

Summary of Discussion
Broward County Charter Review Commission
Wednesday, December 12, 2007
Broward County Governmental Center
115 South Andrews Avenue Room 430
Fort Lauderdale, FL 33301
10:00 AM – 4:00 PM

Members Present:

Mayor Lori Moseley, Chair
Commissioner Hazelle Rogers, Vice Chair – *Arrived during Course of Meeting*
Commissioner Hayward J. Benson, Jr.
Michael L. Buckner, Esq.
Mayor Debby Eisinger – *Arrived during Course of Meeting*
Ms. Maggie Davidson
Mr. David Esack
Ms. Patricia Good
H.K. “Petey” Kaletta
Mr. Mark Ketcham
Dr. Mark Lieberman
Joseph Maus, Esq.
Commissioner Ted Mena
Burnadette Norris-Weeks, Esq. – *Arrived during Course of Meeting*
Bruce Rogow, Esq. – *Arrived during Course of Meeting*
Dr. Irv Rosenbaum
Ms. Jodi Jeffreys-Tanner
Mr. Wil Trower
Richard J. Weiss, Esq.

Members Absent:

None

Others Attending:

Joe Amaturro, Broward Workshop
Maite Azcoitia, Esq., County Attorney’s Office
Kareen Boutros, Executive Director, Broward Workshop
Ellen Brodsky, Coconut Creek
Pete Corwin, Assistant County Administrator
Jim Cummings, Broward Workshop
Mark Curran, Coral Springs Fire Department
Chedley Etienne, Administrative Assistant, CRC
Evan Evans, Safety Net Foundation

Ellen Feld, Esq.
Breanne Gilpatrick, Miami Herald
Dan Glickman, Deerfield Beach, FL
Samuel Goren, Esq., General Counsel
Yolanda Grooms, Administrative Specialist, CRC
Maria Gross, Assistant Director, CRC
Sean Guerin, Broward Workshop / Broward Community College
Commissioner Sue Gunzburger, Broward County Board of County
Commissioners
Alan Hooper, Broward Workshop / DDA
Phyllis A. King, Transcriber, PKING Consulting
Rick Lemack
Alain Levy, Broward Workshop
Dan Lindblade, Greater Fort Lauderdale Chamber of Commerce
Mark McCormack, Broward Workshop
George Morgan, Broward Workshop
Bob Moss, Broward Workshop
John Ruffin, Broward Workshop / Vice-Chair MESC
Chris Russo, Southwest Ranches
Robin Rorapaugh, Hollywood, FL
David Tolces, Esq., Assistant General Counsel
Lisa Vondrak, News Abstracts.com
Scott Wyman, Sun Sentinel
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 Public Commission Meeting.)

A meeting of the Broward County Charter Review Commission ("CRC," "Board," or "Commission") was held at 10:00 a.m. on Wednesday, December 12, 2007 at the Broward County Governmental Center in Room 430, Fort Lauderdale, FL.

I Call to Order/Roll Call

The Chair Lori Moseley called the meeting to order at 10:04 a.m. and requested the roll call by Phyllis A. King, PKING Consulting, Inc. Upon completion of the roll the Chair called for approval of the October 24, 2007 Summary of Discussion.

II Approval of October 24, 2007 Summary of Discussion

Mr. Benson MOTIONED to approve the full Charter Review Commission October 24, 2007 Summary of Discussion; SECONDED by Mr. Tanner. The Chair called for all in favor, I's were stated and the motion PASSED unanimously.

III. Chair and Executive Director's Report

The Chair opened the floor to discussion of the possibility of holding two (2) full CRC meetings in January and February; in order to complete the proposed draft Resolutions and meet the deadline for the mandatory Public Hearings which are to take place in March. She advised that this would allow time to respond to any public comments and make necessary changes following the Public Hearings. A discussion ensued and overall consensus was determined to hold meetings from 10 a.m. until 4 p.m. on the following dates:

- January 9, 2008
- January 30, 2008
- February 13, 2008
- February 27, 2008

Ms. West provided an overview of items in the Committee's folders and stated that the most recent Resolutions have been provided in a binder, and tabbed 1 through 12 based on Resolution numbers for convenience. She advised that additional meeting materials included in the Committee's folders included the following:

- Backup for information received from the Broward Workshop for the Better Broward Proposal
- Information regarding the Broward League of Cities
- Correspondence from the Smart Growth Partnership
- Attorney General's Opinion Request regarding Municipal Road Closures
- Comments from a Citizen regarding the Elected Mayor

Ms. West reminded everyone that the format of the meeting is to first try to get through those items which were previously begun yet remained incomplete.

The Chair moved on to Agenda Item IV and recognized Mr. Buckner.

IV. Continuation of Subcommittee Recommendations to the CRC

1. Transportation Subcommittee – Chair, Michael Buckner, Esq.

- **Metropolitan Transit Authority (*Resolution 2008-001*)**

Mr. Buckner advised that the TSC met on two separate occasions, once in November and again on December 10th in efforts to revise proposed Resolution 2008-001 – Metropolitan Transit Authority; pursuant to the mandate from the full CRC to make the proposed MTA an *advisory* body. He advised that after further public comment and additional analysis, the TSC has come up with the revision provided in today's binder behind tab number 1. He then deferred to Mr. Goren for an overview of the revisions.

Mr. Goren: In the future, we're going to eliminate all the balloons that are in your backup. You'll note, for example, there are side notes; there's a way to actually limit them to make sure that you understand fully that what you are looking at is really your product, and that those changes are all incorporated in every proposal which are reflected in the matrix, which precedes the Resolutions within the notebook. As you'll note, the matrix is the first item in the notebook which actually lists for you each Resolution that's been considered by a subcommittee or by the full Board in sequence by number which I think will help you in the context of framing out where you are, where you've been and where you hope to go at some future time. They are numbered pursuant to each Resolution, but for the record to be clear, you may see little references on the side which are tracking changes. *For the Record you can disregard them, as what you see in the document is what has been changed.*

The memorandum which precedes proposed Resolution 2008-001 reflects the suggested, significantly cosmetic, changes that occurred in the subcommittee that met several days ago on the subject matter. For the record this document reflects the subcommittee's proposal as an advisory Board. You may recall that the full Board at the last regular meeting of this Board transitioned some of the language for us to change, as *advisory* in nature, as a step in a forward moving direction and in this document both the Resolution title, the ballot question and the substance reflects that discussion.

Mr. Buckner reminded the Commission that at the last meeting there was much discussion about the scope of the proposed MTA. He advised that he is confident that the (Transportation Subcommittee (TSC) took the full CRC's opinion and went back and revised the proposal accordingly. He stated that he is very passionate about Transportation, specifically public transit and believes this is a first step toward a long-range, long-term solution to solving this region's transportation problems. Mr. Buckner directed everyone's attention to the beaten shoe box which he advised represents the old / current way of thinking about transportation and public transit. Mr. Buckner challenged the Commission to open up their old way of thinking and think outside the box. Mr. Buckner opened the box and held up a new energy saver light bulb. He advised that he wants the Commission to be efficient in thinking clearly out of the box because he believes that the current CRC, previous CRCs, previous governments, and private citizens have not done enough to think outside the box. Mr. Buckner implored everyone to keep an open mind and try to think far-reaching about what to do about public transit.

Mr. Buckner opened the floor to questions from the full Commission.

The Chair asked Mr. Buckner to provide an overview of the revisions made throughout.

Mr. Buckner highlighted major revisions as follows:

- Exhibit A, Section 12.02 – language changed to make the MTA an Advisory Council by *proposing recommendations, assisting the County Commission, facilitating the adoption of legislation including dedicated funding sources for public transit.*
- Mr. Buckner advised that the TSC received input from the MPO at the last meeting whereby recommendations were incorporated into the language as follows:
- Exhibit A, Section 12.02 (B) – added the words “*and other relevant public bodies.*” In order to ensure that it is clear that the MTA would assist not only the County Commission but also the MPO, SFRTA and any other relevant body that deals with public transit in this region.
- Exhibit A, Section 12.02 (A) – is the former 12.02 (D) as it was relocated to the forefront in an effort to highlight the fact that the MTA in its advisory capacity is designed to propose recommendations to the County Commission.

Mr. Buckner advised that the subcommittee's goal was to ensure that it is clear that the MTA role would be to assist the County Commission and the MPO in carrying out and furthering the goals

of establishing a more comprehensive public transit system in the County and long-term throughout the South Florida Region.

- Exhibit A, Section 12.03 – Board membership was increased from 7 to 9 in order to allow for persons with relevant professional experience to public transit and consumer representatives to be appointed. Mr. Buckner explained that it is desired that the consumer representative be someone who rides public transit in Broward County on a regular basis (a minimum of 20 trips).
- Mr. Buckner explained that the professions chosen were professions with experience relevant to public transit.
- Items relevant to BCT Operations were removed from the Resolution.
- Exhibit A, Section 12.05 – language was revised toward fulfilling the advisory role.

Mr. Buckner advised with regard to the Citizen’s Advisory Council, that it would be drawn up and implemented by the Board of Trustees and would be to further provide outreach to the public. He advised that a member of this Council could be anyone irrespective of whether or not they utilize public transportation in Broward County.

Mr. Buckner asked members of the subcommittee if they wished to add anything further.

Ms. Tanner thanked the full Commission for asking the TSC to bring the proposal back for revision. She advised that she feels that the full CRC has a great opportunity to make a difference as far as prioritizing transportation for the future and stated that the CRC has an opportunity to create the MTA which can be used as a conduit towards ultimate regionalism in transportation. Ms. Tanner reminded the Commission that the MTA’s focus will be to assist the County Commission and the entire County in procuring designated funding on the State or Federal level. She advised that the incorporated revisions were made with the hopes of ultimately making the MTA a huge authority.

Ms. Good commended the TSC on their work accomplished. She pointed out that it is clear that the TSC took into consideration a lot of the items that the full CRC expressed concerns over. Ms. Good asked for clarification on Exhibit A, Section 12.06 (A) – Funding and Auditing. She advised that the language, *the County Commission shall include in the general fund of its annual budget for each fiscal year such sum as is necessary to carry out the MTA’s duties prescribed in the Charter*”, that funding is needed, but she is a little concerned about tying the County

Commission's hands; that they have to include a certain amount of money in the general fund. Ms. Good asked Mr. Buckner if he knows how much would be necessary.

Mr. Buckner replied that he did not; but explained that the language included is standard across all Boards in the current Charter. It is verbatim language pulled from the existing Charter.

Ms. Good inquired if this would be the administrative aspects of the Committee.

The Chair replied yes, that it is the customary language.

Ms. Norris-Weeks advised that she would be comfortable with supporting the Resolution and asked the following questions:

- Is it necessary to call the Council the Board of Trustees since it is an advisory body?
- Is the auditing provision in Section 12.06 necessary, being that the MTA will be an advisory body and there are going to be audits that will be done for the County and the Transportation Department?
- Do they really need to have a Citizen's Advisory Council?

Ms. Kaletta responded that this Resolution was considered long and hard by the TSC. As far as the Citizen's Advisory Council, it is great to have professionals there, but the people who actually ride public transportation need to have a voice to be able to say when things are going wrong.

Mr. Mena referred to the general fund statement made by Ms. Good and advised that from his understanding the funds from the BCT would be transferred to the MTA.

Ms. Kaletta replied that this is incorrect, but it would be under the same umbrella.

Ms. Tanner stated that what Mr. Mena is explaining is the MTA's ultimate goal. She advised that as it is written right now, the only funding that will be necessary would come from the Broward County Commission to run the Board itself.

Mr. Mena stated that the MTA would be eventually moving toward eliminating BCT in order to make an MTA and the goal would be for the funds to be transferred at that time.

Ms. Tanner explained that the funding only has to do with the Board itself and the administrative duties.

Dr. Rosenbaum commended the TSC and advised that it is going in the right direction. He advised that the County will not grow unless the Transportation issue is addressed; however, Section 12.03 E is of concern to him. Dr. Rosenbaum suggested a friendly amendment to define government employees who would be a part of the Board.

The Chair suggested the language, "Broward County employees."

Dr. Rosenbaum asked General Counsel for suggestions.

Ms. Tanner agreed with Dr. Rosenbaum.

Ms. Rogers expressed concern with the group of people being eliminated and advised that she agrees that Section 12.03 E needs to be broadened. Ms. Rogers referenced the Organizational Structure that is being proposed under Section 12.03 and 12.07, and advised that she is concerned with staffing and the required additional staff support required for the Citizen's Advisory Council.

Mr. Esack advised that the MTA will be comprised of the Board of Trustees, professional members, and a Citizen's Advisory Council; he pointed out that there will be only one MTA Board.

Mr. Maus stated that his issue goes back to funding; he questioned what the Board will need, and requested more clarification.

Ms. West provided Mr. Maus with an example of functions and minor task that staff in the Transportation Department would have to take on as far as noticing and supporting the MTA meetings. Mr. Maus stated that is not an additional budget item. There will be regular County employees that will assume the additional responsibility. Ms. West replied correct. She advised that this is how Boards in Broward County are supported. Mr. Maus explained that in his interpretation, he believes that it is broader than what Ms. West explains.

The Chair suggested adding the language, "as other boards are structured."

Mr. Benson complimented the TSC on their presentation. He Referred to Section 12.04 - Support from County Administration and Staff. He advised that it is important for Advisory Boards to have data come to them in an unfiltered fashion and that unless the staff working with the MTA has some level of dependence,, he suspects that the data could be filtered. There should be some

level of autonomy for the staff responsible with getting the appropriate information for consideration by the MTA ,to draw a line that differentiates the persons working for the MTA to allow them to have some level of independence in purposing certain recommendations and data the group will be discussing.

Mr. Ketcham expressed concern with creating another layer of government. He referred to the language in Section 12.03 F, “The members of the Board of Trustees shall not have any financial interest in any contract, work, or service for Broward County.” Mr. Ketcham stated that once the MTA gets started and they are giving out contracts, he asked who would drive the MTA prior to that.

The Chair advised that the MTA would not give out contracts.

Mr. Ketcham asked Mr. Buckner if his goal for the MTA would be that it will run all the transportation in Broward County and hopefully the area. Mr. Buckner replied that is the vision. Mr. Ketcham asked why businesses should not be included on the proposed Board.

The Chair advised that there were 3 questions on the table, first relating to 12.03 E Government employees.

Mr. Goren: I am happy to think of verbiage, but I need more direction from the group as to how you want to strike the policy balance, ,because this is a very important subset. It refers to elected officials which the subcommittee considered in the same grouping as government employees; they consider them as one group. The hearing that I am getting this morning on this discussion appears that you are separating the elected officials from certain kinds of government employees. If there be wish on the full Committee’s part or the Commission’s part to distinguish them, I can write that. If I know more about what you are trying to distinguish – right now I don’t have that clue yet, I am working on it by listening.

The Chair asked if the Commission wishes to go forward with separating this item, she advised that she needs some kind of direction from the CRC. Consensus agreed to work on the language, “to separate in some way shape, or form from the government employees”.

The Chair asked that once the distinction is made, which government employees the CRC wants to specifically exclude.

Mr. Trower advised that he has a thought on it and was not in the discussion of establishing a group to be excluded. He stated that it could be limited to members of the DOT of the County or other Transportation Agencies or County Employees in general. Ms. Good suggested deleting government all together from Section F. Mr. Trower explained that employees of the Transportation Department in general have no financial interest in some of these issues.

Mr. Goren: If you are going to put elected, and you are going to leave electives as a prohibited group – that's easy. If you are going to sub-define government employees to be as Department of Transportation employees or other related work fields, that can be defined. Again, the policy needs to be directed to me as to how you want to refine that even further so I can give you language that will respond to that subset – you are getting closer.

Dr. Rosenbaum advised that the purpose was not to exclude but to create fresh ideas. He believes the best way to define this is to constitute the membership as people who are interested but have no public or private agenda.

Dr. Lieberman stated that he understands the financial conflict, however he believes people can be influenced; he is concerned in regards to undo influence.

Mr. Buckner stated that if this was going to be an MTA which was going to run the BCT then everyone's concern would be even more valid. The subcommittee is trying to create a situation where we have new ideas outside of the current structure. The reason why the TSC kept some items in the Resolution is to ensure that those advisory members are giving their pure professional advice based upon clear data, and recommend proposals to the County Commission and assist the MPO in their duties. Mr. Buckner advised that he would like to see the County working on a more regional basis, and if there is an MTA established he would want the County Commission to feel comfortable. So when the MTA comes before them and recommends something, they know the advice is coming to them as pure as possible.

The Chair asked for clarification as to when a person is appointed by the County Commission; she suggested striking the provision of excluding County employees in Section 12.03.

Dr. Rosenbaum suggested striking the provision.

Mr. Goren: Madam Chair if I may quickly; part of the subcommittees' dilemma or the pandemonium was this subsection and the ethics of it. As the proposal morphed into what it

currently is on the table today, subsection A becomes less of a concern if you strike the language referencing government employees, to maintain the prohibition of non electives. That was discussed in some part of that subcommittee; perhaps a full Commission decision to make. By striking language referencing government employees to retain the ineligibility of elected officials, you neutralize the other comments you made on issue of membership.

**Ms. Tanner MOTIONED to strike Section 12.03 (B) E from the proposal, Mr. Trower
SECONDED**

Mr. Buckner: Regarding government employees, that provision pertains to the Board itself. Government employees would still be dependent upon what the body wants. As the subcommittee envisioned, the government employees would still be able to sit on the Citizen's Advisory Council. The Citizen's Advisory Council is an attempt to try to obtain further outreach to the community. Right now BCT does not have a type of Citizen's Advisory Council to actually have some type of outreach. This is a way to generate even more information and data from the general public. The Board needs to have information as to, "why are you not riding public transportation, what can we do to improve this system." Furthermore, because of the education component of the MTA you are going to need more people out there providing education and advocacy through all the Cities, and that's where the Citizen's Advisory Council comes in.

The Chair asked for shorter comments from the CRC members.

Ms. Good asked if there would be anything to prohibit the MTA from precluding residents. She suggested expanding the MTA to include more citizens and eliminate the Citizen's Advisory Council.

Mr. Weiss advised that what has happened in the drafting is there is a debate as to this being where the CRC wants to be. There are a lot of things that remained in the Resolution that are looking forward to what this MTA could be when it runs all of the transit. He advised that is where the dichotomy in the debate is; he suggested setting the MTA up as an advisory Board. Mr. Weiss stated that he would be okay with the MTA being set up as an advisory board; he believes an Advisory Council to Advise an Advisory Council is too much. He referred to Section 12.05 (D) and advised that the section gives authority beyond what the County Commission would want it to do. He asked are there other functions that the MTA will automatically have.

Mr. Buckner replied that was drafted in case the County Commission wanted the MTA to do other duties.

Mr. Weiss expressed concern with Section 12.05 (E), and sees the MTA competing with the County and other agencies for funding; he suggested that section be clarified. He stated that Section 12.06 in terms of the audit are things that would be needed if the MTA got going. Since the staff and legal items are being covered under Section 12.04, does it need funding, they are just going to schedule the meetings. He asked if Section 12.04 says that the County Administrator or the County Attorney shall provide administrative and legal support, does it cover this in terms of publishing?

Ms. West advised that she believe that it does, and when talking with Mr. Corwin, Assistant County Administrator it was pointed out that it is additional work; however, if they are required to provide support they will.

Mr. Weiss stated that other than Administrative Support there will be no staff to spend the money. He suggested adding language in Section 12.06A saying that, "the County Commission shall provide the County Administrator, the County Attorney, and the Office of Transportation sufficient funds to fund the activity of the MTA."

Mr. Weiss advised that these are his suggestions as follows:

- Clarify Section 12.05 (B) to make it clear
- Clarify Section 12.06 (A)
- Strike the Citizen's Advisory Committee

Mr. Goren: Basically Richard, you are merging Sections 12.04 and 12.06 to run consistently, which would essentially be that you are providing the support under Section 12.04, but you are funding it in Section 12.06. Deleting I assume certain other auditing functions which would automatically occur under the funding obligation.

Mr. Trower agreed with Mr. Weiss; he stated that the Committee moved from the original proposal which was much more aggressive and comprehensive, and now moving toward an advisory role. He agrees that the proposal is caught in transition and asked how we, the CRC get to the next step. He asked, does it require the next Charter Review Commission to modify the Charter to establish the big RTA that was discussed?

Mr. Weiss advised that there is a process for putting things on the ballot.

Mr. Trower asked if the Committee is doing any damage to the proposal by deleting certain sections.

Mr. Buckner responded no; he advised that any other further step would have to come from County or State Legislature, and with that action a dedicated funding source would have to come. He stated that Broward County is a donor County, which means that our taxes are going to be used throughout other parts of the Country expect for Broward County.

Mr. Weiss advised that he believes the County Commission could delegate to the MTA to have the duties. He does not believe it takes a Charter Amendment to have the County Commission by ordinance abolish the bus department and let the MTA run all the transit.

Mr. Goren: They couldn't abolish it either.

Ms. Rogers asked for clarification with what the working relationship is with the Current MPO? She stated that she would want someone from the MTA to be sitting on the MPO. Ms. Rogers asked how the proposed MTA will affect some meaningful changes.

Mr. Buckner advised that the TSC had a very spirited subcommittee meeting between the MPO regarding this issue, and the MPO purposed concerns which the TSC incorporated those changes into the proposal. It was explained to the MPO that the TSC discussed the issues and understands the MPO's role, and that the MTA is being developed to assist both the MPO and the County Commission.

Mr. Mena stated that he does not believe a seat was considered to add to the MPO.

Mr. Buckner advised that it was discussed to have MPO representation, but it was voted against having an actual seat. To have someone from the MPO sitting on the MTA would be duplicative in terms of function, since the MTA was designed to work all the transportation entities.

The Chair advised that one of the most important things is communication, and stated that Transportation is a major priority with the MPO.

Ms. Rogers advised that she did not want the MPO to sit on the MTA; she wished to have someone from the MTA to sit on the MPO.

The Chair advised that the CRC has no control over the membership. Ms. Rogers asked if the Charter could mandate anything. The Chair advised that the MPO is a different entity.

Mr. Goren: If you look in Section 12.02 subsection C, there's reference to chapter 339.179, that's the statute that governs MPOs. The subcommittee's thought process was to embrace the State Statute, recognize it exist, recognize the interface between this proposed organization and the MPO, as things progress down the road. There was recognition of it and it's actually in the subsection proposed, so it's there.

Ms. Kaletta advised that the most critical part was the Citizen's Advisory Council, and the TSC wished to involve the Community and the people who ride the bus. She stated that unless you ride the bus on a regular basis you will not come up with the thoughts and criticisms. The Citizen's Advisory Council would be helpful in terms of educating the public - they have the avenue to get to the public. Ms. Kaletta added that when we, the CRC, start correcting the problems that they encounter, then maybe we can create a positive attitude toward people riding the bus. She advised that the MTA proposal is the cornerstone for a real solution for transportation in Broward County. She wished the CRC would look at this proposal as being the beginning.

Mr. Weiss suggested adding the duties of the MTA and the duty to hold public hearings for Citizen's input under Section 12.05 Powers and Duties. The Chair requested clarification. Mr. Weiss responded, take the duties from the Citizen's Advisory Council and include it under the Powers and Duties of the MTA. Ms. Tanner advised that she agrees with Mr. Weiss by taking out the Advisory Council and expanding the MTA duties. Dr. Lieberman advised that he believes that the CRC needs to hear everyone's opinion.

The Chair advised that the CRC will vote on each amendment; however would like to see all the amendments on the table.

The Chair advised that the first amendment is in Section 12.03 subsection E, deleting the words, "and government employees," would now read, "Elected Officials shall be ineligible for appointment to the Board of Trustees."

Ms. Tanner MOTIONED to accept to delete the language, "and government employees," and Section 12.03 E, Dr. Rosenbaum SECONDED.

The Chair called for a roll call vote.

Commissioner Hayward Benson	Yes	Mayor Lori Moseley, Chair	Yes
Michael Buckner, Esq.	Yes	Burnadette Norris-Weeks, Esq.	Yes
Mayor Debby Eisinger	Absent	Ms. Maggie Davidson	Yes
Mr. David Esack	Yes	Commissioner Hazelle Rogers	Yes
Ms. Patricia Good	Yes	Bruce Rogow, Esq.	Absent
Ms. H.K. "Petey" Kaletta	Yes	Dr. Irv Rosenbaum	Yes
Mr. Mark Ketcham	Yes	Ms. Jodi Jeffreys-Tanner	Yes
Dr. Mark Lieberman	Yes	Mr. Wil Trower	Yes
Joseph Maus, Esq.	Yes	Richard Weiss, Esq.	Yes
Commissioner Ted Mena	Yes		

Motion PASSED UNANIMOUSLY on a roll call vote of 17 YES to 0 NO.

The Chair advised that the amendment is in Section 12.05, Subsection D, deleting the words "State law."

Ms. Tanner MOTIONED to delete the words, "State law", in Section 12.05 subsection D, Ms. Good SECONDED.

The Chair called for a roll call vote.

Commissioner Hayward Benson	Yes	Mr. Mark Ketcham	Yes
Michael Buckner, Esq.	Yes	Dr. Mark Lieberman	Yes
Mayor Debby Eisinger	Absent	Joseph Maus, Esq.	Yes
Mr. David Esack	Yes	Commissioner Ted Mena	Yes
Ms. Patricia Good	Yes	Mayor Lori Moseley, Chair	Yes
Ms. H.K. "Petey" Kaletta	Yes	Burnadette Norris-Weeks, Esq.	Yes

Ms. Maggie Davidson	Yes	Ms. Jodi Jeffreys-Tanner	Yes
Commissioner Hazelle Rogers	Yes	Mr. Wil Trower	Yes
Bruce Rogow, Esq.	Absent	Richard Weiss, Esq.	Yes
Dr. Irv Rosenbaum	Yes		

Motion PASSED UNANIMOUSLY on a roll call vote of 17 YES to 0 NO.

The Chair advised that the amendment is in Section 12.05, Subsection E, adds the language, “Assist the County in Pursuing.”

Ms. Tanner MOTIONED to add the language, “Assist the County in Pursuing”, to Section 12.05, Subsection E, Mr. Esack SECONDED.

The Chair called for a roll call vote.

Commissioner Hayward Benson	Yes	Mayor Lori Moseley, Chair	Yes
Michael Buckner, Esq.	Yes	Burnadette Norris-Weeks, Esq.	Yes
Mayor Debby Eisinger	Absent	Ms. Maggie Davidson	Yes
Mr. David Esack	Yes	Commissioner Hazelle Rogers	Yes
Ms. Patricia Good	Yes	Bruce Rogow, Esq.	Absent
Ms. H.K. “Petey” Kaletta	Yes	Dr. Irv Rosenbaum	Yes
Mr. Mark Ketcham	Yes	Ms. Jodi Jeffreys-Tanner	Yes
Dr. Mark Lieberman	Yes	Mr. Wil Trower	Yes
Joseph Maus, Esq.	Yes	Richard Weiss, Esq.	Yes
Commissioner Ted Mena	Yes		

Motion PASSED on a roll call vote of 17 YES to 0 NO.

The Chair asked Legal Counsel to introduce the remaining items.

Mr. Goren: Section 12.06 A, you will add language after the word annual budget to include the reference to sufficient funds for each fiscal year, etc., and that will include deleting Subsection C and D; because B would stay in the context of auditing by the County Auditor; anything else that will follow would no longer apply.

Mr. Benson MOTIONED to remove Section 12.06, Subsections C and D, Ms. Tanner SECONDED.

The Chair called for a roll call vote.

Commissioner Hayward Benson	Yes	Mayor Lori Moseley, Chair	Yes
Michael Buckner, Esq.	Yes	Burnadette Norris-Weeks, Esq.	Yes
Mayor Debby Eisinger	Absent	Ms. Maggie Davidson	Yes
Mr. David Esack	Yes	Commissioner Hazelle Rogers	Yes
Ms. Patricia Good	Yes	Bruce Rogow, Esq.	Absent
Ms. H.K. "Petey" Kaletta	No	Dr. Irv Rosenbaum	Yes
Mr. Mark Ketcham	Yes	Ms. Jodi Jeffreys-Tanner	Yes
Dr. Mark Lieberman	Yes	Mr. Wil Trower	Yes
Joseph Maus, Esq.	Yes	Richard Weiss, Esq.	Yes
Commissioner Ted Mena	Yes		

Motion PASSED on a roll call vote of 16 YES to 1 NO.

Mr. Goren: The objective would be to, if I am hearing correctly, would be to merge the references and 12.07 subsection B 1, 2, 3, and 4 into the reference of the Powers and Duties under 12.05.

Mr. Benson MOTIONED relocate and merge Section 12.07 (B), Items 1 through 4 into Section 12.05 Powers and Duties, Ms. Tanner SECONDED.

The Chair called for a roll call vote.

Commissioner Hayward Benson	Yes	Michael Buckner, Esq.	Yes
-----------------------------	------------	-----------------------	------------

Mayor Debby Eisinger	Absent	Burnadette Norris-Weeks, Esq.	Yes
Mr. David Esack	Yes	Ms. Maggie Davidson	No
Ms. Patricia Good	Yes	Commissioner Hazelle Rogers	Yes
Ms. H.K. "Petey" Kaletta	No	Bruce Rogow, Esq.	Absent
Mr. Mark Ketcham	Yes	Dr. Irv Rosenbaum	Yes
Dr. Mark Lieberman	No	Ms. Jodi Jeffreys-Tanner	Yes
Joseph Maus, Esq.	Yes	Mr. Wil Trower	Yes
Commissioner Ted Mena	Yes	Richard Weiss, Esq.	Yes
Mayor Lori Moseley, Chair	Yes		

Motion PASSED on a roll call vote of 14 YES to 3 NO.

The Chair advised that before the main motion is voted on she would like to hear public comment.

Ms. Rogers inquired about Section 12.03 F and asked what the decision was.

The Chair asked Ms. Rogers and Mr. Ketcham if they wanted to have a vote in order to remove Section 12.03 F.

Ms. Rogers advised that she believes there should be someone with an interest on the Board as it is an Advisory Board.

The Chair stated that she believes once someone who has an initial financial interest helped sculpture the process, that when they get the ability to have the interest; they've already sculpted it.

Mr. Ketcham advised that what he is afraid of is that if someone doesn't have a financial interest in it , there will be a lack of a desire to serve on it.

The Chair advised that there are lots of people.

Mr. Ketcham asked who and who does not do work with Broward County currently. He advised that this is the key and the County is huge. All big Construction, Engineering, and Consulting companies have now been cut out.

Mr. Mena replied, Joe Citizen. Mr. Ketcham asked if Joe Citizen would have the push, the energy and the strength to get the MTA through the County Commission. He stated that this influence is what will be necessary. The Chair agreed with Mr. Ketcham.

Mr. Benson asked how the phrase financial interest is being defined.

Mr. Goren: Financial interest will be defined as provided for by State law; that's an umbrella which covers this entire document. So, that's what it was meant to say or Chapter 112.

The Chair asked Mr. Goren to clarify specifically what Chapter 112 deals with.

Mr. Goren: Chapter 112 is a voting issue dealing in a sense with voting conflicts, dealing with special private gain or loss of someone who is voting on a public panel. The objective here was direct financial interest. Mr. Benson suggested adding the word, "direct" to the statement.

Mr. Ketcham asked for clarification from General Counsel. He asked if this would mean that the big companies could be a part of the Board. Ms. Rogers suggested adding the word, "vested".

Mr. Benson advised that there are people out there who can help and if they are eliminated in the beginning it would minimize the Council's ability to be more effective. Mr. Benson suggested qualifying financial interest in the language. He suggested using the words, 'direct' or 'vested.'

Mr. Trower questioned, would it be that there are other Advisory Councils within the County who already rely on the County policies and State law with regard to financial and other conflicts. He suggested removing 12.03 F from the language assuming that it is already covered by County policy and State law.

Mr. Goren and Ms. West: And it is.

Mr. Esack suggested adding the words, "disclosing financial interest."

The Chair advised that the law requires disclosure.

Mr. Benson MOTIONED to strike Section 12.03, Subsection F from the proposed language, Dr. Rosenbaum SECONDED.

The Chair called for a roll call vote.

Commissioner Hayward Benson	Yes	Mayor Lori Moseley, Chair	Yes
Michael Buckner, Esq.	Yes	Burnadette Norris-Weeks, Esq.	Yes
Mayor Debby Eisinger	Absent	Ms. Maggie Davidson	Yes
Mr. David Esack	Yes	Commissioner Hazelle Rogers	Yes
Ms. Patricia Good	Yes	Bruce Rogow, Esq.	Absent
Ms. H.K. "Petey" Kaletta	Yes	Dr. Irv Rosenbaum	Yes
Mr. Mark Ketcham	Yes	Ms. Jodi Jeffreys-Tanner	Yes
Dr. Mark Lieberman	Yes	Mr. Wil Trower	Yes
Joseph Maus, Esq.	Yes	Richard Weiss, Esq.	Yes
Commissioner Ted Mena	Yes		

Motion PASSED on a roll call vote of 17 YES to 0 NO.

The Chair called for public comment.

V. Public Comment Related to the Transportation Subcommittee's Recommendation

Mr. Dan Glickman – Deerfield Beach, FL

Mr. Glickman: Thank you everybody. Though I was tearing out my hair on the side of my head for a while, I think you all have done a good job to come up with adequate circumstances, so I appreciate that. I do have two things to say however, one is in Section 12.03 (7), "The Board of Trustees shall meet as many times as needed to carry out...", it does say at the moment each fiscal year. On the various places I go to and if the word fiscal is in there as opposed to calendar, I just believe it's going to cause some confusion down the road. I would ask that you consider changing the word fiscal to calendar or leaving out the word fiscal.

The Second thing that I would mention is that when the Transportation subcommittee met and they talked about the minimum of six times, that was based upon them doing some of the work and with all due respect to everybody, the Citizen's Advisory Council doing the heavy lifting for the Board of Trustees. I would that you consider instead of six times, you consider eight times a year as a minimum. If they're really going to do their job, and really do a job, they have to meet six times a year. I really question what they would really get done, that's my comment.

The last comment is, whether it is this Resolution or another Resolution with all due respect to everybody who talked about the future, this proposal is as it is, it should not be construed and made a stepping stone to X, Y, or Z. All that does is upset things and causes unnecessary conversation for what is not necessarily appropriate. In the future, I would hope you keep to the proposal not necessarily what the future portrays. I thank you very much.

The Chair asked if there was a motion to change the word, "fiscal" to "each".

Mr. Mena MOTIONED to remove the word "fiscal" from Section 12.03 (7) and change it to "each." Dr. Rosenbaum SECONDED.

The Chair called for a roll call vote.

Commissioner Hayward Benson	Yes	Mayor Lori Moseley, Chair	Yes
Michael Buckner, Esq.	Yes	Burnadette Norris-Weeks, Esq.	Yes
Mayor Debby Eisinger	Absent	Ms. Maggie Davidson	Yes
Mr. David Esack	Yes	Commissioner Hazelle Rogers	Yes
Ms. Patricia Good	Yes	Bruce Rogow, Esq.	Absent
Ms. H.K. "Petey" Kaletta	Yes	Dr. Irv Rosenbaum	Yes
Mr. Mark Ketcham	Yes	Ms. Jodi Jeffreys-Tanner	Yes
Dr. Mark Lieberman	Yes	Mr. Wil Trower	No
Joseph Maus, Esq.	Yes	Richard Weiss, Esq.	Yes
Commissioner Ted Mena	Yes		

Motion PASSED on a roll call vote of 16 YES to 1 NO.

Mr. Buckner thanked Mr. Glickman on behalf of the Transportation Subcommittee for his due diligence and Mr. Jim Cummings for his technical advice.

The Chair thanked the subcommittee and the Board for their efforts on the MTA Resolution.

Ms. Tanner MOTIONED to approve Resolution 2008-001 as amended, Mr. Esack SECONDED.

The Chair called for a roll call vote.

Commissioner Hayward Benson	Yes	Mayor Lori Moseley, Chair	Yes
Michael Buckner, Esq.	Yes	Burnadette Norris-Weeks, Esq.	Yes
Mayor Debby Eisinger	Absent	Ms. Maggie Davidson	Yes
Mr. David Esack	Yes	Commissioner Hazelle Rogers	Yes
Ms. Patricia Good	Yes	Bruce Rogow, Esq.	Absent
Ms. H.K. "Petey" Kaletta	Yes	Dr. Irv Rosenbaum	Yes
Mr. Mark Ketcham	Yes	Ms. Jodi Jeffreys-Tanner	Yes
Dr. Mark Lieberman	Yes	Mr. Wil Trower	Yes
Joseph Maus, Esq.	Yes	Richard Weiss, Esq.	Yes
Commissioner Ted Mena	Yes		

Motion PASSED UNANIMOUSLY on a roll call vote of 17 YES to 0 NO.

The Chair called for a 30 minute break – 12:21 p.m.

2. Administrative Issues/Governance Subcommittee – Chair, Dr. Irv Rosenbaum

- **Voting Conflict – Recusal (*Resolution 2008-003*)**

[Mr. Rogow entered at this time 12:21 p.m.]

The Chair reconvened the meeting at 12:21 p.m. and opened the floor to Dr. Rosenbaum for discussion of AGSC Item 2.

Dr. Rosenbaum asked Mr. Goren to summarize the revisions for Resolution 2008-003.

Mr. Goren: Madam Chair if I may briefly, this item as you saw in the matrix was actually approved for a review by the subcommittee. In fact, it was considered by the full CRC on October the 24th and was sent back to the Administrative Issues/Governance subcommittee for a review and some retuning as it were ,to be considered further by the Board today after some refinements on the 28th of November by the subcommittee. It now relates to the subject matter of recusal and of debate, and it's now broken down into two subsections; one of which is, if a Commissioner of the County Commission who is required to recuse themselves under State law from voting on a matter is actually required by Subsection E-1 to leave the Commission Chambers prior to the debate, and to not communicate or participate in any discussion in connection with that particular matter. That is some language strengthening from the last discussion; that's the concept which this Committee asked for.

Subsection E-2 was modified to recognize that there may be areas of State law where there may be an appearance of a conflict of interest under Chapter 286 which is the Florida Sunshine Law that connects to Chapter 112. This situation it says that a Commissioner who does recuse himself for the appearance of a voting conflict under Chapter 286 may still remain on the dais and debate but in fact is not voting. That's an appearance of a conflict, whereas E-1 is the stringent provision which suggests that as a direct conflict under the Statute, that person who otherwise has that conflict under the Statute would be obligated to remove themselves from the room.

These topics also were reviewed, as I recall, by Norman Ostrau as well, as being able to co-exist in the context of the direction of the subcommittee.

The Chair inquired as to enforcement.

Mr. Goren: Enforcement as is provided for has not changed. It essentially provides that a violation would subject or could subject a member to a Chapter 112 violation if a complaint were to be so filed with the Ethics Commission.

The Chair asked the CRC if there is any future discussion or a motion to accept the proposed Resolution as is.

Ms. Good MOTIONED to accept Resolution 2008-003 Voting Conflict – Recusal. Ms. Norris-Weeks SECONDED.

The Chair called for a roll call vote.

Commissioner Hayward Benson	No	Mayor Lori Moseley, Chair	Yes
Michael Buckner, Esq.	Yes	Burnadette Norris-Weeks, Esq.	Yes
Mayor Debby Eisinger	Absent	Ms. Maggie Davidson	Yes
Mr. David Esack	Yes	Commissioner Hazelle Rogers	Yes
Ms. Patricia Good	Yes	Bruce Rogow, Esq.	No
Ms. H.K. “Petey” Kaletta	Yes	Dr. Irv Rosenbaum	Yes
Mr. Mark Ketcham	No	Ms. Jodi Jeffreys-Tanner	Yes
Dr. Mark Lieberman	Yes	Mr. Wil Trower	Yes
Joseph Maus, Esq.	Yes	Richard Weiss, Esq.	No
Commissioner Ted Mena	Yes		

Motion PASSED on a roll call vote of 14 YES to 4 NO

- **Broward County Regionalism Policy Statement (*Resolution 2008-006*)**

Dr. Rosenbaum advised that the AGSC refined the Broward County Regionalism Policy Statement, making it more County-wide and more focused on the larger issues of Broward County. He asked if there were any questions.

The Chair asked if there was a motion to move Resolution 2008-006.

Mr. Benson MOTIONED to approve the Resolution 2008-006, Broward County Regional Policy Statement, Mr. Mena SECONDED.

The Chair called for a roll call vote.

Commissioner Hayward Benson	Yes	Mayor Debby Eisinger	Absent
Michael Buckner, Esq.	Yes	Mr. David Esack	Yes

Ms. Patricia Good	Yes	Ms. Maggie Davidson	Yes
Ms. H.K. "Petey" Kaletta	Yes	Commissioner Hazelle Rogers	Yes
Mr. Mark Ketcham	Yes	Bruce Rogow, Esq.	Yes
Dr. Mark Lieberman	Yes	Dr. Irv Rosenbaum	Yes
Joseph Maus, Esq.	Yes	Ms. Jodi Jeffreys-Tanner	Yes
Commissioner Ted Mena	Yes	Mr. Wil Trower	Yes
Mayor Lori Moseley, Chair	Yes	Richard Weiss, Esq.	Yes
Burnadette Norris-Weeks, Esq.	Yes		

Motion PASSED UNANIMOUSLY on a roll call vote of 18 YES to 0 NO

- **Lobbying Regulation (*Resolution 2008-009*)**

Dr. Rosenbaum advised that this Resolution will prohibit County Commissioners from lobbying for compensation before local governmental bodies within Broward County or from soliciting money from companies, lobbyist, or people who do official business with Broward County, the School Board or the Hospitals.

Ms. Norris-Weeks advised that there are two issues. She provided an overview of how the proposed Resolution 2008-009 came about. She advised that Commissioner Gunzburger is present to speak about the issues and the difficulty in maneuvering through the process in terms of the County government process.

Dr. Rosenbaum explained that he just wanted to give Ms. Norris-Weeks the courtesy because he voted against the Resolution.

The Chair advised that she is concerned that everyone else can lobby municipalities, she stated that when a lobbyist comes before County Commissioners, they don't know if the lobbyist are getting paid or not.

Ms. Norris-Weeks advised that this issue was considered and that this issue should be kept in mind.

Commissioner Gunzburger approached the podium and explained that she has to leave.

The Chair advised that she did not mean to be disrespectful but explained that she wished to follow the procedures of the CRC to allow the Commission to have a conversation on the issue first.

Commissioner Gunzburger: I appreciate that, but I have to be at a speaking engagement and I have got to leave. If I could just have two minutes, I promise I'll be brief.

The Chair advised that she does not believe it will sit well with the Commission but it's her choice. Ms. West asked the pleasure of the Commission. Consensus of the Commission was to allow Commissioner Gunzburger to speak.

Commissioner Gunzburger: I really didn't want to but I thought you'd get to it a lot earlier. It's as Ms. Burnadette Norris-Weeks explained. We get paid a very, very healthy salary. Some of the State Legislators get paid 1/3 of what the County Commission gets. Although it's supposed to be a part time job, my husband hasn't noticed that it is lately. Sixty to eighty hours a week, I don't think is part-time anymore. I explained it to Mayor Cooper, if I'm selling widgets; and I go to the City of Halladale Beach to sell widgets on behalf of a client, that's part of my business, and Ms. Good also goes to the City of Halladale Beach and she is not an elected person, and she is also selling widgets. I think I have a lot more influence, because at some time Mayor Cooper may want to come to the County and discuss the CRA problems that her City is having currently or something else. Then she might feel very much intimidated by having a County Commissioner lobby them on behalf of a client. If I were being paid as little as some of the State Legislators, it would be a different story. This is a choice you have to make in life and I know that the City of Hollywood already has passed this Ordinance ,that they will not allow any Elected Officials to lobby them, nor may any of their body lobby any elected body. So it isn't without precedent, and I feel very strongly that I don't want you to see me as someone that's going to lobby you on something representing a client. Thank you for letting me speak. Have a Happy Holiday and please find some way we can have a peaceful New Year.

Mr. Benson advised that he is concerned about Resolution 2008-009, he stated that Ms. Norris-Weeks did attempt to bifurcate lobbying and solicitation. He believes that this Resolution is a little too restrictive.

Mr. Goren: This proposal is noble in its concept because it was discussed by the subcommittee in detail and debated. One element of it, however, and you exposed publicly, which is that our

drafting was simply that, a draft. Whether it was consumed, debated, discussed, and supported to this full Commission. There's one caveat that I have which I'd like to seek your direction on. The subject here relates to lobbying, it's really an anti-lobbying provision and having said that it may include members of the County Commission who may be attorneys, who may be gifted in their ability, but also limited or restricted, based on their licensure of the State Bar rules. Having said that, there also may be some obligations imposed upon those who are Lawyers, who are Lobbyists as well, or have a similar dual role, which concerns me as your Lawyer sitting here. With that, I would suggest the following. When in doubt so to speak, Lawyers have the right to ask for a Florida Bar interpretation. Whether or not there is such preclusion or there would be some impediment under State Bar rules affecting Lawyers which I am not sure there is or there is not, but my notion is that there could be and I raise that now only because I would choose not to let it be cast asunder.

Ms. Norris-Weeks advised that this is a point that was brought up in the AGSC; she added that she does not believe that the Florida Bar would give formal legal opinion on this issue.

Mr. Goren: I respect that, our exchange we are having here – not because I am a Lawyer or that because you're a Lawyer, but because it may impact those who are licensed under certain rules and regulations that may not govern others. Having said that, my concern is that we can seek a written opinion from the Florida Bar, we can get a formal written opinion from them as a matter of inquiry. I do understand that we can call for Ethics opinions from them and other things, but this would be more of a formal request. I am not sure legally what impact that may have on those who in that capacity legally licensed as such., whether or not drafting and providing a document that may have some legal barriers is something I would like to know now or earlier than later, when it may be somewhat late in the stage of the conversation.

The Chair asked for clarification. She asked if Mr. Goren is saying that because someone is a member of the Florida Bar that they could automatically lobby.

Mr. Goren: The Lawyer-Client relationship. You have a client relationship with someone of long standing that you may have had well before you became a County Commissioner and you have an obligation to that client under the Bar rules with regard to what's called confidentially, with regard to privilege, with regard to confidence, with regard to communication, and with regard to diligence, all the things that the Bar mandates.

Ms. Norris-Weeks questioned what Mr. Goren comments have to do with County Commissioners going before governmental entities to represent their clients.

The Chair advised that she is going to seek each Committee member's opinion one at a time.

Mr. Ketcham advised that he is not sure what is being proposed; he stated that he does not see anything about Part B in Section 2.05, Subsection 1 of the proposal. Mr. Ketcham noted that what Ms. Norris-Weeks is discussing was deleted.

Mr. Goren: (B) was deleted.

Ms. Norris-Weeks advised that it was discussed as a full Resolution with the bifurcated issue and recalled that only half of it was cast out.

Ms. Rogers requested clarification.

The Chair advised that the proposed Resolution only covers the Lobbying Regulation as solicitation, which was part (B) that was deleted.

Ms. Rogers suggested that the Committee look at whether or not what is being left out will affect a certain group of people from public service.

Mr. Buckner spoke in support of the sentiments expressed by Ms. Norris-Weeks and Ms. Gunzburger concerning Resolution 2008-009. He stated that he believes that the CRC has done a great job in trying to give what the public needs.

Ms. Kaletta advised that perception is the public's reality. She stated that the Resolution would help the public have more confidence in the Commissioners. It would be positive and would help the public start having more confidence in the Public Officials of Broward County.

Ms. Good stated that she agrees with some of the comments made by Mr. Buckner with regard to the transparency issue. She asked if there would be a grandfathering provision for the existing Commission and stated that she would not want to impose the Resolution on the existing Commissioners.

Mr. Goren: There's none in the current proposal. This would be an absolute prohibition from lobbying the day it is effective.

Ms. Good advised that she is concerned with the existing Commissioners and the affects it may have on the ability to lobby now. She suggested making a friendly amendment by incorporating grandfathering.

Mr. Maus asked Legal Counsel if this could be done.

Mr. Goren: Again, my main predicate was to seek Bar Opinion to give myself a comfort for you that such a request would be legitimate in the context of legal support. I think that grandfathering certainly provides a mitigation opportunity that I am hearing might be helpful. However, I would still like to get the Bar's analysis and evaluation for any number of lawyers that might be affected by having a previously existing or even a, relationship with a potential client.

The Chair asked for a specific definition of a municipality (i.e. Planning and Zoning Board) etc., as it is referred to in the proposal.

Ms. Norris-Weeks advised that it was discussed and the subcommittee agreed on the language "Quasi-judicial obligations or authority" which is under article (A) in the proposal.

The Chair asked if the County Commissioners could lobby staff. Ms. Norris-Weeks advised that they could; however, staff would not be the decision making body. The Chair added that staff prepares the reports.

Ms. Tanner advised that the notion of the CRC feeling that they need to create a Resolution such as this bothers her. She suggested that the CRC take caution with this issue.

Mr. Trower asked for clarification regarding Section 2. He asked if Section (B) was deleted and is in fact off the table. Mr. Esack asked why Section (B) was deleted. Ms. Norris-Weeks replied that part did not pass the AGSC. She advised that she was the minority vote on Section B within the subcommittee. She then requested the full CRC consider that language.

Mr. Goren: If I may respond quickly, the Article was modified at the moment that the Committee made their decision to delete Subsection B. The other parts of the document have to be conformed as this Board wishes to move forward. Only (A) applies because the subcommittee voted it.

Mr. Trower agreed with Ms. Tanner, he stated that there are a lot of implications to this proposal. He advised that he is not sure if solicitation is something that should be looked at. He advised that he is not in favor nor opposed to the section, but it is something that is new to him and he wished to have more time to study it. Mr. Trower pointed out with regard to lobbying, that most of the agencies are governmental agencies that have bid processes in place;, therefore, he is not as concerned with influence because most deal with ascertained quality and price. He asked if there are other problems involved that have caused the Committee to raise the proposed Resolution and if so, is it really something that needs to be dealt with in the Charter.

Ms. Norris-Weeks stated that in her opinion this issue has never been appropriately addressed. She advised there are real-life examples of things that have happened, that in her opinion are not in the best interest of the citizens. Ms. Norris-Weeks advised that she has been working with General Counsel in order to provide a draft to the AGSC. She added that there is another AGSC meeting which she wishes to pull ideas from the full CRC and perhaps incorporate them in the draft to bring it back again for consideration.

Dr. Rosenbaum again advised that he voted against the proposal because it restricts the activity of people from being able to make a living. He stated that it also restricts who can be on the County Commission as well. Dr. Rosenbaum stated that he wished to have professionals on the County Commission who represents all of Broward County and he does not wish to prohibit talented people from serving on elected bodies.

The Chair read from Section 2.05, Subsection 1 (A); "For the purposes of this section, 'local governing bodies' shall also include all such bodies with quasi-judicial obligations and authority." She explained that this is only talking about lobbying and planning issues.

Mr. Goren: Not necessarily.

The Chair asked when it would not be.

Mr. Goren: Certain other types of permitting or other matters of testimony that may be given or taken under oath where that does occur periodically; that is not Land Use ,generaly they're under State law.

The Chair advised that the current language in Section 2.05.1 (A) is broad and does not pertain to some critical issues.

Ms. Norris-Weeks advised that was the intent of the AGSC, and stated that the language was watered down in order to get a unanimous vote.

Mr. Maus advised that he is not too concerned with eliminating potential candidates for the County Commission. He suggested looking into whether the people that are currently on the County Commission aren't cut off cold.

Mr. Rogow agreed with Ms. Norris-Weeks and Mr. Buckner advising that it is inappropriate for a County Commissioner to lobby a municipality. He stated that it is a matter for the municipality to decide, not for the Broward County Charter to preclude.

Mr. Weiss advised that he believes if a County Commissioner has a business relationship with one of the municipalities, then they should not be voting on the municipality's matters. He stated that he is also concerned about the Bar issue. He explained that the reason the solicitation issue was voted down in the subcommittee was due to there being a lot of small charities that are supported by virtue of the County Commissioners.

Ms. Good asked for the specific definition of the word "lobbying."

Ms. Rogers asked if she lives in a Community and they have issues with the School Board and needed to go before them on an issue, is that considered lobbying?

Mr. Goren: Yes, you are lobbying.

The Chair suggested that the Committee vote on whether the proposal should be sent back to the AGSC.

Ms. Norris-Weeks MOTIONED to return Resolution 2008-009, Lobbying Regulation back to the Administrative Issues / Governance Subcommittee for further drafting, Ms. Good SECONDED.

The Chair called for a roll call vote.

Commissioner Hayward Benson	No	Mr. David Esack	Yes
Michael Buckner, Esq.	Absent	Ms. Patricia Good	Yes
Mayor Debby Eisinger	Absent	Ms. H.K. "Petey" Kaletta	Yes

Mr. Mark Ketcham	No	Commissioner Hazelle Rogers	No
Dr. Mark Lieberman	Yes	Bruce Rogow, Esq.	No
Joseph Maus, Esq.	Yes	Dr. Irv Rosenbaum	No
Commissioner Ted Mena	No	Ms. Jodi Jeffreys-Tanner	No
Mayor Lori Moseley, Chair	No	Mr. Wil Trower	Yes
Burnadette Norris-Weeks, Esq.	Yes	Richard Weiss, Esq.	No
Ms. Maggie Davidson	No		

Motion FAILED on a roll call vote of 7 YES to 10 NO

[Ms. Eisinger entered at this time 1:13 p.m.]

The Chair moved to the next order of business.

- **Ethics Commission (*Resolution 2008-010*)**

Dr. Rosenbaum provided the subcommittee with an overview of the proposed Ethics Commission (Resolution 2008-009).

- The Ethics Commission's sole purpose shall be to establish a Code of Ethics for the Broward County Commission.
- Membership will be (11) voting members, each Commissioner will appoint one member from their district, and (2) County-wide members.
- *Forum* shall be majority.
- Members shall serve until a Code of Ethics is either adopted by the County Commission, or the Electors of Broward County.
- Broward County Ethics Commission shall hold their first meeting as soon as possible after the appointment of the inarguable Board, but no later than March 1, 2009, with no less than 8 meetings.
- There will be a Chair and a Vice Chair
- The proposed Board will cease to exist in July 2010.

Ms. Eisinger apologized for being late; she explained how Resolution 2008-10 came about.

Mr. Trower asked if this proposed Ethics Commission would override any policies that Broward County has and substitute them with a new Code of Ethics.

Mr. Goren: That is essentially correct.

Mr. Trower asked if the proposed Commission could also include in the Code of Ethics issues about lobbying and solicitation.

Mr. Goren: They could, and to the extent that the County Commission accepts or embraces the recommendation, then they would have to adopt by ordinance. If they choose not to then this would empower through the Charter this entity, which is its one time obligation to go to the voters with a question – which says, “Do you want to have this Ethics Commission?”

Mr. Rogow referred to Subsection G; he asked if the County Commission decides in February or March to adopt a Code of Ethics, would that be the end of this proposed Commission? He also asked why this Ethics Commission is being proposed.

Mr. Goren: The other is that if for some reason, much like the Charter Review Commission having valid access. If the County Commission fails to act on a recommendation of this one time Commission, then the Ethics Commission established by this provision would have ballot access to any combining. It has some higher level authority which could become binding should that issue arise, which provides some sizable enforcement opportunities, which is what the Committee talked about.

Mr. Mena advised that he does not see where what Mr. Goren stated is included in the document.

Mr. Goren: It is basically a default provision. In the event that the County Commission fails to adopt the recommendations of this Ethics Commission created by the Charter, then they will have valid access to, in fact, enforce it by taking that same subject to the voters.

Mr. Maus suggested making the language clear to the voters and not burying it in the sentence; he also suggested adding a separate line.

Mr. Benson clarified that if the Broward County Commission fails to adopt a Code of Ethics proposed by the Broward County Ethics Commission, then they will have access to the ballot. He asked if there were obvious flaws in the proposed Code of Ethics, would the County Commission

be obligated to accept a defective document in order to apply to minimize the opportunity for them to go before the Ethics Commission to get ballot access?

Mr. Goren: That's a fact pattern which would probably create a challenge legally between both the Ethics Commission and the County Commission if that were to occur with the obvious point of disagreement on that specific issue, which could be open to challenge. The only way to resolve that challenge not in this document, would be in the Courts if that were to occur and that is a possibility.

Mr. Rogow stated in follow-up that the language says, "the Code of Ethics shall be presented to the electors of Broward County." He stated that that is **the** code and this is the point that Mr. Benson is making. Here it is, take it or leave it.

Dr. Lieberman pointed out that the quorum to be able to conduct business is defined in the language. He inquired about the number of votes required to pass a recommendation or is it just majority.

Mr. Goren: Majority.

Dr. Lieberman asked if it has to be stated.

Mr. Goren: The subcommittee did not request a super-majority or a higher number.

The Chair asked for a motion to see what happens.

Ms. Norris-Weeks asked the Chair to allow for public participation prior to making decisions on each of the items under consideration by the Commission.

The Chair apologized and advised that she did not mean to preclude the public.

Ms. Norris-Weeks pointed out that this was not allowed previously.

Mr. Weiss pointed out that 11.08G states that the Ethics Commission ceases to exist in July 2010 or upon adoption of a Code of Ethics by the Broward County Commission. He asked Mr. Goren to confirm that if the Ethics Commission is formed immediately and the Broward County Commission passes a Code of Ethics, not *the* Code of Ethics, would the Ethics Commission be dissolved.

Mr. Goren: I think so, that is what was discussed by the subcommittee.

Mr. Weiss and Mr. Benson both expressed concern with this option. Mr. Weiss stated that he believes what was intended was the words, “the Ethics Code,” not simply *any* Ethics Code. Mr. Weiss also suggested that both the public and the Ethics Commission should have a lawyer.

Dr. Rosenbaum explained that the AGSC moved Resolution 2008-010 forward to find out if there is support. He advised that it is delegating a lot of authority to an appointed Board which is really the issue – someone having direct ballot access.

Mr. Maus suggested taking a vote to see if enough members are in support of the issue.

The Chair called for public comment.

- ***Public Comment – Resolution 2008-010***

Jim Cummings, Broward Workshop: I listened to the conversation and I think it has a great deal of merit, because there is so much skepticism in the public. I’m speaking now as somebody from the public, that we need a Code of Ethics. I know we have a State Code of Ethics, and if you talk to Norm Ostrau and you ask him; “When was the last time you enforced anything through the Code of Ethics of the State?” He would say, “Well we never do that, it just never happens.” I think your proposal has a lot of flaws in it and many of the people here have addressed some of those flaws. I would hate to see you just throw it away and not go back and look at it again because Broward County, to my knowledge, if you look at the Efficiency Studies and some of the previous studies and actually, I think it was the previous Charter Review Commission that was talking about establishing a Code of Ethics. We never have done that. What’s wrong with doing that?

Why do we have to rely on the State and their unenforceable Code of Ethics? I commend you for what you’ve done and just as a public person out here, I would ask that you reevaluate your position because I don’t think our Commissioners are about to address a Code of Ethics. I just don’t see that out there spoken about very highly. But, you know what? I believe we’re having some investigations right now in Broward County in the Code of Ethics relative to some of the ethical actions that have taken place. So, I think it is important. As a Taxpayer, I think it’s important. I would ask that you review this further and address some of the comments that have been made, which are all well informed comments. We do need a Code of Ethics in Broward County. Thank you.

The Chair called for any further public comment on the Ethics issue or the Lobbying Regulation issue which the Commission voted not to go forward with or the Voting Conflict Recusal and Regionalism. She requested forgiveness as the Commission has already voted.

Robin Rorapaugh, Hollywood, FL: Hi, my name is Robin Rorapaugh and I'm here as a Citizen, a Taxpayer, and a resident of Hollywood. First of all, on the earlier question on Lobbying, I worked for the Federal Government for 10-years. I worked for a Congressman. I could not go back and lobby any entity in Broward County or the Federal Government for several years. My Congressman could not go back, even as he was out of office, for two years; that's now going up to three years. The idea of a public official, an Elected Official, being able to lobby other Elected Officials and Quasi-judicial bodies is not acceptable on the Federal level and it's not acceptable in most major municipalities in this country whether it's Chicago, LA, New York, etc. Why we think it's suddenly permissible in Broward County, I don't know. I didn't know that the rules were that different here.

So, I commend Burnadette for bringing that up, it's been a difficult fight. I hope at some point an Ethics Commission will look at that question again. So, I agree with Jim and I think the voters of Broward County would agree with him that it's time for us to take what the Charter Review Commission did last time and put the Commissioners' feet to the fire. They're all of our friends, but at some point we have to have a real Code of Ethics and it's clear it will not come from the Elected Officials. It will have to come from the public. This Commission is a short-lived way to do it, and it gives the Commissioners an opportunity to put their stamp of approval on it and say that they are for it. So, I hope you guys will send it back to the subcommittee. Thank You.

Alain Levy, Broward Workshop: Thank you, my name is Alain Levy and I'm here as a member of the Broward Workshop and as an individual who's lived in Broward County for 65 years. I want to tell you something, don't throw away a great opportunity. You guys are doing a wonderful job and I know you put in time and energy and a lot of studying ,but you've got an opportunity that only happens very seldom. You have an opportunity to make a change when changes are needed. I can't expect an elected Commissioner to suggest that they would like to see these things happen because business as usual, is easier than the unknown.

This is wisdom in this room and there are people here that understand this. Lobbying has become a big business in Broward County. It's one of the biggest industries we have. You know what, if you want something passed, there's no question; you have to hire a hired gun. That

shouldn't be that way. Allow the people to get closer to the government, and the only way you can do that is to stop this issue of having Commissioners lobbying Commissioners, the strength of the County over the Cities, the ability for people to have to feel intimidated by the situation of government. It's time that this Charter Review Committee looks at the whole issue and finds some way to make it easier. Give the Committee a chance to re-look at this. Don't throw out the baby with the bath water, please. Thank you for all your doing.

The Chair called for any other speakers.

Mr. Benson MOTIONED to send the issue of the Ethics Commission back to the Administrative Issues/Governance Subcommittee for further review and comment, Ms. Good SECONDED.

The Chair called for a roll call vote.

Commissioner Hayward Benson	Yes	Mayor Lori Moseley, Chair	Yes
Michael Buckner, Esq.	Yes	Burnadette Norris-Weeks, Esq.	Yes
Mayor Debby Eisinger	Yes	Ms. Maggie Davidson	Yes
Mr. David Esack	Yes	Commissioner Hazelle Rogers	Yes
Ms. Patricia Good	Yes	Bruce Rogow, Esq.	No
Ms. H.K. "Petey" Kaletta	Yes	Dr. Irv Rosenbaum	Yes
Mr. Mark Ketcham	No	Ms. Jodi Jeffreys-Tanner	Yes
Dr. Mark Lieberman	Yes	Mr. Wil Trower	Yes
Joseph Maus, Esq.	Yes	Richard Weiss, Esq.	Yes
Commissioner Ted Mena	Yes		

Motion PASSED on a roll call vote of 17 YES to 2 NO

Mr. Esack stated that he'd like the Lobbying issue reconsidered in light of Committee members being out of the room at the time of the vote. The Chair asked Mr. Esack whether he was on the prevailing or other side. Mr. Esack advised that he was not on the prevailing side.

The Chair stated that the Motion to reconsider must come from someone on the prevailing side.

Ms. Norris-Weeks pointed out specifically that there were two Committee members who voted in favor who were not present at the time of the vote. The Chair explained that she is referring to Robert's Rules. Ms. Eisinger advised that she was a Committee member who voted in favor. The Chair asked Ms. Eisinger if she was physically sitting on the dais when the vote was taken. Ms. Eisinger advised that she was not present. Ms. Norris-Weeks advised that the issue is that there are members from the public who have had the opportunity to speak on the issue.

The Chair asked if there was anyone from the prevailing side who could Motion and Second to call the motion back to the table. Ms. West clarified that this would be anyone who voted **No**.

Mr. Goren: Madam Chair for the record, the motion I believe was made is **only to reconsider**, then you can debate that and then if you have a motion to send it back then we can consider that.

Mr. Mena MOTIONED to reconsider Resolution 2008-009 - Lobbying Regulation. Mr. Rogow SECONDED.

The Chair called for a roll call vote.

Commissioner Hayward Benson	No	Mayor Lori Moseley, Chair	No
Michael Buckner, Esq.	Yes	Burnadette Norris-Weeks, Esq.	Yes
Mayor Debby Eisinger	Yes	Ms. Maggie Davidson	No
Mr. David Esack	Yes	Commissioner Hazelle Rogers	No
Ms. Patricia Good	Yes	Bruce Rogow, Esq.	No
Ms. H.K. "Petey" Kaletta	Yes	Dr. Irv Rosenbaum	No
Mr. Mark Ketcham	No	Ms. Jodi Jeffreys-Tanner	No
Dr. Mark Lieberman	Yes	Mr. Wil Trower	Yes
Joseph Maus, Esq.	No	Richard Weiss, Esq.	No
Commissioner Ted Mena	Yes		

Motion FAILED on a roll call vote of 9 YES to 10 NO

The Chair moved to the next order of business

- **Charter Review Commission (CRC) & Management & Efficiency Study Committee (MESC) Meeting Schedule – Consider revising timetable for convening these two groups (*Resolution 2008-011*)**

Dr. Rosenbaum provided an overview of Resolution 2008-011.

The Chair asked how long the Committees will meet as it is not provided in the draft language.

Dr. Rosenbaum advised that the proposed Resolution will allow the MESC and the CRC to meet for a longer period of time; he explained that the specifics were not discussed as the draft is provided in order to obtain direction from the full Commission.

Ms. Rogers explained that currently the MESC and CRC are on a (2) year term.

Mr. Goren: The terms will not change by this provision. This just changes the times when they meet. The actual terms of office as provided for by the Charter will not be changed.

Ms. Rogers asked when the next CRC would be convened if the proposal were to pass.

Ms. Norris-Weeks advised that she believes that there are still two issues which remain unresolved for the subcommittee to work on and prepare for the full CRC.

Mr. Goren: *Just for the record* – The MESC would convene 2010 if the changes were to occur, and the CRC would in 2015. Those dates are in the proposal.

Mr. Ketcham asked if the full CRC sent the issue to the Administrative Issues/Governance Subcommittee. He stated if not, the full Commission has to vote whether they want the ASGC to discuss the issue.

Dr. Rosenbaum responded that the full CRC did not. He explained; however, that the full CRC discussed the matter under housekeeping.

The Chair confirmed that the matter indirectly came up during the housekeeping discussion of the full CRC. She stated, however, that she thinks the proposed language is too unclear.

Ms. Gross: I just want to say one thing; one of the purposes is to have some time in between the Management Efficiency Study Committee and the Charter Review Commission so that the

recommendations of the Management Efficiency are reviewed by the County Commission and others, and to see if there's any progress between the MESC and the CRC. The CRC can take up some of the issues that the MESC dealt with and look at them more in-depth. Right now there is no time in between for any of the MESC recommendations to have any affect.

The Chair advised that she would have to see a calendar in order to understand the timeframes in between the MESC and CRC.

Mr. Trower advised that after reading the proposed Resolution he would be opposed to that expansion of time. It would be too much time given the complexity of Broward County; it seems to be too much time between meetings. Mr. Trower asked if the draft is complete in order for the CRC to take any action today.

The Chair advised that it is a housekeeping issue that was sent to the Committee during a conversation regarding the MESC and the CRC. She stated that they are trying to rush the full CRC.

Ms. Rogers suggested determining when the MESC and the CRC would meet next under the current system and comparing with what is being proposed.

Mr. Goren: Currently, 2010 for the MESC and 2012 for the CRC if you make no change.

Ms. Rogers asked with the change when they would meet. Mr. Ketcham replied 2010 for the MESC and 2015 for the CRC.

Mr. Buckner stated that he would like to see the proposal go a step further and suggested sending it back to the Administrative Issues/Governance Subcommittee. He stated that he wishes to add teeth to the proposal such as placing it in the Charter giving the MESC three (3) options as followed:

- 1. Their recommendations can either go to the County Commission and the County Commission has to vote the recommendation up or down.*
- 2. The recommendations are sent to the Charter Review Commission for action.*
- 3. Recommendations go directly to the voters at the next General Election.*

Mr. Buckner stated that looking at all the hard work done by the CRC who has the opportunity to place its work on the ballot, but the MESC does all their hard work and basically the County Commission can simply not consider anything they recommend. He stated that he thinks that's a disservice to the hard work of the members of the MESC and he thinks it would also help in terms of truly making the County government more efficient.

The Chair advised that the MESC recommendations were reviewed right away, and she stated that some of them are efficiency issues, which are not Charter issues nor do they belong in the Charter. She advised that some of them are County Housekeeping issues.

Mr. Buckner explained that the MESC would do their study and review and if they felt, based upon their study that they have identified a Charter issue that they would like the CRC to consider; then he stated, to respect them, the CRC would have to give a yea or nay vote as to whether it will consider such issue during the CRC's term.

The Chair explained that this could be confusing and mix things up because the MESC goes through the County and the CRC goes directly to the ballot. She stated that she believes this would be mixing apples and oranges and the MESC deals with some very different issues. The Chair stated that the Charter is a sacred document and the process to get there should not be too easy.

Ms. Rogers advised that in order for her to differentiate between the (2) entities she looks at one as a Management Body and the other as a Legislative Body. She advised that she understood what Mr. Buckner was saying. That after the MESC has done its due diligence it should go to the County and the County should have a responsibility of dealing with it – addressing those issues and the issues that need to go to the CRC needs to be addressed via some level of mandatory commitment to discuss.

Ms. Kaletta advised that the MESC looked at everything very carefully. She agreed with Mr. Buckner that there needs to be some accountability for the 2 years work from the County Commission. She suggested looking into an up and down vote of the County Commission. Ms. Kaletta stated that she is unsure about stretching the CRC out 10 years, however giving the MESC more teeth would be a positive step.

Mr. Ketcham MOTIONED to send Resolution 2008-11 Charter Review Commission (CRC) & Management & Efficiency Study Committee (MESC) Meeting Schedule back to the

**Administrative Issues/Governance Subcommittee for further work, Mr. Trower
SECONDED.**

The Chair called for a roll call vote.

Commissioner Hayward Benson	Yes	Mayor Lori Moseley, Chair	Yes
Michael Buckner, Esq.	Yes	Burnadette Norris-Weeks, Esq.	Absent
Mayor Debby Eisinger	No	Ms. Maggie Davidson	Yes
Mr. David Esack	Yes	Commissioner Hazelle Rogers	Yes
Ms. Patricia Good	Yes	Bruce Rogow, Esq.	No
Ms. H.K. "Petey" Kaletta	Yes	Dr. Irv Rosenbaum	Yes
Mr. Mark Ketcham	Yes	Ms. Jodi Jeffreys-Tanner	Yes
Dr. Mark Lieberman	Yes	Mr. Wil Trower	Yes
Joseph Maus, Esq.	Yes	Richard Weiss, Esq.	Yes
Commissioner Ted Mena	Yes		

Motion PASSED on a roll call vote of 16 YES to 2 NO

VI. Public Comment Related to the Administrative Issues/Governance Subcommittee's Recommendations

The Chair tabled the Administrative Issues/ Governance Subcommittee's recommendations Public Comment until after the presentation of the Broward Workshop and Better Broward Proposals.

VII. Redistricting-Directly Elected Mayor

1. (Resolution 2008-004) – Original Information regarding Elected Mayor and Redistricting

Item 1 tabled until after presentations.

The Chair advised that each presenter will be allowed 7 minutes for their presentations. She then introduced The Broward Workshop.

2. Broward Workshop Proposal

Jim Cummings: I'm Jim Cummings and I'm here today representing the Broward Workshop. I am a past member of the Charter Review Commission and I've been a resident in Broward County for over 55 years. Our proposal, which hasn't been brought up yet, but has certainly been discussed; as a matter of fact, we've had a poll taken to have the public evaluate their feelings and come back and tell us exactly what their opinions were of our County Commission, of our ability to govern in a regional perspective; which I know has been the topic of much discussion among your group.

One of the things that we've looked at was one; Broward County is very diverse. We want to keep that diversity represented. We acknowledge the Single-member Districts are necessary in order to comply with that diversity, so we didn't suggest changing any of the districts although, we certainly appreciate what you're going to do with redistricting with a separate group later down the line. We felt the only way and the most feasible way to pass something that would allow the people of Broward County to be represented with a regional perspective, would be to add two more Commissioners and that those Commissioners be elected countywide.

Now over the years there's been a lot of discussion about a Strong Mayor, of having a Mayor Representative, someone that would speak for the County. Well, presently under our Charter there are certain criteria and regulations that govern what the Mayor can do, his or her authority, and we elected not to change that. What we did feel was appropriate, was that the Mayor be given a term of 4 years. Now, I want to give you a good example of why that is necessary. I think most of you certainly understand why it's necessary.

What the Management & Efficiency Study added to its top priority the last time was Transportation and Affordable Housing. It wasn't until Mayor Eggelton decided to have a Transportation meeting of the entire community that brought together about 300 people. Those 300 people said yes, Transportation is critical to Broward County. Why aren't we doing anything? They also stated that their biggest problem was we didn't have appropriate

leadership from the County Commission to implement such a sweeping change in the Transportation Initiative that's required to bring Broward County into the next century. So, leadership was an issue.

The fact that they have only 1 year as Mayor to develop an agenda, to set the agenda, and set committees creates a big problem. Right now the next Mayor that we presently have; her special initiative doesn't happen to be Transportation; so, unfortunately Transportation will probably fall by the wayside. Notwithstanding that it's still one of the leading initiatives of the Management & Efficiency Study Committee, but we don't have any leader there to really put together a program that will implement a good Transportation System.

What we thought would be most appropriate would be 11 Commissioners, keep the same 9 Elected from their districts and establish 2 Commissioners At-large. This would give us a regional perspective. So instead of having a 5/4 vote or 4/5 vote in favor or against, what we would have would be at least two people that don't necessarily sit there and speak solely for their district. Now it's very difficult to tell a Commissioner, "You can't vote the way your people in your district want you to vote" and I understand that. That really pulls on what's the right thing to do for the whole County and what may be the right thing to do for your district.

Unfortunately, I think the people of Broward County are entitled to elect officials that represent all the members of Broward County not just those in their specific districts so knowing that, that creates a problem some time. Again we came up with 2 elected At-large Countywide Commissioners, one of which would be a Mayor serving a 4 year term, which would allow them the same guidelines, and parameters that our existing Mayor has established by the Charter; where they would set the agenda, could establish committees, and represent us for a 4 year period. At least give us some guidance over a 4 year period and not just a 1 year period.

We've looked at the cost of this and we feel that the cost is very minimal compared to the cost that we are experiencing, because we do not have the leadership that is here for 4 years that can give us continued guidance. We did not change the appointed County Manager. We felt that it's appropriate to have a professional County Manager. So, I want to make it clear that we're not necessarily pushing a strong Mayor. We're not changing the guidelines that are already established in the Charter. We're not saying we want someone elected as our County

Manager. We want a professional County Manager that has a standard Code of Ethics, that's standard within their profession. We feel that was most appropriate.

The 11 Commissioners, Do we have room up here? We've had people say, well there is no room. Believe me there is plenty of room up here. Pete Corwin, we can move Pete Corwin in here and some of the other people and not have any problem. The cost on what it would cost to have 2 more Commissioners, ladies and gentlemen just think of the cost that we've expended because our Airport has been delayed for about 9 years now. Nine (9) years ago, we had an agreement where we spent about a million dollars to bring in Hollywood; they bought into it a long time ago. Things happen, Commissioners change, the electorate changes; so it's taken us 9 years. You're talking about a \$500 million dollar program on the runway. I will guarantee you we've probably wasted \$200 million in the last 6 or 7 years because we didn't go ahead and do what we thought we were going to do 7 or 8 years ago. The expense is minimal compared to the cost and the money that we're losing by not proceeding. Thank you very much.

Vice Chair Rogers: You have a minute left.

Mr. Cummings: I have a minute, Hazelle would you like to ask any questions? I think, you know, this is pretty self explanatory. It's very simple. We didn't want to change things that we thought the electorate would not support and also that we didn't think that you all would support. So, that's why we kept it simple and if a Strong Mayor comes about; that's fine. One of the things that we learned a long time ago is to take little steps at a time. Get something and get accustomed to it, and if it works well then we can expand on that, thank you Commissioners.

Ms. West advised Mr. Cummings that on behalf of the women in the room dresses were added to some of the figures on the Broward Workshop presentation boards. There was laughter, applause and concurrence from the audience and the Commission.

Mr. Cummings: That was mentioned at the office, thank you.

Joe Amatore, Broward Workshop: My name is Joe Amatore; I've lived here approximately 50 years and I am delighted to be here to speak on behalf of the addition of 2 Commissioners to the County. If I were a Commissioner right now, I'm sure that once or twice or maybe 13 times a week, I would have to face myself with this problem, "I don't think the people in my area would

go for it.”; “an election is coming, I think it would be good for the County, but I’m not sure that I could go along with that proposal.” It’s just as simple as all that. If any of you were a County Commissioner and you had a slice of the County you were responsible for, you would have to say, “I have to serve those people first and the County second.”

What we’re proposing will not change that position, but will finally give the County some representation, and airport or the ports, transportation, a huge list of things have to do with the County Administration and there’s nobody there to speak for them, for the County and we’re all suffering because of it. I don’t know whether the Commissioners say well, if you vote for me I’ll vote for your proposal, I doubt that of course but should that happen, we still need representation for the County. We’re not getting it and the County is suffering. We’re falling behind all of the advances that we should be enjoying and I hope that you will consider. This is a hugely responsible effort. It is so simple to see. I can’t see how anybody; I’ve been wrong before, I’m a married man. I can’t see that anybody would have a real ground to oppose this. Thank you.

The Chair recognized Michael Buckner, Esq. for presentation of the Better Broward Proposal advising that he has seven (7) minutes to present.

3. “Better Broward” Proposal

Michael L. Buckner, Esq., Better Broward Proposal: Good afternoon, Madame Chair, and members of the Charter Review Commission. In regards to the Better Broward proposal, and again, I support the general concept that the Broward Workshop has presented the terms of change in the election of the County Mayor. I also wanted to bring in an alternative proposal before this body. If this body wants to consider it or aspects of this proposal along with what Broward Workshop has proposed then I would enjoy the conversation.

Many of you know, I’ve mentioned it a few times; I’m currently researching for my next book which is going to be on Leadership. I’ve been traveling across country; talking to Athletic Directors on leadership and some of the questions that I ask are: *Does an effective leader have to have a title? Does an effective leader have to have a formal set of authority incorporated in some type of Charter, Constitution or law book?* Every single Athletic Director I’ve asked and these are Athletic Directors of major Division-I Programs throughout the country; they said, “No, a leader doesn’t necessarily have to have a title or some authority,.” but they said, “An effective

leader has to have some semblance of accountability.” There has to be some type of accountability for that leader to have in order for him or her to be truly effective.

What we have in the current system of government is, we have leaders. Each of the 9 County Commissioners is a leader but in terms of an appointed leader or Mayor, we have an appointed Mayor but he or she is not accountable. They are selected by their own members of the County Commission and they serve, and all of them have noble purposes, and vision, and they all want to accomplish a lot of things during their year in office. They only have one year, and at the end of the year their not held accountable for whatever they wanted to do during that year.

I think with the Broward Workshop’s proposal, as well as my proposal, “Better Broward” would change that. It would revise County Government to create an accountable, countywide, At-large Elected Mayor. What Better Broward, also does is it changes the structured government. The Elected Mayor would be in charge of the Executive Branch and would actually be in charge of appointing a professional Administrator to manage and run the day-to-day operations of the County government. The County Commission would be headed by, what I label a Commission President. He or she would essentially be The Chair of the County Commission. The Mayor would have veto power as well as other powers as I’ve outlined in the proposal. Then most importantly, whatever proposal or whatever idea or concept that this body goes with, I would ask you guys to look at Sections 2.17 and 2.18 of the Better Broward proposal. You got it at the last meeting; it’s currently in your red folder behind the letter from me to The Chair dated September 21, 2007. Red or green folders, I’m sorry -- Sections 2.17 and 2.18.

Whatever direction that this body takes, whether it be to flush out the Broward Workshop’s proposal or to take aspects of the Better Broward proposal, I would encourage this in whatever we do to look at the redistricting process as well as redistricting standards. I think that it is, at this point, in this County governments’ history, that sitting County Commissioners should not be in the process of drawing their own districts. That we should have an established Commission that is there to actually draw the County Commission districts. I think that that would be acceptable to the public. I think that would also enhance the fairness of all of our elections as well as the representative nature of our government. With that, Thank You.

Ms. Tanner asked if questions could be asked.

The Chair advised that Mr. Buckner would return to his seat on the dais before questions. She explained that she was not quite sure how to navigate the proposals therefore she gave both an opportunity to present.

The Chair explained that there were four (4) options for the Commission to consider having an idea of where they wished to go. She stated that options are as follows:

1. Does the Commission wish to refer the matter back to the AGSC subcommittee for language development?
2. Does the Commission wish the language to come from the full CRC?
3. Does the Commission wish to work up language that would have a strong Elected Mayor?
4. Would the Commission like to work up something that is reflective of The Broward Workshop Proposal with an Elected Mayor and a County-wide Elected Commissioner?

Mr. Mena asked if Mr. Buckner's proposal had been looked at before and if it is different from the Broward Workshop's proposal? The Chair responded that Mr. Buckner's proposal is a Strong Mayor. Mr. Buckner responded yes and informed he wanted an Elected Executive. Mr. Mena explained that the difference is where some places have City Managers this would be the Elected Executive. He asked if both proposals could somehow be merge.

The Chair asked if the CRC wants to look at having an Elected Mayor and if so, are they interested in having a Strong Mayor or none of the above

Dr. Rosenbaum asked if the concept of a straw ballot had been considered. Several members responded no.

Mr. Rogow stated that the Broward Workshop proposal is brilliant and he would support it. He advised that he feels going to Strong Mayor is too much, too fast and would engender too much resistance.

Dr. Lieberman stated that he liked both plans. He suggested that both proposals be returned to the subcommittee to look at the possibility of merging the two.

Ms. Eisinger advised that she would strongly support the Broward Workshop proposal. She also stated that she doesn't think the County is currently ready for a Strong Mayor.

Ms. Rogers advised with regard to the Broward Workshop proposal that initially some subcommittee members were in support of two At-large Members because it worked for the School Board. She advised that she would support the Elected Mayor proposal being sent back for discussion.

Ms. Norris-Weeks stated that she could support the Broward Workshop proposal, but would recommend that the portion regarding Commissioners drawing their own lines be incorporated from Mr. Buckner's proposal.

Ms. Good advised that she would not support anything that would not keep the districts as they are currently. She suggested that the continuation of discussion on At-large members should happen at the CRC level and not the subcommittee level.

Mr. Maus agreed with Ms. Good. He explained that Mr. Buckner's plan is very complex and may not have a chance to pass. He advised that the Broward Workshop's plan is simple and has a better opportunity to pass and has merit and suggested that the CRC as a whole should consider it.

Mr. Ketcham reminded the Commission of past problems in the Broward Sheriff's and Supervisor of Elections' offices. He stated that the example was to show his concern on having an Elected Mayor representing all of the people of Broward County.

Ms. Tanner stated that she is not in favor of a Strong Mayor and advised that she is interested in the Professional redistricting team from Mr. Buckner's proposal. She asked Mr. Buckner who would run the meetings since the proposal is for a Strong Mayor and a President. Mr. Buckner advised that the Commission President would run the meetings. He stated that The Mayor would not sit as a voting member.

Mr. Benson suggested that the Mayor of the County could be elected among the current Commissioners, and suggested 2 years for the Mayor and a continuation of review. He stated that he liked comments made by then Commissioner Wexler and asked the CRC to review it further thinking of the concept that Commissioner Wexler presented and increase the Commission from 9 to 11.

Ms. Kaletta advised that she agrees with the Broward Workshop's proposal, but that she has a problem with the Commission increasing from 9 to 11. She also suggested including the two

sections on redistricting (2.17 and 2.18) from Mr. Buckner's proposal. She stated as far as Minority Leadership, that the vote should be for the best person; not depending on race, religion, or gender.

Ms. Good stated that it is important that every aspect of the community is represented.

Mr. Trower expressed strong support of the Broward Workshop's proposal as well as incorporating some of Mr. Buckner's proposal. He complimented Mr. Buckner and explained that Mr. Buckner's proposal helped him personally with understanding what the CRC is dealing with. Mr. Trower then reminded and encouraged the Commission that it has some obligation to put things forward to the Community for them to make the decision.

Dr. Rosenbaum asked Mr. Benson if he thought the issue of the 11 members and The Mayor should be separate issues. Mr. Benson replied yes.

The Chair explained that there are now three (3) options for the Commission to consider:

1. Refer Broward Workshop's proposal to the subcommittee.
2. Refer back to the AGSC to create a hybrid of the Strong Mayor; or
3. Ask Mr. Goren to prepare language and return it to the full CRC.

The Chair called for a motion.

Mr. Rogow MOTIONED to direct Legal Counsel to draft proposed Resolution language based upon the Broward Workshop Proposal of 9 Single-Member Districts plus an Elected Countywide At-Large Mayor and a Countywide At-large Commissioner with four-year terms and to return the draft language to the full Charter Review Commission, Ms. Good SECONDED.

The Chair called for any public comment prior to calling the vote.

Dan Lindblade, Greater Fort Lauderdale Chamber of Commerce: Good afternoon, I'm Dan Lindblade; I am the President and CEO of the Greater Fort Lauderdale Chamber of Commerce. I wanted to come by and talk to you all today. We did not come up with a proposal, with the effort of the workshop, but we did pass a motion of our 45 member Board representing businesses throughout Broward County that supports putting a Countywide Elected Mayor to a

vote of the public. So, as it relates to this proposal, we would support it as it relates to putting it to a vote. I wanted to make sure that I let you all know that. Thank you.

John Ruffin, Broward Workshop / Vice-Chair MESC: Good afternoon, I'm John Ruffin; I'm from Coral Springs and I'm approaching 28 years in this community. Our City as you may know was just given the Malcolm Baldrige Award as one of the most outstanding Cities in America. I say that because I think that's a lotto, for what we might want to consider. We have an Elected Mayor, we have an Executive, a Professional, and we have a City Commissioner. I think that's a model that permeates throughout our country, in terms of Federal Government as well as our State Government.

As a former Charter Review Commission member, back in the days when there was discussion about Single-member Districts; and there was concern about minority participation, I was told at that time as a Commissioner that we could still draw the lines and still not have a minority, but I can tell you that throughout the years I've been here we have had minority participation on the Commission. I also served as the Vice-Chair of your Management & Efficiency Study Committee which is your predecessor. I ask that we support the Broward Workshop proposal. I think it is a step in the right direction and we certainly need I think, some tweaking to our County government. Thank you.

Dan Glickman, Deerfield Beach, FL: First, I strongly support the Broward Workshop proposal of countywide At-Large Elected Mayor and Vice-Mayor. Mr. Buckner had mentioned one word which, I thought was interesting, the word accountability. That's the point of not only the countywide election but potentially one or two re-elections; that there is accountability at the end of a term, in this case Countywide, not just by district.

Miami-Dade, right now and there's no casting this positive or negative, right now is thirteen (13). Just to let you know, the Roberts Rules of Order, has a different set of rules, if they so choose, for what they call a small Board, which is about 12. So that whether it be 9 or 11, Roberts Rules of Order says it's a small Board, so they're in good health, so to speak.

Mr. Benson mentioned the possibility of selecting from their current composition, instead of one year, two years. No disrespect, in my humble opinion and just for illustrative purposes, 2x0 is still zero. ***(See Scrivener's Addendum at the end of this Summary of Discussion)***

One last thing, the page I am looking at what was presented by the Broward Workshop. Unfortunately, it does them and you one small disservice. It starts off with the first wonderful page, a plan for Elected Mayor. It gives the second page of history and then it says on the third page, positions of Broward Workshop. I'll be brief. "The Broward Workshop supports the creation of Elected Mayor for Broward County." It should stop right there. They should have one... The Mayor is elected Countywide and it should have two. "The Mayor is equal in powers to another Commissioner except for that of Mayor as currently specified in the County Charter:" If they wish and everything else they've told me, I believe is accurate, is all that's there now. We shouldn't have to wonder if two through the next page is or isn't there. My understanding from them is it's all there; they shouldn't even have to put it down there; but if they wish to it could be specified as currently there. Thank you.

George Morgan, Broward Workshop: I'm George Morgan owner and President of Morgan Property Group and the current Chairman of the Broward Workshop. This is a very complex issue for all the reasons that have already been stated by the various numbers. I want to say first of all, thank you to all the members of this esteemed body. You've been kind enough, each of you to meet with us and talk to us and give us your feedback and we hope that we'd come up with something that makes some sense and hopefully can be moved forward beyond this Committee and onto the ballot. Let me say a couple of very quick things.

First of all, I don't think you can design a governmental system based on the people who may or may not take office. Our Constitutional Fathers learned that way back when. Sometimes you hear negative things about a Mayor, well, what do we get for a Mayor? Well, shame on us if we can't elect the right person. To say that a minority person can't win; the last two, including the current Supervisor of Elections is a minority person. So, I think that belies the fact that you can win. A minority person can win a countywide election. So, it really gets down to what's best for the individual person who's out there, and who spoke, and wants to be represented. Yes, they're represented by their Single-member District Commissioner, but shouldn't they have somebody more than that. Shouldn't they also be able to rely on the fact that there is one or two other member who don't tie their decision making to what's necessarily best for their district; but looks at it from a countywide basis.

We've got a lot of important issues here, whether it be the Port, the Airport, Affordable Housing, Transportation, the list goes on and on. If you talk with any of our elected Commissioners who have been the Mayor for their one year or for lack of a better word, *ceremonial* term, they'll all

tell you the same thing. They don't have the continuity that they need to advance an agenda that's important to this County for the long term. That's what we're looking for. So, would it be better hypothetically, to have 9 Commissioners including a Mayor and a Vice-Mayor or a Mayor and an At-large Commissioner, as opposed to 11? Perhaps! Would it be better to have 7? Would it be better to have 5? I don't know, but the point is we've got a system and the best way to fix it, that we feel, from a lot of research; not just locally but we've done research in other communities throughout the country. Nova Southeastern has been working on this with us. FAU has been working on this with us. This is the best plan that we've been able to come up with that we think the voters in Broward County will rally behind it. This is going to pass, if we can get on the ballot, at a huge majority because people want an Elected Mayor. Thank you.

Alan Hooper, Broward Workshop, / DDA: My name is Alan Hooper; I am a member of the Broward Workshop but I'm also a resident of Broward County and a native. I was born in Fort Lauderdale, and I've lived through several Mayors. Some of them have been really terrific. The public usually responds when there's one that falls from grace. They speak out and then they elect someone else to take that person's place. I would appreciate, as a resident of Broward County; I would appreciate the opportunity to vote on an Elected Mayor and an At-large County Commissioner so that we can get representation at a global level. I think the voters will decide whether or not if that's a good idea and I would appreciate if you guys could move that forward. Thank you.

Sean Guerin, Broward Workshop / Broward Community College: My name is Sean Guerin and I appreciate you spending time on this, your volunteered time. I can respect that as a newly appointed Board of Trustee of Broward Community College. I stand before you as a volunteer facing a wide variety of issues and having to wrap your heads around it and make some important decisions; also as a Broward County native of vastly approaching 38 years. I stand before you raising three children in this community. I've started and I own a small business and I'm trying to give back to the community in a variety of different ways. A lot of smart people got around the table and tried to come up with a plan here, I'd appreciate you guys considering it. I think this is a strong one. Thank you.

Mr. Benson thanked Mr. Glickman for the mathematical input provided him. He responded to Mr. Glickman's earlier comments and advised that "to carry it to the conclusion of $2 \times 0 = 0$; $4 \times 0 = 0$ too."

Ms. Norris-Weeks asked if the Broward Workshop had comments regarding Mr. Buckner's proposal on redistricting. She advised that she wanted to offer an amendment.

Jim Cummings, Broward Workshop: Just to be very brief, we totally concur with Mike's proposal to have a separate independent group do the redistricting and take it out of the hands of the Commissioners.

The Chair acknowledged that Ms. Norris-Weeks wished to make the amendment and requested she state the amendment in order to see if Mr. Rogow (the maker of the motion) would accept the proposed amendment.

Ms. Norris-Weeks AMENDED the MOTION to have the redistricting issue incorporated.

Mr. Goren: Madam Chair if I may, just to be clear. The language that Michael is proposing on redistricting we've touched upon in prior proposals. It tracks an 11th Circuit opinion which was rendered some time ago back in July of this year. It is language which I believe is comforting to the issue of redistricting and it may go a long way to sustain a challenge.

Mr. Rogow stated that he does not accept the amendment. He explained that he did not accept the amendment because he sees it as a distinct issue. He advised that he is for having the redistricting done by professionals and not be the County Commission. However, he stated the Countywide Mayor and Redistricting are two separate issues.

Ms. Norris-Weeks asked for a legal opinion.

Mr. Goren: I'm concerned about the issue of the method of redistricting and the manner of redistricting. It's a very serious topic. It was addressed by several speakers, months ago. It's been addressed by others in this room. In each proposal which the subcommittee considered, it also referenced and validated the impact of having a Redistricting Plan and the method by which it would be accomplished and if I'm not mistaken, in each of the proposals which are not before you today as such, the suggestion was to have an independent review of that process. A four-year College or University was a suggestion as a method of keeping an objective analysis or review of the Redistricting Plan. Michael's proposal goes a bit further and tracks some other Federal case laws and statutes that make sense.

On the single-subject issue, if this Board votes to move this item forward, I would make every effort to make certain or as best as I can in whatever we draft that we don't violate that rule, and also embrace this as a comprehensive topic in a fashion which will sustain scrutiny.

Mr. Rogow confirmed that it is an issue and advised that if there were two separate proposed Resolutions, it would avoid that set of issues.

The Chair suggested that there could be one motion voted upon and another motion could be made regarding redistricting as a separate ballot question.

Mr. Goren: Madam Chair, don't choose for this Board to consider the item as being unimportant. It's dramatically important by virtue of what you may otherwise be accomplishing by the main motion.

Mr. Benson asked for clarification on the current motion.

The Chair confirmed that the motion on the floor was solely Mr. Rogow's original motion.

Ms. Good inquired as to whether the proper procedure was being followed with regard to Mr. Rogow having to accept or deny Ms. Norris-Weeks Amendment request. She asked if he had to accept it.

Mr. Goren: No. The other motion is on the main motion which is to accept the Broward Workshop proposal.

Ms. Norris-Weeks explained that she believed Ms. Good's question was whether or not Mr. Rogow had to accept her amendment because she was not offering it as a Friendly Amendment. She explained that she was offering it as a new amendment to be voted on prior to the other questions which she believed was procedurally correct.

Mr. Goren: She can, you can.

The Chair asked Mr. Goren if it is like a hostile amendment.

Mr. Goren: She can do that, she has a motion which if seconded can be voted upon as an alternate motion.

The Chair asked Ms. Norris-Weeks if she wished to have it added on to Mr. Rogow’s motion or as a separate item. Ms. Norris-Weeks explained that her motion technically should be voted upon first. The Chair again asked Ms. Norris-Weeks if she wished her motion to be a separate item or added onto the item.

Ms. Norris-Weeks replied **no**. She explained that the language was an amendment to the motion that was seconded. She explained that there should be a vote on that amendment to have Mr. Buckner’s pieces of redistricting added onto it and then return to the main motion.

The Chair asked Ms. Norris-Weeks if she meant added onto to the particular item as opposed to having it as a separate item. Ms. Norris-Weeks replied yes.

Ms. Tanner suggested making it a separate item.

Mr. Weiss explained for clarification that once a motion is made and seconded it no longer belongs to the maker of the motion anymore, it belongs to the body; therefore Mr. Rogow has no rights to say no. He explained that Ms. Norris-Weeks has the right to move a separate amendment to be voted on separately if it is seconded; and if it is approved, then Mr. Rogow’s motion is then amended by what Ms. Norris-Weeks’ amendment.

The Chair confirmed that it is then to add the amendment as a single item to the existing motion. The Chair called for a roll call vote on the amendment to add it on to the main motion.

Ms. King requested a restatement of the Motion for the record by Legal Counsel.

Mr. Goren: The motion being made by Burnadette essentially is to graft onto the proposal by the Broward Workshop the language provided for in Mr. Buckner’s item regarding the method and manner of redistricting.

Ms. Norris-Weeks MOTIONED to AMEND the current MOTION to **ingraph onto the proposal of the Broward Workshop language provided by Sections 2.17 and 2.18 of Mr. Buckner’s Better Broward proposal regarding the method of redistricting, Ms. Tanner **SECONDED**.**

The Chair called for a roll call vote at 2:58 p.m.

Commissioner Hayward Benson	Yes		Michael Buckner, Esq.	Yes
-----------------------------	------------	--	-----------------------	------------

Mayor Debby Eisinger	No	Burnadette Norris-Weeks, Esq.	Yes
Mr. David Esack	No	Ms. Maggie Davidson	No
Ms. Patricia Good	No	Commissioner Hazelle Rogers	Yes
Ms. H.K. "Petey" Kaletta	No	Bruce Rogow, Esq.	No
Mr. Mark Ketcham	Yes	Dr. Irv Rosenbaum	No
Dr. Mark Lieberman	Yes	Ms. Jodi Jeffreys-Tanner	Yes
Joseph Maus, Esq.	No	Mr. Wil Trower	No
Commissioner Ted Mena	Yes	Richard Weiss, Esq.	No
Mayor Lori Moseley, Chair	No		

Motion FAILED on a roll call vote of 8 YES to 11 NO.

The Chair called for a roll call vote of the original motion made by Mr. Rogow.

Mr. Weiss asked what happens to the language once General Counsel has drafted it. The Chair advised that the draft will be returned to the full CRC because the full CRC brought the matter forward again.

Mr. Rogow MOTIONED to direct Legal Counsel to draft proposed Resolution language based upon the Broward Workshop Proposal of 9 Single-Member Districts plus an Elected Countywide At-Large Mayor and a Countywide At-large Commissioner with four-year terms and to return the draft language to the full Charter Review Commission, Ms. Good SECONDED.

The Chair called for a roll call vote at 2:57 p.m.

Commissioner Hayward Benson	No	Mr. David Esack	Yes
Michael Buckner, Esq.	Yes	Ms. Patricia Good	Yes
Mayor Debby Eisinger	Yes	Ms. H.K. "Petey" Kaletta	Yes

Mr. Mark Ketcham	No	Commissioner Hazelle Rogers	Yes
Dr. Mark Lieberman	Yes	Bruce Rogow, Esq.	Yes
Joseph Maus, Esq.	Yes	Dr. Irv Rosenbaum	Yes
Commissioner Ted Mena	Yes	Ms. Jodi Jeffreys-Tanner	Yes
Mayor Lori Moseley, Chair	Yes	Mr. Wil Trower	Yes
Burnadette Norris-Weeks, Esq.	Yes	Richard Weiss, Esq.	Yes
Ms. Maggie Davidson	Yes		

Motion PASSED on a roll call vote of 17 YES to 2 NO.

Ms. Tanner MOTIONED to direct Legal Counsel to draft proposed Resolution language for Redistricting based upon Sections 2.17 and 2.18 of Michael Buckner’s Better Broward proposal and return same to the full CRC for consideration. Mr. Mena SECONDED.

The Chair called for a roll call vote at 3:00 p.m.

Commissioner Hayward Benson	Yes	Mayor Lori Moseley, Chair	Yes
Michael Buckner, Esq.	Yes	Burnadette Norris-Weeks, Esq.	Yes
Mayor Debby Eisinger	Yes	Ms. Maggie Davidson	Yes
Mr. David Esack	Yes	Commissioner Hazelle Rogers	Yes
Ms. Patricia Good	Yes	Bruce Rogow, Esq.	Yes
Ms. H.K. “Petey” Kaletta	Yes	Dr. Irv Rosenbaum	Yes
Mr. Mark Ketcham	Yes	Ms. Jodi Jeffreys-Tanner	Yes
Dr. Mark Lieberman	Yes	Mr. Wil Trower	Yes
Joseph Maus, Esq.	Yes	Richard Weiss, Esq.	Yes
Commissioner Ted Mena	Yes		

Motion PASSED UNANIMOUSLY on a roll call vote of 19 YES to 0 NO.

VIII. New Business Discussion

The Chair moved New Business Item 2 to the forefront and gave the floor to Mayor Joy Cooper to address.

1. Broward League of Cities Request / Broward County Planning Council and Charter Review Commission Composition

Mayor Joy Cooper Planning Council Composition: Good afternoon everyone, Happy Holidays. It's good to be back before you. I believe in your backup you have two proposals that were discussed at our Broward League of Cities Board of Director's meeting. If you remember our dialogue earlier when you first started going about your work, I had mentioned some unfinished business that was the result of our dialogue and negotiations with the Broward County Commission. Those dialogues resulted in what you have before you as one of the proposals of the appointment process to the Broward County Planning Council.

Just to refresh some of your memory of the back battles that we had, where some of the dialogue of historically what the Planning Council was to represent. It was supposed to be a balance of residence and a balance of municipalities. Due to the current process, those representatives turn out not to necessarily represent the Cities. They represent the County's ideals of who they would want to represent them. This proposal also was actually passed by Resolution into Broward County in conclusion of their discussion. I believe that's in your backup, if it's not, I'm not certain what documents were given to you, **that in fact they concurred with the fact; as a matter of fact Commissioner Lieberman actually abided** by the request by asking her municipalities, as Cities, who they would like to recommend to the County Commissioner, to appoint to that spot. She had a list that she could choose from, and then in turn appointed that member to represent the municipality's interests as part of the Planning Council.

Actually, this language that's before you is a result of those negotiations, as a result of discussing this within our body as the Broward League of Cities. I encourage you to adopt it and at least have a dialogue and I'm here to answer any questions about it. I think that this would conclude what we resulted in as a working environment and a very good environment to date to work on to resolve conflicts with the Planning Council. I'll leave it for that, I know there's another proposal. Would you like me to do both?

The Chair requested Mayor Cooper continue with the next presentation.

As an Executive Committee, we have discussed some of the Charter Review issues. It's quite unique in Broward County, being a Charter County; but yet having a no and phasing out municipal services. The actual Cities in Broward County have a truly vested interest in this process. We're excited to see that you have a wealth of knowledge around the table, not just within the professions that are represented, with the way your stakeholders, citizens; but actually have among you some Elected Officials that have a working knowledge of that partnership between Cities and the County. It was posed through our Executive Board, to our Board of Directors, that actually we should be a part of this process. We are suggesting, that as part of the process, there be directly appointed Municipal Officials to the Charter Review process. That's what the second proposal you have before you to utilize as a template for discussion of how we ensure that our municipal issues are heard. That they're understood and that a certain wealth of knowledge is brought to this table to help facilitate those issues that directly impact us. Thank you.

Ms. Kaletta asked how many around the table, by show of hands, are Mayors, Elected Officials or Legal Counsel for Cities (more than half of the Commission members raised their hands.) She stated that the Cities are well represented on the Charter Review Commission. She suggested if the proposal were to go through then all other elected officials from cities / municipalities are represented should be eliminated from other appointments. She pointed out, however, that she believes that the general public is not well represented.

The Chair stated that the CRC members were the luck of the draw and she thinks that everybody on the dais brings something that she likes.

Ms. Kaletta advised that she was not arguing that point, but she suggested that if the proposal is even considered, the caveat should be that other appointments should not be Elected Officials from municipalities.

The Chair suggested finding out if the item should go forward at all; she stated however that she would be remiss as she's talked about the Planning Council before and to her the Planning Council was originally formed to be a municipal voice to the County regarding planning issues. If only minority voices are the ones that are appointed to the Planning Council then she does

not believe that the majority opinion necessarily gets heard. She is supportive of going forward and looking into changing the composition of the Planning Council.

Mr. Trower MOTIONED to forward the Broward League of Cities Request for Re-composition of the Broward County Planning Council and the Re-composition of the Charter Review Commission to the Land Use Subcommittee for review, Dr. Rosenbaum SECONDED.

Mr. Trower explained that he believed if it's coming from the League of Cities then there should be deference to it as a recommendation.

Ms. Good advised that she does not necessarily agree one way or another on the items proposed. She however, expressed concern with the items not being an initial topic highlighted as one for the Charter Review Commission to deal with. She asked when the CRC would discontinue acceptance of new topics.

The Chair replied that she believed that the Planning Council was one of the items highlighted for discussion.

Mr. Maus reminded the Commission that the issue was one of the first issued discussed in the Land Use Subcommittee. He advised that a representative from the League of Cities and the Planning Council came before the subcommittee and that the particular issue was never raised as being a problem; the LUSC really went through the entire process. He requested as a member of the Land Use Subcommittee that the items not be sent back.

Ms. Norris-Weeks agreed with Ms. Good that the process could be never-ending if new items are continuously sent back to the subcommittees.

Mr. Weiss stated that the issue that he thought would be very controversial at the LUSC was the issue of the relationship between the County and the Cities in terms of Land Use problems. Mr. Weiss advised that Ms. Eichner appeared before the LUSC on several occasions and never brought the issues presented by Mayor Cooper forward. He suggested in deference to the League of Cities that the subcommittee should reconvene to consider the issues.

Mayor Joy Cooper: I apologize if there was a disconnect, but I know I discussed this in the onset and again this isn't, I don't believe a surprise to this body. When I sat here in this room a

couple of months ago and raised the specific issue that there was unfinished business; this was one of the unfinished businesses. I apologize if our representative -- there was a disconnect at that point. I'm telling you with the backup, and the language that's presented I don't mean to come from left field in any way, shape, or form about this issue. It is still an issue. It's something that the League feels very strongly about. We think it's fair and reasonable. Again, the County Commission, I understand, passed a Resolution supporting it, and they understood that to finally conclude our business to work cooperatively that it would in fact need a Charter Amendment. That's why it's here before you today to actually consider. I hope you support it.

Mr. Rogow confirmed that the motion to be voted on would include only the Planning Council issue.

The Chair confirmed that the motion should only include the Planning Council.

Mr. Trower MOTIONED to forward the Broward League of Cities Request for Re-composition of the Broward County Planning Council to the Land Use Subcommittee for review, Dr. Rosenbaum SECONDED.

The Chair called for a roll call vote at 3:11 p.m.

Commissioner Hayward Benson	Absent	Mayor Lori Moseley, Chair	Yes
Michael Buckner, Esq.	Yes	Burnadette Norris-Weeks, Esq.	Yes
Mayor Debby Eisinger	Yes	Ms. Maggie Davidson	Yes
Mr. David Esack	Yes	Commissioner Hazelle Rogers	Yes
Ms. Patricia Good	Yes	Bruce Rogow, Esq.	Yes
Ms. H.K. "Petey" Kaletta	Yes	Dr. Irv Rosenbaum	Yes
Mr. Mark Ketcham	Yes	Ms. Jodi Jeffreys-Tanner	Yes
Dr. Mark Lieberman	Yes	Mr. Wil Trower	Yes
Joseph Maus, Esq.	No	Richard Weiss, Esq.	Yes
Commissioner Ted Mena	Yes		

Motion PASSED on a roll call vote of 17 YES to 1 NO.

The Chair asked if there was any interest on the Charter Review composition. There being none, the Chair advised Mayor Cooper that there was no interest and thanked her for her time.

Mayor Cooper: Please let me thank you for your consideration. Again, we really scrutinized the language and certainly it was our proposal. I will be in attendance and if not, I will make sure I have an Executive Board member there. Thank you.

1. “And Via the Internet”

The Chair asked Mr. Ketcham to address the item.

Mr. Ketcham suggested adding to the Charter that everything is accessible via internet. He explained that after numerous conversations and consideration between him and Mr. Glickman, he decided to request consideration.

Ms. West advised that such addition would affect Section 1.04C of the Charter.

Mr. Goren read Section 1.04C of the Charter to the Committee.

Mr. Weiss stated that his concern is that a lot of documents are not scanned to the computers which could be a costly undertaking. He would be supportive if the language was, “*and where possible through the internet*”, or a goal towards having things on the internet.

Ms. Eisinger suggested the words, “*if available.*”

Mr. Buckner suggested that General Counsel should research applicable language from other governments.

Dr. Rosenbaum suggested making a list of the vital documents that should be on the internet.

Ms. Norris-Weeks stated that she too believes that it would be a huge expense. She suggested staff ask questions to gather information.

Mr. Ketcham suggested that it would be a move into the future.

Ms. Eisinger stated that she supports including the language, as incorporating it into the Charter brings awareness that the documents could be requested via the internet.

Dan Glickman, Deerfield Beach, FL: I'd hoped to be a shameless proponent of this.

Certainly, there are a lot of things that could be said, there are a lot of possibilities. First of all, we are talking about that information, which is currently available as public records. Certainly one could talk about other things. One can conjecture all sorts of things. My point is going to be very simple, followed by something afterwards. If I went out and I asked the voting public if public records are available and instead of having to go to the County Commissioners office, you were able to get it on the internet, my guess is it would be a landslide vote. We don't have to ask about transportation, we don't have to ask about a Strong Mayor, we don't have to ask about X, Y, or Z, if people say, "Gee, I can get it on the internet, it's a public record," thank you very much, I vote for it. There is no pressure about that.

So, when we talk about expense, first of all, it is a matter of ramping up. Second of all, there are things that you haven't even thought about; and by the way, with all due respect, you folks have tried to get information that you might have found. How come I can't get it? Oh the staff will get it. Well, the staff would get it, but perhaps the staff should say, I'll go on the internet and get it.

Most documentation is now electronically sourced to begin with. What happens is they print out a piece of paper and then give it to you. If it's already sourced electronically to begin with, it's relatively easy, as time goes on, not year one, year two; the idea is to put it in the County Charter, so that people would say this is a legitimate thing, we should work towards it. Nobody expects overnight, it's here it's done it's over. There certainly can be things which you folks can legitimately discuss but, the fact that it's already there, the public has a right to it; a lot of it.

I try to get information about BCT; they come through with reports that Dave Daniels or other people at BCT sent to me. I can't get them. They should be available. I shouldn't have to go to the County government. As an informed citizen, I want to get information, information is power and to the extent that I get information on the internet without bothering staff. That's the way I'd like to do it. Thank you.

Mr. Weiss advised that he is okay with it but concerned about County personnel records.

Mr. Ketcham stated that State law protects the personnel records. Mr. Weiss explained that County personnel files are public record. He stated that he would be in favor of putting general direction, but would be concerned with putting in a mandate.

Mr. Weiss stated that scanning of files for posting to the internet would be major administrative problem. Mr. Rogow stated that the two separate issues are, "what's available, if available" and "the concept of let's get them to put as much on as they can." He advised that he is for the, "*if available.*" Ms. West suggested that "where available" would embrace the 21st century.

Mr. Rogow stated that the "*if available,*" leaves it to the Commission to decide when, how, and how much is ultimately going to be on.

Ms. West advised that privacy is a big issue.

Mr. Goren explained that the records are public under State law, except for certain limitations.

The Chair called for public comments.

Ellen Brodsky, Coconut Creek: Hi, my name is Ellen Brodsky; and I'm the Director of the Broward Election Reform Coalition. I've found that the gravest obstacle to getting public records, especially from the Supervisor of Elections office, has been the cost of getting them for the public. Like this gentleman said, very often they do not keep the records electronically. So, they end up charging the public hundreds of dollars for something that they could easily be able to get online. Nobody can afford to be able to get the kind of information that we need to be able to let say, audit elections or a whole range of issues. So, that's the problem; the problem is cost. So it should be in an electronic format so that it's easily accessible to the public and it doesn't cost very much. I shouldn't have to spend more than \$10 dollars for a CD instead of spending \$200 dollars for 1300 pages.

The Chair asked if there was a MOTION for this item.

Mr. Rogow MOTIONED to direct Legal Counsel to draft proposed Resolution language for "And if available via the Internet", Mr. Weiss SECONDED.

The Chair called for a roll call vote at 3:29 p.m.

Commissioner Hayward Benson	Absent		Michael Buckner, Esq.	Yes
-----------------------------	---------------	--	-----------------------	------------

Mayor Debby Eisinger	Absent	Burnadette Norris-Weeks, Esq.	No
Mr. David Esack	Yes	Ms. Maggie Davidson	Yes
Ms. Patricia Good	Absent	Commissioner Hazelle Rogers	Yes
Ms. H.K. "Petey" Kaletta	Yes	Bruce Rogow, Esq.	Yes
Mr. Mark Ketcham	Yes	Dr. Irv Rosenbaum	Absent
Dr. Mark Lieberman	Yes	Ms. Jodi Jeffreys-Tanner	Yes
Joseph Maus, Esq.	Yes	Mr. Wil Trower	Yes
Commissioner Ted Mena	Yes	Richard Weiss, Esq.	Yes
Mayor Lori Moseley, Chair	Yes		

Motion PASSED on a roll call vote of 14 YES to 1 NO.

Ms. Rogers: Sometimes sitting here I feel like I live in two different places. I'm a County resident with different rules that affects me. I live in a City and its totally different rules. You don't demand a Bill of Rights from the Commissioners in Lauderdale Lakes and just some of our voters. When they're voting on some of these issues, they don't know that it's specific to the County Commission. We have to understand, there are a lot of voters out here that will not understand some of the things that we do. When I started here, I was told that there are only two issues that are in the Broward County Charter that really affects Cities and that is Land Use and Roadways. I thought to myself that this County Charter can be amended to include anything that we want, if we seriously wanted to do it. I've sat here for these many months and we are pounding on one Elected Body. Not recognizing that we are not separate as Cities operating under this County, and that the voters when they ask for Ethics and all of this, they're not just looking, they're thinking of every Elected Body in this County. They don't see boundaries, borders, and all of this. Sometimes when we talk about thinking outside the box, maybe the next Charter Review Commission will be bold enough to truly think outside of the box because I've learned a lot from just sitting here this past two years. Thank you.

The Chair moved on to item IX Subcommittee Progress Reports.

IX. Subcommittee Progress Reports

1. Health & Social Services – Mr. Wil Trower, Chair

Mr. Trower advised that the draft Resolution was in the book and he would be reporting on it in a few days.

2. Land Use – Richard Jay Weiss, Esq., Chair

Mr. Weiss advised that he had nothing more to add.

3. Public Safety – Dr. Mark Lieberman, Chair

Mr. Lieberman advised that language revisions are being drafted to proposed Resolution 2008-012.

The Chair moved on to public comments.

X. Public Comment

Dan Glickman, Deerfield Beach, FL: If this question could be answered by Mr. Goren, I'd appreciate it. I understand that's the prerogative of Mayor Mosley. Did Mr. Goren say during the formative processes of this Commission that it should expect towards the end of its process in the last few months that there would be new issues, things coming up, and in fact it would almost be a lot of work, which, came up sort of like the last minute from those interested parties? I only say that because people may have forgotten that, and I think it's very important to realize that things may come up and they should expect that as part of the process by which this goes; if I understood Mr. Goren correctly.

Ms West reminded Mr. Glickman that work deadlines have been imposed on the Commission.

The Chair thanked Mr. Glickman for his comments.

Mr. Weiss asked Ms. West if it would be possible to receive the agenda with attachments a couple days in advance of the meeting. Ms West stated she and staff will do their best. She advised that this depends on when revised drafts are made available. Mr. Weiss suggested that something has to be done with the meetings to provide enough time.

The Chair directed the Chairs to meet with Ms. West the week before so that the agenda items could be provided in a timely manner. Ms. West explained that to get items on the internet a 2-week lead-time is required for the County's Public Communications Department.

The Chair asked for the last of the public comments.

Ellen Brodsky, Coconut Creek: Once again, my name is Ellen Brodsky and I'm the Director of the Broward Election and Reform Coalition. This is my first time addressing this Committee, so please just bear with me. I don't know what the rules are yet. First of all there's a number of... pressing issues that brought me here today that has to do with Broward County Home-rule. Let me just first tell you some of the other ideas I've had for a long time.

First of all I'd like to see in our Charter a Citizen Advisory Board on Elections to make recommendations to the County, to review Elections Technology, and Election Administration. There has been much discussion about the Supervisor of Elections being either appointed or an Elected Official. I would like to see the Supervisor of Election being a non-partisan Elected Official and believe most of the public would agree with that.

I would like to see an Independent Office of the Inspector General overseeing all government agencies, operations, and contracts, as they have in Miami-Dade County. I don't know what happened in the past, but this issue came up in the past, and I don't know the details but I think that the County Commission did not want this to go on the ballot. I think this is an issue for the citizens to have protection. This is a citizen protection issue. Okay, I just want to say that Diana-Wasserman Rubin, I heard many months ago, submitted a Referendum that the Broward Election and Reform Coalition wrote which was voted on in Sarasota County, for Voter Verified Paper Ballots and Manual Audits. I was very excited to hear about that because I didn't know that.

That brings me to why I am here today, Home-Rule. Basically, I saw in November at a County Commission meeting that part of the Broward County Legislative Package dealt with Home-Rule, and it read like, "Broward County is dedicated to the fundamental concept of the Government closest to the people is the appropriate authority to serve the needs and requirements of the community. The Broward County Board of County Commissioners supports in maintaining the integrity of Home-Rule over which; allows Counties to develop and implement solutions to local problems. As a Charter County, the Board of County Commissioners opposes

Legislative efforts that interfere with governance on local government administration.” This really hit me home because as you know, the Referendum in Sarasota County that Diana-Wasserman Rubin submitted here also was voted on in November 2006. It won overwhelmingly. This is a situation where you have Home-Rule sovereignty but unfortunately, currently in the actual Charter, much has happened in the meantime. Charlie Crist came out and said he wanted that paper ballot. Our law was changed. So, many of the provisions in there were challenged originally by the Secretary of State; passed, they became law. Except for one provision which has to do with the manual audit provision because Florida law does not have any manual audits in our current House Bill 537.

The Sarasota Alliance for Fair Elections, being a Home-Rule County where voters voted in favor of their Charter is being challenged by our Secretary of State because they want to have manual audits of their paper ballots before an Election is certified. This is an interesting issue that relates to Broward County because the Florida Legislature here has gone through a few difference cases in District Court. The first one the Sarasota Alliance won to get it on the ballot. They deemed it constitutional. The second one, the majority ruling was from the judges, that it needed to go to the Supreme Court of Florida because supposedly the Florida Legislature had the legal right to supposedly write Election Law and not the County itself. So it's implied versus Expressed Law. There was nothing implied in the Florida Legislature.

The Chair asked Ms. Brodsky to please get to the relevance of her comments to the Charter Review. I'm going to just briefly say to you that this applies to Broward County. The Chair asked for Charter Review Commission specifically.

Ms. Brodsky: Okay, we're hoping the Sarasota Alliance for Fair Elections being that we also submitted a referendum for our own County would like the support of other Home-Rule Counties to add protections for voters when the State Legislature fails us as they have in our current Legislation.

The Chair: Thank you, I know... Thank you and that's a different issue than a Charter Review issue. I'm just trying to get what you're asking of this body.

Ms. Brodsky: We're very concerned that our Charter Review, if we have different local Home-Rule laws that we pass, the voters vote on it various issues and then the Legislature turns around and you can get sued. Which has happened in Sarasota County and I'd like to submit

for the record for this Committee, that this case is now being accepted by the Florida Supreme Court.

The Chair: I'm not saying what you're now talking about isn't important. I'm just trying to get to where it directly deals with this Charter Review Commission. Being a Charter County and us reviewing the Charter are not that same issue.

Ms. Brodsky: Home-Rule and having the rights to govern your own local affairs. That's how it relates to Broward County Charter Review. I'll submit, all those documents, for the record. Thank you.

The Chair thanked everyone and wished them a Happy Holiday.

XI. Adjournment

There being no further discussion the meeting was adjourned at 3:45 p.m. The minutes of this meeting are recorded on CD # 12.12.07 (BCGV CTR).

[Scrivener's Addendum of Record] - The following communication items were requested to be added to this CRC Full Commission Meeting Record by Ms. Pat West, CRC Director.

From: Dan Glickman [mailto:danglick@hotmail.com]
Sent: Wed 12/12/2007 6:17 PM
To: West, Patricia
Subject: If Appropriate, Please Forward To Mr. Benson

Hi Pat,

At the end of today's meeting I looked for Mr. Benson but he had left earlier.

I hadn't meant to offend him but in my attempt at succinctness I perhaps lacked the clarity which I usually try to have and, though it was not my intention, I can understand if my remark might have been so construed. If so, I certainly apologize to him.

If you could forward this to him (and to anyone else you deem advisable) I would appreciate it.

Sincerely,

Dan Glickman

Subject: FW: If Appropriate, Please Forward To Mr. Benson
Date: Thu, 13 Dec 2007 06:43:26 -0500
From: PWEST@broward.org
To: hbjr@hotmail.com; hbenson@laudhill-fl.gov

Commissioner Benson,
I am forwarding this email along to you as requested by Mr. Glickman. Have a wonderful day.
Pat

From: Hayward Jr. [mailto:hbjr@hotmail.com]
Sent: Thursday, December 13, 2007 8:27 AM
To: West, Patricia
Subject: RE: If Appropriate, Please Forward To Mr. Benson

Pat,
Thanks for the email from Mr Glickman, please let him know that I accept his apology.
Can you make this apology a part of the record? If not, could you at a minimum, send it to the CRC membership?
Thanks for your good work.

Hayward J. Benson, Jr.