

**Summary of Discussion**  
**Broward County Charter Review Commission**  
**Wednesday, November 08, 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.  
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:**

Mayor Debby Eisinger  
Bruce Rogow, Esq.

**Others Attending:**

Devin Avery, Director, Vision Broward  
Crystal Barham, Office of Management & Budget Services  
Pete Corwin, Assistant to the County Administrator  
Howard Forman, Broward County Clerk of Courts  
Sam Goren, Esq., General Counsel  
Yolanda Grooms, Administrative Specialist, CRC  
Maria Gross, Assistant Director, CRC  
Broward County Commissioner Sue Gunzburger  
Evan Lukic, Broward County Auditor  
S. F. Ma-Hee, Transcriber  
Scott Medvin, Public Information Officer  
Kimberly Maroe, Public Information Manager  
Kayla Olsen, Director, Office of Management & Budget Services  
Patricia G. West, Executive Director, CRC  
Broward County Commissioner Lois Wexler

(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, November 08, 2006 at the Governmental Center, room 430, Fort Lauderdale, FL.

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

Chair Moseley called the meeting to order at 10:09 a.m. and requested the roll call by S.F. Ma-Hee. The Chair noted the presence of a quorum.

### **II Approval of October 11, 2006 Summary of Discussion**

Members reviewed the Summary of Discussion from the October 11, 2006 meeting.

Commissioner Benson noted that the list identifying the dates, times and locations for the upcoming Public Hearings did not include a location at the Lauderhill City Hall. He mentioned that he offered the City of Lauderhill Commission Chambers as a possible location during the previous meeting. He directed CRC staff to contact the staff at Lauderhill to inquire about the use of the facility. Patricia West informed Commissioner Benson that staff contacted individuals at the City and were informed that they would not be able to accommodate the CRC for the Public Hearing at this time. He indicated that he would speak to staff at the City of Lauderhill.

**By motion of Commissioner Hayward Benson, Jr., seconded by Ms. Jodi Jeffries Tanner, the Summary of Discussion of October 11, 2006 was unanimously approved.**

The Chair advised members that people in other parts of the Governmental Center could hear the proceedings of the meeting. The Chair stated that she wanted the members to be aware of this, as she was not aware prior to last month's CRC meeting. She advised members that the microphones are sensitive and pick-up all side conversations as well.

### **III Broward County Budget Development- Presentation by County Staff**

Ms. Kayla Olsen, Director, Office of Management & Budget Services, and Pete Corwin, Assistant to the County Administrator provided information regarding the County's Budgeting Process. Ms. Olsen stated that the County's gross budget is \$3.7 billion.

Ms. Olsen guided the members through a PowerPoint presentation providing an overview of the County Budget. This overview included the distribution of the County's Budget by expense and fund type.

She explained the breakout of enterprise funds and other funds. She provided an overview of general fund revenues. Ms. Olsen informed the members about how the County spends general revenue funds (e.g., Ad Valorem Taxes). Ms. Olsen indicated that 50% of the tax dollars go to the three (3) Constitutional Officers.

The presentation also included extensive information relative to the budget Calendar. The budget process is now an entire year process. She indicated that the County Commission would hold monthly budget meetings with the Constitutional Officers. The Commission holds Goal Setting Sessions in December. She defined the time line the County uses to develop and pass the budget.

Commissioner Mena questioned the budget of the Sheriff's department; how and why the Sheriff's office arrived at that percentage of the budget. He thought it would be helpful to get a break down of the expenditures.

The budget presentation generated a great deal of discussion; due to time constraints the presentation ended at this time and continued following the interview schedule with Commissioner Sue Gunzburger.

#### IV Interviews

##### 1. Commissioner Sue Gunzburger-10:27 AM-10:37 AM

The Chair welcomed and invited Commissioner Sue Gunzburger to share her views with the members of the CRC. She began by thanking the CRC for their work and service to the community. Commissioner Gunzburger stressed her commitment to handling taxpayer money with responsibility. She stated it is an awesome responsibility that all of us take very seriously.

Commissioner Gunzburger covered the following issues:

- Expressed concerns about the "strong" vs. "weak" Mayor. She has a concern with an "At-Large" Mayor. There is a problem with electing a countywide Mayor.
- In areas where they have had problems, it takes away from the ability of an Administrator to do a task. It is important to have a person who is well trained and experienced to operate a \$3.1 billion dollar corporation. That is a problem when you have a mayor elected at-large, weak, or strong.
- If the system isn't broken, don't change it.
- Look at some of the Constitutional Officers. Our current Supervisor of Elections has stated that she is not going to run for re-election. It may be an opportunity, if that is her choice, so that it doesn't look like anything other than that, to professionalize that position. See whether it makes sense for Broward County.
- In Dade County, the Administrator appoints the Supervisor of Elections. In several counties in Florida, the Administrator appoints this position and the individual has this sort of experience. The CRC should review and consider this option for Broward County.

- As to Districts, some people would like to re-draw districts on less than a decennial basis. I have checked with our Attorney and have been advised that it cannot be done under our Charter. I don't think it should be done in less than ten years. Voters cannot develop real relationships with their District Commissioner. Commission terms are only twelve years. There needs to be stability and consistency for Constituents.
- Ethics is of great concern. As Chair of the Commission Ethics Committee, I have been pushing very hard for something that I don't think I am going to get through on our Commission regarding conflicts of interest. In my view when a conflict is declared, Commissioners should not participate at all after the conflict is declared. When there is a conflict, according to state statutes, you can talk and attempt to persuade your fellow commissioners, but you cannot vote on the issue.
- Look at today's Miami Herald or Sun-Sentinel to see why that is problematic. Whenever I declared a conflict, I did not participate. I left the Dias and signed the papers. I would like Mr. Goren to research this issue to see if this can be changed.
- Maintain the two-week transition time for new members to be sworn into the newly elected positions. This allows the outgoing official to have an opportunity to make final statements and publicly thank his/her constituents. The two-week time also helps the newly elected official to acclimate and find out about what the position entails.

Chair Moseley thanked Commissioner Gunzburger for her input. Chair Moseley advised the members that Commissioner Rodstrom would not attend the meeting. This would allow the CRC to continue the discussion regarding the budget.

#### V. Continuation of Broward County Budget Development- Presentation by County Staff

The Chair asked Pete Corwin and Kayla Olsen to continue the discussion regarding Budget Development.

Ms. Olsen addressed the question regarding the allocation of costs and proportional costs. She also addressed a question about how we compete with outside vendors who provide services that the County can provide. She gave an example of the Building Code services and that the decision to hire either the County or an outside vendor was made by the city.

Dr. Rosenbaum continued the inquiry as to how the County competes with privatization. Dr. Rosenbaum mentioned that some cities could not afford to hire outside vendors. A discussion ensued regarding this issue with Ms. Olsen and Mayor Moseley contributing their opinions.

The topic changed to a discussion of ad valorem taxes. Additional areas of County services were addressed, such as Convention and Visitors' Bureau, County Transportation trust funds, and federal and state grant funds.

Commissioner Benson raised the issue of regional vis-à-vis municipal or city services and inquired whether there was an overlap in the services and fees.

Pete Corwin stated that there was not much municipal left. Commissioner Benson stated that there were two classifications and asked whether we could determine which services are for sale? Mr. Corwin stated that we do not have much, for sale - except for BSO. Commissioner Benson stated that if we could identify the category of services that the County has available, a breakdown of cost could be done, and then the municipalities can determine if there is a duplication of taxes. One item stands out - Public Safety. It comes from the Sheriff's office. Is there duplication there? If there is duplication, then we might want to put BSO under the County.

Pete Corwin stated that we have monitored the Sheriff's office and the gap has been reduced. Commissioner Benson stated, "That may be true, the source of funds is coming from the taxpayers and there is still, perhaps, a duplication." Pete Corwin stated that as a percentage of the whole, it was small and shrinking.

The Chair sought insight into double dipping; Ms. Olsen explained billing as "special funds," and then provided examples. She noted that in some instances some cities save money by privatizing.

Commissioner Rogers asked about the services in the cities that are BSO and SHIP. Ms. Olsen stated that she was not familiar with the SHIP money. The Chair directed staff to get an answer regarding the SHIP funds. Cynthia Chambers, Director, Office of Urban Planning, and Redevelopment would be the source of this information. Commissioner Rogers then inquired about how a municipality receives county funds as opposed to those funds coming directly to that "said" city.

Mr. Weiss interjected that the issue is one of contract negotiation rather than structure, not of the office. If we rewrite the contract, the problem would go away.

Mr. Weiss indicated that there are countywide services provided by BSO, even if the city has its own police department, and even if it contracts with BSO. These services include, among other things, terrorist response, homicide, and sexual predator.

Dr. Rosenbaum suggested that they have a discussion to identify the issues and added that we can deal with it later. Mayor Moseley agreed.

Commissioner Rogers advised Pete Corwin that her city is a contract city with BSO. It would be helpful if the budget included additional services, other than what the municipalities are paying for; it would be easy to determine the cost of services and if every municipality is paying its fair share.

## VI Continuation of Discussion of Charter Rules Issues

General Counsel Sam Goren reviewed the three memoranda provided to assist the members with understanding the context of several issues that came up in the October meeting of the CRC.

The first memo related to the basic structure of County Government. He again urged the CRC members to read the Charter. The legislative branch of government is the County Commission- nine members with stagnant terms, with a County Mayor. The Charter provides reference to a committee system. The Commissioners are legislators and not administrators.

He also explained the role of the County Administrator as the Chief Executive Officer (CEO). Department Director appointments are recommended by the CEO and must be approved by the County Commission. A super majority must approve the appointments.

The County Auditor now has a five-year term of office. The Auditor has enhanced responsibility. The County Auditor has the ability to "lift" items from the Commission Agenda to allow for a "cooling off" period and to look at the issue more carefully.

The Auditor audits internally-the County Commission-and not the Constitutional Officers. The Constitutional Officers and the County Commission share data. The Constitutional Officers are required to send their audits to Tallahassee.

Commissioner Mena asked whom the Constitutional Officers answer to. Mr. Goren advised that they answer to the voters of Broward County.

This discussion continues later in the meeting. Mayor Moseley introduced the next interviewee, County Auditor, Evan Lukic.

### 2. County Auditor Mr. Evan Lukic-11:16 A.M.-11:33 A.M.

Mr. Lukic began by sharing his thoughts on the growth of his agency and his feelings on the avoidance of impropriety. He suggested that the Commission look at the transparency in the auditor's office and that the auditor be charged with examining the Constitutional Officers as well. All audits should be submitted to the public agenda.

- Status of Code of Conduct Ordinances needs to be addressed. The last CRC directed that the Board adopt these ordinances to avoid the appearance of impropriety.
- Related ordinances are currently being drafted by the County Attorney's Office. There is no assurance that the ordinances will be adopted. There is difficulty in self-regulation. Establish a timetable and be specific. Concerned that the level of lobbying in county government undermines the public trust. Not suggesting that there is dishonesty or corruption, but appearances create perception.

- The Constitutional Officers spend a significant amount of the County's Budget. Somewhere in the neighborhood of \$725 million collectively. There is a need to improve the public disclosure of these activities. The Constitutional Officers do not have a series of public meetings like the Commission. All Constitutional Officers audits should be submitted and filed with the Broward County Board of County Commissioners for public records purposes. Extend authority of County Auditor to review Constitutional Officers. Performance auditing would review the efficiency and effectiveness of operations. There is a significant difference in internal and external audits.
- There should be a disclosure on the tax bill as to what the Constitutional Officers spend. (Millage rates should be included) The public does not have a feel for the magnitude of their burden.
- The public should know that audits of Constitutional Officers' budgets take place and should have an opportunity to make a public records request.

The Chair inquired if Mr. Lukic ever invoked a "cooling-off period". His office reviews every agenda item. Mr. Lukic stated that he provides an option that is usually opted for. He generally points out the need for additional information to ensure that the intent of the agenda item is clear.

Commissioner Benson asked if the Charter Review Commission made the recommendation and it was approved by the electorate that the Constitutional Officers were moved under the County Commission, how would that impact the County Auditor's Office in terms of expansion or reduction?

Mr. Lukic stated that his staff would probably double from the current staff of twenty to approximately forty employees.

Mr. Maus asked Mr. Lukic to elaborate on performance audits. Mr. Lukic stated that the Auditor's office reviews contracts to determine if the county is getting a good deal. Performance audits look at the efficiency and effectiveness of an operation.

Ms. Kaletta asked about the differences in the audits related to the Constitutional Officers.

Commissioner Mena expressed concern about the possibility of an increase in County Auditor's staff if the office was charged with reviewing the Constitutional Officer's Budgets. He suggested that rather than hiring new employees that the work might be contracted out to eliminate an increase in the budget by hiring new County employees.

Dr. Rosenbaum indicated that a performance audit has great potential to improve County Government.

Commissioner Rogers stated that with annexation, county staff should decrease. Mr. Lukic advised that county staffing has remained constant; and most of the growth has

been in the areas where the County is providing regional services (Parks & Libraries). These areas have grown because of the bond issues.

## **VII Continuation of Discussion of Charter Rules Issues Continued**

Mr. Goren continued by addressing the second memorandum regarding the powers of the Constitutional Officers. Mr. Goren provided an opinion as to the status of the Constitutional Officers and the ability of the Charter Review Commission to consider issues relating to Constitutional Officers. Specifically, whether the Commission has the authority to consider amendments to the County Charter relating to the election or appointment of such officers, terms, and compensation for such officers, and performance measures for these officers.

Commissioner Rogers sought clarity on budget accountability for Constitutional Officers.

Ms. Norris-Weeks asked if the Budget Office staff would be able to come back before the CRC at a later time after the completion of the interviews.

Ms. Jeffries-Tanner inquired about requiring the Constitutional Officers to disclose any-and-all audits to the public. Mr. Goren advised that it was not possible.

Mr. Esack and Mr. Maus requested clarification regarding "abolishment" and "recreation."

### **3. Commissioner Lois Wexler- 12:16 PM-12:31 PM**

Commissioner Wexler stated that she reviewed the Management & Efficiency Study Committee (MESC) documents along with the notes from the September 13, 2006 facilitated session, and the Charter to help her frame her comments to the CRC.

- Based on the summary of the information reviewed relative to the facilitated session, this group indicated that it wanted to work with Vision Broward and various community groups so you don't have to re-invent the wheel. You must work with groups that reflect the entire community. Public input into this process is critical.
- The ability to collect data in the County leaves a lot to be desired. Data is very important. We need to improve the technological process relative to the internal collection of data.
- The MESC Governance Subcommittee recognized that the Human Resource component of the County needs review and revamping.
- The mid-decennial census indicates that the County Commission districts are disproportional since her election two years ago.
- The County should budget on a multi-year plan (Single Year v Multi Year). This is good business practice. (MESC Governance Subcommittee Recommendation). The County and municipalities will be hit hard in the coming year because of the slow down in development and housing sales. We will all have to tighten our belts to ensure fiscal responsibility.

- The Commissioner felt that the collection of data is imperative as a blue print of efficiency for county government. She also stated her opinion that one cannot implement data without the collection of such.
- The County should implement the Sterling Process. The Sterling Process supports the collection of data.
- Consider restructuring of the County Commission, we need to look at electing a countywide Mayor. This is not an endorsement of a strong mayor. This gives the people of the community the opportunity to associate with the elected official as **their** representative. Constituents should have more than one representative to approach to solve issues. We should consider the model from the School Board-seven district and two at-large members.
- There is a strong need for a County Administrator and the passage of an Ethics Code of Official Conduct. We need to clarify the publics' intent.
- Some of the Constitutional Officers should be appointed vs. elected and maybe those offices should be non-partisan as well. The CRC should look at appointed Constitutional Officers v Elected Constitutional Officers. Politics and party affiliation may have no merit.
- None of the Constitutional Officers are required to competitively bid for products/services utilized by their agency. Most of them do competitively bid. You should find out which ones don't competitively bid and make it happen. It is important to bid for services and products, it makes for better government.

#### 4. Clerk of Courts-Howard Forman-12:35 PM-12:43PM

Mr. Forman thanked the CRC for inviting him and providing the opportunity for him to speak. Mr. Forman provided an overview of his agency. The Clerk of Courts must follow 900 State Statutes. His office is the custodian of all court records. There are currently 50 million documents in the Court House at this time. The Clerk collects approximately 20 million documents per year. The Clerk of Courts provides Case Information in paper or electronic form. The office is the chief collector of court fines and fees. They collect almost \$400 mil per year and keep a small amount of these fees to run the office.

- The Clerks' office runs an award winning Domestic Violence Office to help people during the worst time of their life.
- The Clerk's office issues marriage licenses and passport applications. The office administers the jury process in the jury room and processes traffic citations, approximately 450,000 to 500,000 every year.
- There are 930 employees covered by this year's budget of \$49 mil to cover the general fund and technological fund.
- Under the new Article V-Revision 7 of the Constitution voted on in 1998 all Clerk of Courts Offices are self-sustaining.
- The revenues are statutorily mandated. Five agencies review/oversee financial operations of the Clerk of Courts office.
- The relationship with the County is much different since the implementation of Article V. The County is the landlord. They provide renovations and communications equipment. The Office is now a bit more along the lines of the State Attorney and the Public Defender.

- The biggest challenge is to provide services throughout the county. Most people want to go to regional courthouses. We have One-Stop Service Centers for the residents so that people don't have to come downtown for expensive parking. There is also an office at Rick Case Honda in western Broward County.
- Many people use the electronic system to handle their business. During the first year, we established a website that is now doing very well, www.mybrowardcourt.com. The website provides access to court information and residents can pay fines. The line wait is down from 45 minutes to 8-10 minutes.
- We are working on a document imaging system, and we are working on the redaction process to remove social security numbers and bankcard information. We have automated the jury process to allow residents to use email for postponement.
- We are working on a system where an attorney can file a brief from their law office. We will be automating our disposition process.
- The biggest project is a new case maintenance system to replace the current twenty-one year old system.

#### **VIII Additional Discussion/Priorities:**

Ms. Good had a question as to our ability to shift Constitutional Officers during this cycle of the Charter Review Commission. Mr. Goren affirmed that was possible.

Commissioner Rogers noted that if this CRC decided to make changes to have the Constitutional Officers become Charter Officers they should be elected and not appointed, that they should be elected by the people. Mr. Goren stated that this is the current situation in Orange and Brevard Counties.

Dr. Lieberman inquired if it would be possible for a person to run for the office in 2008, and the office is abolished, and then not have a job. Mr. Goren advised that this is not possible-to have a person run for the office and abolish the office during the same election process. You need an amortization of time for when this will happen.

Dr. Rosenbaum inquired if the CRC would have to deal with each individual Constitutional Officer separately to put them under the Charter because they each are affected by separate laws and statutes.

Mr. Goren indicated that the ballot would have to deal with each Constitutional Officer separately.

The Chair asked about requiring the Constitutional Officers to have a separate public hearing. Mr. Goren stated that this could not be done under the current system, referencing Chapter 129.

Dr. Rosenbaum asked if the Sheriff would still have appellant rights if the office becomes a Charter Office. Mr. Goren indicated that he would have to research the answer to this question.

Mr. Weiss requested more information about the Constitutional Officers' budgetary process. He would like to know what type of rules they are required to follow as it relates to financial matters. It would be helpful to know what additional financial oversight they have for each of the Constitutional Officers. He noted that Mr. Forman's presentation indicated that there is oversight of his budget by several different entities.

Mr. Goren indicated that the Clerk of Courts Office is a "Fee for Service" office. They use the fees to support the office operations.

Mr. Mena requested a budget breakdown for The Sheriff's and the Property Appraiser's Offices.

Mr. Trower mentioned that there has been a lot of information provided and a lot of discussion, but we have to decide if we want to make changes and why. The Chair advised that we are still in the fact-finding stages, and there will be a need to break into subcommittees to delve into the information to determine if the Constitutional Officers will be an issue that the CRC will pursue.

Mr. Maus then inquired as to the number of interviews to be completed. Ms. West indicated that the interviews should be completed by February 2007.

Mr. Weiss indicated that he found the interview process a bit frustrating. He presented the idea that members should question the guests attending a CRC meeting while they are presenting.

Ms. West cautioned that this format would require a longer meeting format to accommodate that proposed change.

Mr. Penezic then suggested that the CRC work through the lunch break to provide more meeting time. The members agreed that the group would work through lunch.

Mr. Goren noted that the third memorandum regarding the Kelo issue is mute because of the results of the November 7, 2006 election.

The Chair noted there was no Public Comment.

**The Chair adjourned the meeting at 1:06 PM.**