

BROWARD COUNTY CHARTER REVIEW COMMISSION
August 8, 2006

MEMBERS Commissioner Hayward Benson, Jr.
PRESENT: Michael Buckner, Esq.
 Mayor Debby Eisinger
 David Esack
 Patricia Good
 H. K. "Petey" Kaletta
 Mark Ketcham
 Dr. Mark Lieberman
 Joseph Maus, Esq.
 Commissioner Ted Mena
 Mayor Lori Moseley, Chair
 Burnadette Norris-Weeks, Esq.
 Robert Penezic, Esq.
 Commissioner Hazelle Rogers, Vice-Chair
 Bruce Rogow, Esq.
 Dr. Irv Rosenbaum
 Jodi Jeffreys Tanner
 G. Wil Trower
 Richard Jay Weiss, Esq.

STAFF Pete Corwin, Assistant to the County Administrator
PRESENT: Maria Gross, Assistant Director, CRC
 James Rowlee, Assistant County Attorney
 Patricia West, Executive Director, CRC
 Leah Von Leu, Real-Time Reporter

ALSO Dan Glickman
PRESENT: Sam Goren, Esq.
 Yolanda Grooms
 Alexis Moseley
 David Tolces, Esq.
 Julia Trevarthen, South Florida Regional Planning Council

(A copy of the sign-in sheet identifying those present is filed with the supplemental papers to the minutes of this meeting.)

(Ms. Eisinger, Ms. Burnadette Norris-Weeks, Commissioner Rogers, and Mr. Bruce Rogow entered the meeting room as reflected in the minutes of this meeting.)

A meeting of the Broward County Charter Review Commission was held on Tuesday, August 8, 2006 at 10:00 a.m., in Room 430 of the Broward County Governmental Center, Fort Lauderdale, Florida.

I. WELCOME & CALL TO ORDER

The Chair opened the meeting on time by welcoming all those in attendance and asking for a roll call.

II. APPROVAL OF THE MINUTES

The Chair invited members to briefly review the minutes of July 12, 2006.

On motion of Ms. Good, seconded by Mr. Esack and unanimously carried, the minutes of July 12, 2006 were unanimously approved.

Mr. Mena requested that minutes be sent prior to the meeting via e-mail; the Chair advised that procedures would be addressed later in the meeting.

(Commissioner Rogers and Ms. Eisinger entered the meeting room at this time.)

III. BUDGET COMMITTEE REPORT

Following introduction of the members of the Budget Committee, Ms. Jeffreys Tanner, Chair of the Budget Committee, requested, as part of her report, approval of an additional expenditure for verbatim transcription services of the Charter Review Commission (CRC) minutes to be provided by Law's Reporting Agency.

(Ms. Norris-Weeks and Mr. Rogow entered the meeting room at this time.)

A motion was made by Ms. Jeffreys Tanner and seconded by Mr. Maus, to approve the expenditure of verbatim transcription services for FY07.

Following discussion regarding the necessity for verbatim versus regular minutes of the meetings, Mr. Rowlee addressed the issue of verbatim minutes within The Sunshine Law. The Chair noted that it was a professional service procedurally provided in the past.

The Chair addressed the legitimacy of including the added expenditure of providing verbatim minutes within the approval of the budget and it was agreed upon, without objection, to include it.

Ms. Jeffreys Tanner continued with her report explaining various line items within the proposed budget.

IV. APPROVAL OF APPOINTMENT OF EXECUTIVE DIRECTOR, PATRICIA WEST

Following an inquiry from Ms. Good regarding the size and salary of the Executive Director's staff, the Chair turned the floor over to Ms. West for an account of the amounts budgeted for salary and expenses for the Executive Director's office.

Upon inquiry from Mr. Mena noting a 4.5% increase in salary for Ms. West, Ms. Jeffreys Tanner explained the increase was a scheduled raise for August of 2007, and the purpose of the Budget Committee to include it within the proposed budget at this time.

Mayor Moseley commented briefly regarding the final approval process of the budget from the Board of County Commissioners.

Ms. Jeffreys Tanner pointed out that the Budget Committee will be meeting again and invited additional input.

Upon inquiry from Mr. Buckner regarding the methodology for fiscal determination, Mr. Corwin outlined the history of the contractual services provided in the past for the CRC as a means to for the current estimation.

A motion was made by Ms. Jeffreys Tanner and seconded by Mr. Trower, to approve the appointment of Patricia West as Executive Director.

Dr. Lieberman inquired as to whether Ms. West was a County employee and Ms. West detailed her position as it relates to the CRC and her employment with Broward County. Ms. Jeffreys Tanner pointed out that a copy of the agreement was provided in each member's package for their review. Mr. Corwin clarified that Ms. West works strictly for the CRC.

Upon inquiry from Mr. Weiss regarding legal review of the agreement, Mr. Rowlee noted that he did not have an opportunity to review the agreement, as he had just been appointed to the CRC that morning. Ms. West advised the members that the agreement was identical to the agreement approved by the County Attorney's Office during her tenure as Executive Director of the Management & Efficiency Study Committee. The only item changed in the agreement is the salary amount.

The Chair then called for a vote on the approval of Patricia West as Executive Director, which passed unanimously.

Mr. Weiss expressed concern over the CRC operating without a lawyer and requested that the County Attorney assigned for this meeting join the members at the table. Mr. Rowlee took a place at the table and identified himself as an Assistant County Attorney within the County Attorney's Office.

V. APPROVAL OF FY 06 BUDGET

VI. APPROVAL OF FY 07 BUDGET

The Chair called for a vote approving the budgets (with the inclusion of the expenditure for verbatim minutes for FY 07) which passed by a majority vote with Mr. Esack, Mr. Lieberman, Mr. Mena, and Mr. Weiss voting "no." Mr. Rogow chose to abstain. Upon the Chair's observation that Mr. Rogow abstained from voting, instruction was given that members cannot abstain if present. Mr. Rogow voted "no."

VII. LEGAL COMMITTEE REPORT

Mr. Weiss, as Chair of the Legal Committee, reported that many applications had been received and that those that were non-attorneys were eliminated. Mr. Weiss stated that the four firms identified for consideration were: Mel Wilson's firm - Williams, Wilson & Sexton; Sonja Dickens firm - Arnstein & Lehr; William Scherer's firm - Conrad & Scherer; and Samuel Goren's firm - Goren, Cherof, Doody & Ezrol. Mr. Weiss stated that the Legal Committee will schedule a meeting to interview those firms for a recommendation and presentation to the CRC. The Chair confirmed that the Legal Committee's recommendations will be presented at the next scheduled meeting.

VIII. DISCUSS SHORTLIST

No discussion.

IX. ADOPT RULES & PROCEDURES FOR 2006-2008 CHARTER REVIEW COMMISSION

The Chair asked the CRC members to review the list of suggested rules and procedures provided and confirmed that the CRC would operate under Robert's Rules of Order.

It was also pointed out by the Chair that all items discussed should be on the agenda. Extensive discussion ensued regarding whether or not the

CRC will consider supplemental or non-agenda items submitted to staff prior to the meeting day. Mr. Benson inquired as well, as to the protocol of placing items on the agenda.

Ms. Kaletta asked during this discussion that the members speak up while partaking in the discussions so that their comments could be heard.

Upon Mr. Mena's query of what other boards do regarding submission of supplemental and non-agenda items, Mr. Goren interjected that he could provide copies of the set of procedures from the last CRC. The Chair felt it would be helpful if Mr. Goren proceeded with his presentation and invited him to continue.

X. DISCUSS ISSUES/SUBCOMMITTEES

No discussion.

XI. PRESENTATION FROM SAM GOREN, ESQ.

Mr. Goren introduced himself and Mr. Tolces as the counsel for the last CRC and as such, provided copies of the framework, rules and procedures adopted, and an informational brochure of the ballot questions produced from the 2000-2002 CRC.

Mr. Goren stressed the importance of staying on task within the two-year timeframe so that the CRC's conclusions could be formalized by June 2008, should the CRC seek access on the ballot for the November 2008 election.

Mr. Weiss was then introduced by Mr. Goren as the only member of the current CRC that participated as a member of the last CRC and was described as being instrumental in the evaluation, review, and preparation of matters and it was suggested his knowledge and assistance could be useful.

Mr. Goren reminded the CRC members of the significance and independence they have in preparing and providing the language of the document that will be placed before the voters.

A brief history was given of what issues the past CRC reviewed such as assessment of the constitutional officers and form of government. In addition, Mr. Goren asked that the members observe the key issues that were addressed such as the Citizens' Bill of Rights, access to government, truth in government, access to the budget process, the authority given to the County Auditor, public safety and life-threatening issues, public input, and the procedure for access on the ballot.

Mr. Goren then discussed the rules which governed the amount of votes required to get a question on the ballot. He advised there is a 10-vote minimum required for a conversation to be held and a 13-vote requirement for access on the ballot. He further suggested that the CRC vote only after receiving all input and information and reminded the members that there are two public hearings required by the Charter.

Viable options to attend meetings such as teleconferencing was briefly covered by Mr. Goren, with emphasis placed on the need for being physically present at all meetings.

Mr. Goren touched on the clarity and accuracy of the language regarding the 13 ballot questions prepared from the last CRC and how it was a contributing factor in having all 13 questions positively supported by the voters.

Upon inquiry from Mr. Mena regarding his and Mr. Benson's earlier question regarding how items are placed on the agenda, Mr. Goren stated that the Chair, along with the Executive Director had the role of presetting the issues by asking which should be placed on the agenda for discussion. Mr. Goren suggested with 19 members on the current CRC, that this process could be more difficult and with The Sunshine Law in place, recommended doing it at meetings.

The Chair then recommended items to be placed on the agenda be brought up under "New Business" at the end of meetings as agreement to Mr. Goren's comment to be mindful of the timeframe and with such a large group.

Ms. Jeffreys Tanner suggested a cutoff/timeframe for supplemental and non-agenda items to be submitted to the agenda going forward.

The Chair recommended that the CRC assimilate the material presented today before adopting Rules & Procedures for 2006-2008, and asked for suggestions and discussion regarding the cut-off for emergency items to be submitted.

Upon additional inquiry from the Chair regarding the distribution schedule of the agenda, Ms. West suggested it be distributed approximately a week before the next meeting with agreement that four business days would be sufficient time for review of items placed on the agenda prior to the next meeting.

Following extensive dialogue, it was agreed by general consensus that supplemental and emergency items must be received no later than 24-

hours prior to the next meeting. Ms. West assured that backup would be provided as needed for sufficient review.

The Chair clarified the issue of members attending via teleconferencing if unable to attend physically and Dr. Lieberman inquired as to the limit. Ms. West answered that teleconferencing must be set up ahead of time and would investigate the issue in further detail.

The issue of absenteeism was discussed in regard to the amount of absences allowed and the necessity of keeping track and reporting it, as Ms. Jeffreys Tanner stated the Board of County Commissioners are required to address it.

Mr. Weiss requested at this time that the issues and questions presented wait until the attorney appointed can answer and advise the CRC pertaining to the issues already presented.

The Chair confirmed that the CRC should wait until an attorney is “on board” to answer any and all questions as to rules and procedures.

Upon Ms. West’s query whether the information on the firms chosen can be shared, Mr. Weiss offered to circulate the recommendations in advance of the next meeting.

In the event, as Mr. Penezic queried, the recommendation of the Legal Committee is rejected, Mr. Weiss reported that the firms will be ranked for the purpose of selecting a firm.

XII. PATRICIA WEST PRESENTATION OF OVERVIEW OF MANAGEMENT & EFFICIENCY STUDY COMMITTEE FINAL REPORT RECOMMENDATIONS

Not presented at this time.

XIII. MEMBER CONCERNS

Following comments from Dr. Rosenbaum, Mr. Weiss, and Mr. Benson regarding items, topics, and presentations requested for upcoming meetings, The Chair acknowledged that Ms. West will provide a facilitator to assist with the creation of an all-inclusive issue-identification list.

Upon difficulty in finding a date and time when everyone on the CRC could meet again, discussion ensued regarding Dr. Rosenbaum’s suggestion to perhaps meet all day over a weekend in order to “get up to speed” and “hit the ground running” regarding the creation of the issue-identification list. It was also agreed by all to accept Mr. Maus’ suggestion to combine the

meeting for selection of an attorney with the all day meeting. As a result, Mr. Weiss stated he would make sure the attorneys knew, should their firm be selected, to be prepared to provide counsel immediately.

Ms. West agreed to poll the members in order to find a date when all could be available for the day. The Chair established that once this date was determined, the details would be announced.

XIV. NEW BUSINESS

No discussion.

XV. ADJOURNMENT

The Chair declared the meeting adjourned at 12:00 p.m.

This meeting was recorded on CD number 06-XX.

(Date and location of next meeting yet to be determined and announced per availability of members/room.)