

Summary of Discussion
Broward County Charter Review Commission
Wednesday, October 11, 2006
Broward County Governmental Center
115 South Andrews Avenue, Room 430 Ft. Lauderdale, FL 33301
10:00 AM-1:00 PM

Members Present:

Commissioner Hayward J. Benson, Jr.
Michael L. 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
Dr. Irv Rosenbaum
Jodi Jeffries Tanner
G. Wil Trower
Richard J. Weiss, Esq.

Members Absent:

Bruce Rogow, Esq.

Others Attending:

Ron Cacciatore, Property Appraiser's Office
Mayor Joy Cooper, Broward League of Cities (Hallandale)
John DeGroot, resident of Fort Lauderdale, FL
Roger Desjarlais, Conrad & Scherer, LLP
Commissioner Josephus Eggelletion
Dan Glickman, resident of Deerfield Beach, FL
Sam Goren, Esq., General Counsel
Mayor Ben Graber
Yolanda Grooms, Administrative Assistant, CRC
Maria Gross, Assistant Director, CRC
Commissioner Ilene Lieberman
S. F. Ma-Hee, Transcriber
David Orshefsky, Esq.
Property Appraiser, Lori Parrish
Norm Thabit, Former Commission Auditor
David Tolces, Esq., Assistant General Counsel
Julia Trevarthen, The Institute for Community Collaboration
(ICC)
Patricia G. West, Executive Director, CRC

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

A meeting of The Broward County Charter Review Commission ("CRC" or "Commission") was held at 10:00 a.m. on Wednesday, October 11, 2006 at the Broward County Governmental Center-Room 430, Fort Lauderdale, FL.

I Call to Order/Roll Call

Mayor Moseley called the meeting to order at 10:05 am and requested the roll call by S.F. Ma-Hee. The Chair noted the presence of a quorum.

II Approval of August 8, and September 13, 2006 Summaries of Discussion

The Chair invited members to review the Summaries of Discussion of the August 8 and September 13, 2006 meetings.

On motion of Ms. Jeffries-Tanner, seconded by Mr. Ketcham, and unanimously carried, the summaries of August 8 and September 13, 2006 were unanimously approved.

III Approval of Rules of Voting/Procedures

On motion of Commissioner Mena, seconded by Mr. Weiss, and unanimously carried the Rules of Voting/Procedures for the 2006-2008 Charter Review Commission were unanimously approved.

IV Chair/Executive Director's Report

The Chair, Mayor Moseley, cautioned the members of the Commission that they are a very popular group and will become even more popular as time moves on. The Chair advised that members should be sure to note during conversations about issues that may come before them that as a body the CRC has not made any specific determinations on any specific issues. The Chair noted that the CRC is currently in the information gathering stage.

The Executive Director, Ms. West, informed the members that as directed, staff scheduled four proposed Public Hearings for the CRC in 2007. The dates and locations identified are as follows: January 25, 2007, Broward County Governmental Center; February 8, 2007, South Florida Regional Planning Council; March 1, 2007, City of Coral Springs, March 15, 2007, City of Miramar. The time set for the Public Hearings is 7:00 PM-9:00 PM.

Commissioner Hazelle Rogers, Vice Chair, noted that there should be another location added to cover the Central Broward County Area, i.e., Lauderhill and Lauderdale Lakes.

Dr. Irv Rosenbaum stated that we should consider at least one of the Public Hearings be held during the day to afford individuals that work during the evenings the opportunity to attend.

By unanimous approval the Commission directed staff to secure an additional Public Hearing location in the Central Broward County Area (Lauderhill/Lauderdale Lakes) and to set the meeting during the day-time hours (11AM-1PM or 12PM-2PM) for the Thursday, January 25, 2007, Public Hearing at the Broward County Governmental Center

Prior to the start of the interviews, the Chair advised the members of the Commission that she directed staff to develop an interview guide to assist members in taking notes to assist in documenting issues that may be cited by the interviewees. The Chair stated that she wanted members to have something to work with. The Chair informed the members that Mayor Graber's staff advised that he would not be able to participate in the scheduled 10:15 AM interview.

Ms. West explained the guide included the thirty-five issues raised by members during the September 13, Facilitated Session. The guide lists the issues in alphabetical order and were provided so that members would find it easy to take notes and indicate if an interviewee noted an issue that was on the list. The interview guide contained a page for each of today's six interviewees. The Chair noted that there was no plan to ask specific questions during this session.

Mr. Benson asked how would the individuals know about the issues, and if the interview guide allowed for the notation of generic comments. Ms. West informed the members that she forwarded the September 13 summary information along with the invitation to everyone the members indicated they wanted to hear from during the next four Commission meetings. Ms West indicated that the Commission should be able to complete all interviews by the February 14th CRC meeting.

The Chair stated that persons would speak to the CRC for 15 minutes; later on in the process when the CRC begins to deal with specific issues we will invite people back to address specific questions. The persons participating in the interviews at this point will be able to put whatever topic they want on the table. By not interrupting and asking questions, we afford them the opportunity to proceed without interruption of questions. The Chair indicated that if the members did not find it easy working with the form that we would make adjustments.

Ms. West informed the members that today's packet of information included a CD containing the Charters of Florida's' other 18 Charter Counties.

Vice Mayor Josephus Eggleton-10:27 AM-10:43 AM

The Chair welcomed & invited Vice Mayor Eggleton to begin. All members of the Charter Review Commission introduced themselves to the Vice Mayor. The Chair advised that the Vice Mayor could speak to whatever issues he wanted to address before the CRC.

Vice Mayor Eggleton covered the following issues:

- Importance of Serving on the Charter Review Commission. Members should consider whether there is a real need to make changes.
- Save Our Homes Constitutional Amendment-the public did not understand the details of the amendment. The amendment has now "come home to roost." The increase in property taxes is tied to the details of the Save Our Homes Constitutional Amendment.
- The Cumulative Effect of all taxing authorities drive the rise in taxes. The various taxing districts have to look at their tax/millage rates along with the Constitutional Officers. If the County Commissioners are willing to give property owners a tax break, the Constitutional Officers should step up to the plate.
- Review the Kelo Decision reviewed by the Supreme Court regarding eminent domain issues in Connecticut. The CRC should take a look at this decision to determine how it will affect eminent domain in Broward County.

- Broward MPO-Is it headed in the right direction? Look at how it may better function in Broward County as a whole.
- Management & Efficiency Recommendation regarding Redistricting. The CRC should be careful and understand the implications of redrawing districts prior to availability of the decennial census information. Information prior to the decennial census is not empirical data. You must have good data to make significant changes. Warned about protected classes that must receive consideration when you redraw districts.
- Strong Mayor-The current system does not allow for a continuum. The County needs focused leadership at the top. The CRC should consider what makes us better, what allows us to function better as a County Commission.

Mayor Ben Graber-10:44 AM-10:54 AM

The Chair next recognized Mayor Ben Graber to speak to the CRC members. The Mayor apologized for being late and indicated that he would cut his remarks down considerably. Mayor Graber told the members that they had a very important job. He noted that Broward stands on the threshold of becoming one of the major economic areas of the Country, the Caribbean Basin and South America. The Mayor said that our government structure needs to keep up with our growth and our progress.

- Mayor Graber urged the members to make the Committee process that he instituted during his term as Mayor and endorsed by the Sun-Sentinel, part of the Charter.
- Mayor Graber urged the members to review the way the government operates in the state of Nebraska. He recommended a unilateral or a unicameral form of government. The Mayor stated that he would offer some very specific recommendations, which he would like for the CRC to evaluate.
- The County Commission should grow to eleven (11) members. There should be nine parochial members, and two at large members, similar to the School Board. A strong Mayor is needed to counter the strength of the Commission. The Mayor should have a four-year term, limited to two terms. The Mayor should be a non-partisan along with two non-partisan commissioners elected countywide. The Mayor should have budget veto power. The County has a \$3.5 billion dollar budget and growing. The Constitutional Officers spend more than half of the budget.
- There needs to be a balance of power.
- The Sheriff, Supervisor of Elections and the Property Appraiser should be placed under the Charter. It is a big issue for the Commission. The Commission has to give the Constitutional Officers money, and have no ability to control cost.
- There should be some consideration of salaries and benefits for the elected officials. If the CRC wishes to address this issue, they should consider part-time vs. full time.

Dr. Rosenbaum addressed the chair regarding the ability to add additional issues to the list of issues identified by the members at the September 13 facilitated session.

General Counsel Sam Goren indicated that it would require 10 members voting affirmatively to discuss an issue and 13 members voting affirmatively to agree to prepare an issue to go on the ballot. It would be the members' prerogative to propose and actually have an item discussed.

Mr Benson wanted to know if that also held true for the persons invited in to give testimony before the CRC. He felt that there was a need to get more than just bullet points from the people that come before the CRC. There is a need to bring closure. The Chair advised that the CRC could invite individuals back to speak before the CRC again if the members feel they need to hear more on a particular issue or issues presented by the speaker.

The Chair stated that she was sure the CRC will hear some information that was not previously discussed; if ten members decide that they wanted to add a topic later during the process, it could be done.

General Counsel Goren addressed Burnadette Norris-Weeks' concern regarding the fact that at this point of the process, there are no official issues up for consideration. We are in the information-gathering stage. He indicated that legally there are officially no issues on the table for discussion.

Commissioner Ilene Lieberman, 11:07 AM-11:24 AM

Commissioner Lieberman introduced herself to the members of the CRC.

- Commissioner Lieberman spoke to the members about recommendations from the Management & Efficiency Study Committee.
- The Governance Subcommittee recommended that the County Commission look at what happens in between decennial census.
- The Census Bureau now does a Rolling Survey called the American Communities Survey which is believed to be more valid than the decennial information.
- There ought to be some guidelines to bring some continuity and semblance of order to the Commission redistricting process.
- Members were referred to Section 2.01 B of the Charter-regarding the terms of office for County Commissioners beginning on the Tuesday, two weeks following the general election. There should be a special installation meeting on the Friday following the general election. On the following Tuesday the regular County Commission meeting starts with the newly installed members and you begin to handle the business as necessary without waiting for two weeks after the election.
- The terms of the Management and Efficiency Study Committee and the Charter Review Commission should be staggered and each convened every ten years instead of every six years. (5 year cycles with ten years between agencies, 2010, 2015, 2020)
- There is a need to define the term residency as it relates to Commission districts.
- Consider having the Constitutional Officers become Charter Officers. The Citizens Bill of Rights does not apply to the Constitutional Officers. Constitutional Officers purchasing is not part of the Charter.
- Consider joint airport and seaport administrations. Remove impediments from the Charter to allow for a more efficient and integrated system. There might be opportunities for other offices to combine and work together.
- Consider changing rules for at-will employees; i.e., employees not covered by contract or not under union protection.
- Review of independent special districts. The districts are outmoded.

Mr. Ted Mena asked the Chair if the interviewees could return to discuss issues later in the process. The Chair assured him that she would make sure that all of their questions are answered prior to the Commission making final decisions.

Mayor Joy Cooper-11:25 AM - 11:38 AM

Mayor Cooper (Hallandale) urged the members to feel free to contact her if they wanted to ask questions. The Chair introduced Mayor Cooper as representing the Broward League of Cities. Mayor Cooper indicated that she would discuss Land Use and Municipal Government Issues.

- As a municipal official, I believe in home rule authority and powers.
- The CRC should cautiously consider the sunset of the Fire Rescue Council.
- There is a need to address the countywide communication system related to emergency response. We need to put the infrastructure in place to provide the closest unit first response.
- The Planning Council process needs to be examined. Municipalities have resolved many differences with the County
- The appointments to the Planning Council were supposed to come from the cities that the person is supposed to represent. Each municipality would be able to provide a list of municipal commissioners that they would like the County Commission to appoint to the Planning Council.
- The system has become cumbersome and burdensome and in many cases, it is unnecessary and is ineffective as far as cost.
- There is a need to review the cost of municipal services and who pays for them. There is concern for having a fair and equitable charge to municipalities that contract with the County for services. One municipality should not pay another municipalities services unjustly.
- The single member district representation is not working. The system is now extremely parochial.
- It is important to work on intergovernmental coordination. We have to look for ways to enforce collegial opportunities.

David Esack requested that all materials distributed by CRC staff be 3-hole punched so that members can add information to the CRC reference materials notebook.

Robert Penezic, Ted Mena, and Hayward Benson indicated that they found the presentations very interesting. They felt that the presenters seemed rushed and that there was much more information that could have been received by the CRC. The members indicated that the fifteen minutes allotted did not afford the presenters enough time to present all their issues.

The Chair advised that she understood their concerns, but she wanted to continue with this format for the time being and if members still feel that they need more time, she will then alter the format. The Chair reminded the members that they have identified at least 22 current or former public officials that they wanted to hear from. She felt that it was important to establish a timeframe in order to begin to shape the meetings and get the information that we need to have to make the decisions that we need to make. The Chair noted that presenters would be invited back to speak again to share additional concerns.

Lori Nance Parrish, Broward County Property Appraiser-12:20 PM-12:28 PM

Property Appraiser Parrish introduced herself and Mr. Ron Cacciatore, Director of Professional Standards and Compliance. She thanked the CRC for inviting her to come before them. Property Appraiser Parrish indicated that Commissioner Richard J. Weiss was kind enough to

stop by the office to ask if there were any concerns regarding the Property Appraisers' Office and the Charter.

- A Constitutional Officer should be a Constitutional Officer; elected by the people of Broward County and fall under the State Statutes.
- Auditors should be allowed to come into the office of the Constitutional Officers. I feel that this is free help. It is an issue that the CRC may want to look at again. It was discussed in the past.
- The Property Appraiser's Office does real property assessment, tangible personal property assessment, and residential personal property assessment (mobile homes).
- The Property Appraiser's staff assesses tangible personal property. Staff visits businesses, counts the number of computers and desk, and sends this information along to the Broward County Revenue Collection Office.
- Revenue Collection collects the monies due. They issue tax bills.
- The Property Appraiser's office turned the department around and recruited an auditor from the FDR.
- Broward County Revenue Collection did not collect on the properties in over a decade. There was a little over \$50 mil outstanding. The Property Appraiser's Office attempted to work with the staff in Revenue Collections. My office called this to the attention of the County Attorney and then the Board of County Commissioners.
- Approximately \$17 mil of these revenues was written-off due to the statute of limitation. \$33 mil is still outstanding.
- This is a problem because elected officials have to levy higher millage to make up for the dollars that the County is not collecting. It requires others to pay more to make up for those who do not pay their fair share.
- The County needs to look at monies due to the County and consider setting up a structure and better procedures for the collection of these dollars.

Mr. Norm Thabit, Former Commission Auditor 12:30 PM-12:35 PM

Mr. Thabit thanked the members for inviting him to speak. He said that he was more than willing to throw out some ideas for the CRC to consider. He has been retired a little over three years and still consulting and his knowledge of government is still with him. Mr. Thabit indicated that he wanted to talk about single member districts and the Sheriff's Office.

- The most important thing that the Commission does on an annual basis is to adopt a budget and set the millage. Without this, programs don't go forward.
- The single member districts were created years ago, and it has become more expensive to operate the districts.
- Everyone wants something in their districts. The cost can escalate.
- An enormous amount of funds are expended in the districts.
- Take a look at a hybrid system with four Commissioners at large and five (5) single member districts. It will provide an opportunity for the voters to vote for more than one commissioner in a district.
- I am very concerned about the budget of the Sheriff's Office.

- Fifty percent of the millage goes to support the functions of the Broward Sheriff's Office. Today it is larger than ever.
- The employees under the Sheriff's Office are equal to or exceed the number of employees in County Government.
- The biggest issue is that the Sheriff's office has a tremendous amount of control, but no independent oversight review body. This office expends an enormous amount of funds.
- The County Auditor's position is working well. I would not recommend changes at this time.

Mr. Maus spoke about expanding the time for speakers; he thought that it might be too early to expand the time because we are in the preliminary stages and gathering information. We have over thirty-five issues that we will also begin to narrow down.

The Chair agreed and indicated that it was also very important to hear from the public in this process. We should hear from as many people as we can before we start to delve into specifics. The Chair asked for consensus that the CRC continue with the fifteen-minute interviews for now so that we can get as much information as possible.

Mr. Weiss noted the need to have an educational process started. There are people who are not familiar with a lot of the information that has been presented. Mr. Weiss wanted to get staff started on briefing papers to provide background information. Mr. Weiss recommended a tutorial on some of the items to assist members in becoming familiar with some of the issues.

Mr. Weiss made a motion that Mr. Goren and Ms. West work together to develop tutorial materials to share with the members to assist them in expanding their knowledge. They will submit the information to the members prior to the next CRC meeting for review. The motion passed unanimously.

The Chair noted that it might be helpful at the end of the interviews to allow the members to raise a topic for discussion. Mr. Weiss stated that one topic should be overall County Government. We can find out how the government is supposed to work.

Ms. Norris-Weeks indicated that the information should be provided only for informational purposes at this point. Mr. Weiss agreed.

Mr. Ketcham indicated that he would be helped by having a blueprint of how the money flows. Patti Good indicated that she agreed that it was important to know how the County Government works.

Mr. Penezic mentioned that he wanted to know more about what cases might have an impact on some of the issues that the CRC might have to deal with in the future. He requested that Mr. Goren provide information on the two cases that were mentioned today: Eminent Domain and Redevelopment (*Kelo v. City of New London*) and Redistricting (*League of United Latin American Citizens v. Perry*).

Mr. Weiss reviewed the process that the CRC set up in the rules; we should think about what we are willing to discuss on the items. We should at least start with ten people wanting to discuss an issue.

Mr. Goren indicated that if there is an issue that the Charter will not allow change; he would notify the members immediately. He will advise the members as we move forward what they can and cannot do without allowing them to go into the issue. Mr. Goren has some information from the previous CRC that deals with Constitutional Officers. He will provide this information.

The Chair adjourned the meeting at 12:53 PM.