

**Meeting Summary**  
**Broward County Charter Review Commission**  
**Wednesday, September 13, 2006**  
**Mills Pond Park Recreation Center**  
**2201 N.W. 9<sup>th</sup> Avenue, Ft. Lauderdale, FL 33311**  
**9:00 AM-3:00 PM**

**Members Present:**

Commissioner Hayward J. Benson, Jr.  
Michael L. Buckner, Esq.  
Mayor Debby Eisinger  
David Esack  
Patricia Good  
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 Jeffries Tanner  
G. Wil Trower

**Members Absent:**

H. K. "Petey" Kaletta  
Richard J. Weiss, Esq.

**Others Attending:**

Dan Glickman, resident of Deerfield Beach, FL  
Sam Goren, Esq., General Counsel  
Yolanda Grooms, Administrative Assistant  
Maria Gross, Assistant Director  
David Orshefsky, Esq.  
S. F. Ma-Hee, Transcriber  
Andrew Meyers, Esq., Chief Appellate Counsel, Broward  
County Attorney's Office  
David Tolces, Esq., Assistant General Counsel  
Gail Price-Wise, The National Conference for Community &  
Justice (NCCJ)  
Julia Trevarthen, The Institute for Community  
Collaboration (ICC)  
Patricia G. West, Executive Director

A meeting/facilitated session of The Broward County Charter Review Commission ("CRC" or "Commission") was held at 9:00 a.m. on Wednesday, September 13, 2006 at the Mills Pond Park Recreation Center, Fort Lauderdale, FL.

## **I Call to Order/Roll Call**

Mayor Moseley called the meeting/facilitated session to order at 9:15 am and requested the roll call by S.F. Ma-Hee. The Chair noted the presence of a quorum.

## **II Legal Subcommittee Recommendations:**

The Chair detailed the recommendations of the CRC Legal Subcommittee in order of preference: Goren, Cherof, Doody & Ezrol, P.A., first, Williams, Wilson and Sexton, second, and Arnstein & Lehr LLP, third. If there is a conflict with Mr. Goren's firm, the other two firms will work with the CRC as needed. The fee for services provided by the firms is \$185.00 per hour.

The Chair called for a motion on the Subcommittee's first choice of the law firm of Goren, Cherof, Doody & Ezrol, P.A, and Sam Goren, Esq. as the CRC General Counsel.

A motion was made and seconded for legal representation by Mr. Goren's firm. The vote was unanimous.

Mr. Meyers explained the contract entered into by the CRC and its legal representation.

## **III Ice Breaker**

The Chair noted that the CRC would move into the Facilitated Session and directed Ms. West, to introduce Gail Price-Wise, Executive Director, The National Conference for Community and Justice (NCCJ), to conduct an Ice-Breaker Exercise, Standing on Common Ground.

## **IV Statutory Framework for the CRC Members' Responsibilities/Legal Requirements:**

Julia Trevarthen of The Institute for Community Collaboration (ICC) began the facilitated session and introduced Sam Goren, Esq. to discuss the framework of the CRC and various statutes and rules that impact the CRC. Mr. Goren explained the nuances of the "Sunshine Law" and transparency. He also explained the legal constraints of "gifts"/"lobbying" vs. hearing constituent concerns.

Mr. Goren proceeded with his presentation on legal procedures. He advised against email transmissions, and "off the record" conversations either via telephone or in person.

He went into further detail on the "The Sunshine Law". He cautioned the CRC that he would be providing non-partisan and ethical representation. Counsel outlined cause for "recusal."

Counsel mentioned non-elected officials should complete the financial disclosure form.

Ms. West stated that she would seek direction from the Office of Public and Governmental Relations to determine who has to complete this form.

Counsel discussed gifts to Commission members, i.e. dinner with someone who wants to discuss an issue. Commissioner Mena questioned the ability to meet with a special interest group who spent \$25-\$100. Mr. Goren cited the statute, which states, "If receiving gifts that are intended to influence you, they are illegal." Counsel stated, "You cannot receive gifts over a certain dollar amount to benefit you. It has to benefit the organization."

Ms. Good inquired how would one deal with "threats" as opposed to "payoffs." She was instructed by Counsel to apply the same rule and to contact legal counsel.

The Chair took the time to define the difference between lobbying and bribery.

Mr. Goren then touched upon the right to refuse conversations and to consult with Counsel if in doubt. He then offered his telephone numbers.

Mr. Esack inquired if there is a "constituency" the Commission represents.

Mr. Benson stated that he has been seeking "community input" and inquired as to how that affects the Commission legally. Counsel advised that input from the "public" would be desired.

Mr. Goren then read the "Power of the Commission" from the charter.

Counsel advised on the nuances of dealing with the press.

**At 10:44 A.M. there was a call for a break, and the session was called back to order at 10:59 A.M.**

Mr. Goren provided a historical oversight on the Commission. He then went on to cite Article 8, Section 1 (g) of the Florida Constitution, which defines Counties and their jurisdictions, charters and "Chapter 125" which also speaks to county government.

Ms. West indicated that she would provide a list of the other Charter Counties in the State of Florida.

Ms. Eisinger then inquired about whether or not the Commission had the ability to designate public funds for advocacy. The response from counsel was affirmative. A discussion ensued regarding the advocacy issue.

Mr. Penezic inquired about "notification" to insure the legality of "form" at Commission meetings. Mr. Goren assured him that his job is to protect the members of the Commission from legal liability.

Mr. Goren urged all members of the Commission to read Broward County's Charter.

Ms. Good inquired as to whether or not this body has the authority to make changes to the Charter. She was advised that that is the responsibility of the County Commission.

Mr. Benson inquired as to the direct ability of the Commission to "change" policy. He was informed that the responsibility of the Charter Review Commission is to make the recommendation to the County Commission.

Mr. Benson inquired as to the possibilities to petition for funds for advocacy from outside agencies. Counsel informed him that that ability would depend on whether or not the Commission had exceeded its allotted budget.

Ms. West assured the Commission that now the Commission is fiscally sound.

Mayor Moseley stated that if the ballots are legally sufficient, the County Commission has to accept them.

## **V Facilitated Session**

Julia Trevarthen of The Institute for Community Collaboration (ICC) introduced "community norms"/ground rules. Ms. Trevarthen began to facilitate the construction of an Inventory List for the Charter Review Commission to begin to prioritize issues of importance. *(Summary of 9/13/2006 Facilitated Session is contained in the supplemental documents.)*

Mr. Goren explained the role of a Constitutional Officer.

Ms. Trevarthen called for lunch at 12:05 P.M. The Session resumed at 12:30 P.M.

Mr. Benson inquired with regard to County Commission Compensation.

Mr. Penezic made the notice of the fact that there would only be eighteen (18) subsequent meeting to this one.

Ms. Trevarthen stressed that everyone should agree to make their best efforts to arrive for meetings on time. Ms. Trevarthen proceeded to elicit all issues of interest from the Commission members that they had considered worth pursuing at this juncture. The issues were sorted by category.

**Ms. Trevarthen turned the meeting over to the Chair.**

Ms. West agreed to obtain a copy of the Miami-Dade Charter for the members. The members suggested having the other county officials come and talk to them about their charters. The members also requested that Ms. West make arrangements to have the Broward County Commissioners, constitutional officers and administrative staff come and talk to them. The members also wanted the public to have some input. Mr. Benson wanted the members to invite the former County Administrator, former County Attorney and the former County Auditor.

The meeting turned to the time and duration of the full Commission meetings. A consensus was reached with the members voting to hold the meetings on the second Wednesday of the month from 10:00 a.m. to 1:00 p.m. Ms. West would make the arrangements.

A motion was made, seconded and passed that the Chair of the CRC is presumed to be the spokesperson for the Charter Review Commission. If a member speaks to the media, they should indicate that they are expressing their opinion and not a position of the CRC.

The members then discussed teleconferencing and how this should be handled. The General Counsel indicated that he would review and revise the rules from the 2000-2002 Charter Review Commission. This would update the members on rules related to voting and other important procedures. The CRC will adopt the changes at the next meeting as amended. Counsel then advised the Commission not speak to any one else about this until it is adopted.

#### **VI Additional Discussion/Priorities:**

The Chair polled the Commission to determine if the consensus would be to begin with informational public hearings first. The Public Hearings would be held in three different locations around the County: north, central, and the south.

She then explored the possibility of evening as well as daytime meetings. She further suggested that the members could also attempt to meet with the top county officials: County Commissioners, Constitutional Officers, County Administrator, County Attorney, Former County Administrator/County Attorney & Commission Auditor, etc.; We will conduct a public forum, and invite these individuals to come to speak to the Commission and attempt to accomplish this effort during one day.

The Commission members agreed that the invitations will be extended to these individuals. Staff will work out the logistics.

**The Chair adjourned the meeting at 2:58 PM.**