – she suggested changing the wording as follows:

“except as specified in subparagraph b.2. below; or as prescribed by law.”

“the members present shall elect a temporary ~~chairman~~ chairperson to preside at the meeting who should be longest tenured Commissioner present.”

She noted that this would allow for having a procedure in place without the need to elect someone at a meeting, especially during an emergency situation.

Section 305 – Vacancies; Forfeiture of Office; filling of Vacancies

Mayor Welch suggested the following changes:

- Paragraph “b.” – remove “officially” from the fourth reason for forfeiture of office so that the action can be conducted in an official or unofficial way. She explained that the excusal is conducted at the meetings, but there is not a set procedure on how it is done. City Attorney Pyburn noted that there is no definition provided for the word “official”. Deputy City Attorney Mehaffey explained that the word official, without being defined, from a legal view gives the perspective that there is an official process in place. After some questions and scenarios from the Board, and the explanations from the City Attorney and Deputy City Attorney, Mayor Welch suggested the following change:

“ . . . (4) fails to attend three (3) consecutive regular meetings of the Commission without being ~~officially~~ excused by the Commission at a meeting,”

- Subparagraph “c.1.” – clarify so that it reads,

“If a vacancy occurs three hundred and sixty-five (365) or fewer calendar days before the expiration of the term of the former commissioner, the commission, by majority vote of the remaining members, ~~shall~~ may appoint a qualified person to fill the vacancy within thirty (30) days of its occurrence”

She explained that, in the event the vacancy occurred closer to an upcoming election, this change would help avoid having to appoint a person who may only need to attend one or two meetings.

Discussion ensued and the Board requested to have language drafted to add to this section stating that if a vacancy occurred within 180 days or possibly 90 days prior to the municipal election, then the City Commission would not need to appoint.

Section 309 – Procedure

Mayor Welch suggested the following changes:

- Paragraph “a.” – Meetings. Mayor Welch recommended changing the language from 24 hours’ notice to 48 hours’ notice for meetings to be consistent with County requirements, so that it reads,

“ . . . and whenever practical, upon no less than ~~twenty-four (24)~~ forty-eight (48) hours’ notice to each member.”

She also recommended adding the following language,

“All meetings shall be public, except as provided by state law.”

She explained that the state allows for some meetings to not be held in the “Sunshine” such as closed/executive sessions or security meetings. Discussion ensued.

Mayor Welch discussed the following separate topics:

- Elected mayor versus a ceremonial mayor - She stated that she preferred keeping the Council-Manager form of Government. Chair Barker asked for her thoughts on having an elected mayor, not a strong mayor, instead of rotating the mayor as it is currently done. Mayor Welch stated that if the duties were still ceremonial, it would not behoove the City to make the change. Mr. Hall asked about the types of duties an elected mayor would have, and he asked how the election would work if there was not a Mayor slot. Chair Barker stated that an elected mayor would not work with the current districts setup and that adding an additional seat for an elected mayor would require a complete overhaul to the commission setup.
- Term limits for the city commissioners - She stated that she did not have an opinion but wanted to note the importance of historical knowledge that could be lost through limiting terms. She also pointed out that on the flip-side, term limits allow for fresh perspectives.
- Moving the election from March to November - She noted that the move would save the City money on election costs; however, she noted that the longer ballots in November elections may deter residents from voting. Chair Barker reiterated the idea of moving the elections to March of even-numbered years to coincide with primary elections.

A 10 minute recess was taken.

Mr. Hall asked the City Clerk if it was known how many other cities have term limits. City Attorney Pyburn and City Clerk May responded that it could be researched.

5. DISCUSSION BY – COMMISSIONER TOOLEY (Time Certain 4:45 p.m.)

Section 310 – Action Requiring an Ordinance

Commissioner Tooley suggested the following changes:

- Paragraph “j.” – strike this whole section.

She explained that the City does not have an administrative code, instead, there are administrative orders that are not adopted by ordinance. Chair Barker asked if there could be a situation in the future where the City might want to adopt an administrative code. City Attorney Pyburn explained that this could still be done either by resolution or by ordinance and that it was not necessary to delineate it within the Charter. She also noted that there are personnel policies that are called administrative orders and removing this section could alleviate any confusion there.

Section 311 – Ordinances in General

Commissioner Tooley suggested the following changes:

- Paragraph “b.” Procedure – A proposed ordinance shall be read by title and notice provided in accordance with state law. ~~, or in full, on at least two (2) separate days, at either regular or special meetings of the Commission and shall, 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.~~

She explained that it is not necessary to read an ordinance in full. She noted that the lengthy and specific language included in this section regarding the notice requirements should be removed because notice is done in accordance with state law and specific language could become inconsistent if the laws are changed over time. She explained that each year during the state's legislative session, a bill is submitted that would allow municipalities to publish notices online instead of in the newspaper, as this would be a great cost savings to the City. City Attorney Pyburn added that if this language is left in this section, then the Charter could essentially "hamstring" the City if the law eventually is passed allowing for online publishing.

Section 312 – Emergency Ordinances

Commissioner Tooley suggested the following changes:

- “. . . 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~~ as stated in the ordinance itself or in accordance with state law, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. . . .”

Section 501 – Organization of Boards and Committees

Commissioner Tooley suggested the following changes:

- “. . . Any vacancy on a Board or Committee shall be filled as provided by ordinance by appointment by a majority vote of the Commission. Nominees to all Boards and Committees appointed by the Commission are not required to reside in the District represented by the nominating Commissioner, except for the Charter Review Board and the Redistricting Board.”

City Attorney Pyburn noted that removing the vacancy appointment language is consistent with recently updated City Code sections relating to the vacancy procedure requirements for all of the City's advisory boards. She explained that the additional language at the end of this section is consistent with the Charter requirement that the members of the Charter Review and Redistricting Boards reside within the District of the nominating commissioner.

Section 907 – Charter Review; Charter Review Board

- Commissioner Tooley recommended convening the Charter Review Board every 10 years instead of the current 5 year cycle.

Commissioner Tooley pointed out that the Charter still allows for the Commission to appoint a Charter Board at any time it feels it is necessary.

Section 908 – Authority of Commission to Divide City into Voting Districts; (Re-Districting Board)

Commissioner Tooley suggested the following changes:

- Extend the term of the Re-Districting Board members from 90 days to 120 days to allow more time to complete the required report to the City Commission.
- Convene the Re-Districting Board every 10 years, instead of the current 5 years cycle. She noted that the City is almost fully developed, except for the MainStreet area. She pointed out that the Charter still allows for the Commission to appoint a Re-Districting Board at any time it feels it is necessary.

Commissioner Tooley discussed the following separate topics:

- Moving the Swearing-in of the newly elected commissioners to the second meeting in March instead of at the first meeting. She mentioned the issue that had occurred at the last election when the first meeting of the commission occurred prior to receipt of the certified election results.

City Attorney Pyburn had to leave the meeting at 5:06 p.m.

- Not changing to an elected mayor. The Board members briefly discussed that it would require many changes to the structure of the commission.
- Not changing the elections from March to November. Chair Barker reiterated the idea of moving the elections to March of even-numbered years to coincide with primary elections and asked her if she had any objections, which she did not at this time.

Mr. Hall noted for the record that he had helped Commissioner Tooley with her recent campaign. Discussion ensued regarding setting limits on campaign fundraising. Deputy City Attorney explained that campaign financing is heavily regulated by state law, so research would be necessary to see what kind of changes, if any, could be done at the municipal level.

Commissioner Tooley thanked all of the Board members for serving on the Charter Review Board.

6. DISCUSSION BY BOARD MEMBERS

Chair Barker asked the Board how they wished to proceed with the meeting. Deputy City Attorney asked for general feedback from the Board on what was presented today. She also asked if they preferred to have all the suggestions compiled and brought back to them in a contextual format for the next meeting, which they agreed. She noted that it would take her a while to draft, and she would bring printed copies to the next week's meeting.

Mr. Hall asked if the Board needed to keep a list of things the Board wanted to consider and another list for things they did not want to discuss. He stated that he did not think the Board was in favor of having a strong mayor. Deputy City Attorney Mehaffey said the Board had made it pretty clear over the last two meetings that it is not interested in having a strong mayor. She explained that they did not have to discuss it any further if they did not want. She mentioned that going forward, the Board will need to continue with, at least briefly, reviewing each section of the Charter. She agreed that each individual board member should keep a list of what he/she wants to discuss. She further explained that she will provide a list of the four changes discussed at the last meeting, the changes

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discussed today, and then add in any changes the board brings forward.

Ms. Finley noted that she had once been on the Re-Districting Board and agreed with the extension of term to 120 days. She at first had concerns with Commissioner Tooley's suggestion to spread out the convening of that Board to ten years, but then she realized that there was language in there where the Commission could convene the board at any time. Discussion ensued regarding the impact of the MainStreet area once it is developed. Mr. Hall asked for Staff provide the potential impact of the population in the MainStreet area. Discussion ensued. Deputy City Attorney Mehaffey noted that she would ask Staff to get the requested information for the next meeting.

Discussion ensued, and then the Board reviewed the recommended Charter changes provided by the City Clerk.

Section 406. Appointment and Duties of the City Clerk

City Clerk May provided the following changes:

- Paragraph "a." - A City Clerk shall be appointed by the City Manager and shall perform such duties as are prescribed by law, and as are assigned by this Charter, ~~by the City Commission or by the City Manager.~~
- Paragraph "b." - The City Clerk shall be keeper of the City Seal and the public records. The City Clerk shall also serve as administrator of City Elections, administrator of the City's records management program, and municipal corporate secretary to the City Commission.
- Paragraph "c." - The City Clerk shall authenticate by signature, and record in full, in a properly indexed record kept for the purpose, all ordinances and resolutions enacted by the Commission. Regulations adopted by the Commission shall be maintained in a permanent record.
- Paragraph "d." - The City Clerk shall administer the oath of office to all persons elected, appointed to City advisory boards/committees, and appointed pursuant to the Charter and Ordinances of the City sworn law enforcement personnel.
- Paragraph "e." - The City Clerk shall appoint one or more Deputy City Clerks, who shall perform those duties assigned them by the City Clerk and, in the City Clerk's temporary absence or disability, shall perform the duties of the City Clerk. the duties of City Clerk during the City Clerk's temporary absence or disability.
- Paragraph "f." - ~~The City Clerk of the City of Coconut Creek shall be the official representative filing officer of the City Commission in all transactions with the Supervisor of Elections of Broward County, Florida, in relation to all matters pertaining to the use of registration books and records herein mentioned for holding such municipal elections.~~
- Paragraph "g." - The City Clerk may create, reproduce, convert and store the City public records in the most economical and efficient manner available and in the best interest of the City as provided by Florida Statute and Administrative Code absent any lawful or administrative exemptions to the contrary.

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Chair Barker asked whether or not to include minutia changes that would burden the voter. Deputy City Attorney Mehaffey cautioned the Board not to avoid making changes at this point. Include everything and put it all together and then figure out what you wish to take out. She noted that it was too early to eliminate suggestions. Discussion ensued regarding the removal of the City Commission from paragraph "a." and it was explained that it would be in violation of the Charter if there was interference by the City Commission. Mr. Hall commented on there not being any reference in the Charter regarding the Deputy City Clerk duties. Chair Barker inquired if the "record in full" language in Paragraph "c." referred to recording the documents with the County and it was explained that it did not; it instead related to the permanent record that the State requires to be kept.

During the meeting, Item 7 was heard before Item 4.

8. ADJOURNMENT

The meeting was adjourned at 5:39 p.m.

Transcribed by: Leslie Wallace May


Leslie Wallace May
Leslie Wallace May, MMC, City Clerk

2/10/2020
Date