

**Summary of Discussion
Broward County Charter Review Commission
Wednesday, April 09, 2008
Broward County Governmental Center
115 South Andrews Avenue Room 430
Fort Lauderdale, FL 33301
11:30 AM – 12:30 PM**

Members Present:

Mayor Lori Moseley, Chair
Commissioner Hazelle Rogers, Vice Chair
Commissioner Hayward J. Benson, Jr., Ed. D.
Michael L. Buckner, Esq.
Ms. Maggie Davidson
Mayor Debby Eisinger

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.
Dr. Irv Rosenbaum
Ms. Jodi Jeffreys-Tanner
Mr. Wil Trower
Richard J. Weiss, Esq.

Members Absent:

Bruce Rogow, Esq.

Others Attending:

Kareen Boutros, Executive Director, Broward Workshop
Chedley Etienne, Administrative Assistant, CRC
Ellen Feld, Esq.
Samuel Goren, Esq., General Counsel

Yolanda Grooms, Administrative Specialist, CRC
Maria Gross, Assistant Director, CRC
Jacob Horowitz, Assistant General Counsel
Phyllis A. King, Transcriber, PKING Consulting
Robin Rorapaugh, Hollywood, FL
Lisa Vondrak, News Abstracts.com
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 Commission Meeting.)

A meeting of the Broward County Charter Review Commission (“CRC,” “Board,” or “Commission”) was held at 11:30 a.m. on Wednesday, April 09, 2008 at the Broward County Governmental Center Room 422, Fort Lauderdale, FL.

I. Call to Order/Roll Call

The Chair, Lori Moseley called the meeting to order at 11:30 a.m. and requested the roll call by Phyllis A. King, PKING Consulting, Inc. Upon completion of the roll, the Chair recognized the presence of a quorum.

II. Approval of February 27, 2008 and March 12, 2008 CRC Summaries of Discussion

Ms. Tanner MOTIONED to approve the February 27, 2008 Charter Review Commission Summary of Discussion, Ms. Good SECONDED. I’s were stated and the motion PASSED unanimously.

Ms. Good MOTIONED to approve the March 12, 2008 Charter Review Commission Public Hearing Summary of Discussion, Ms. Eisinger SECONDED. I’s were stated and the motion PASSED unanimously.

III. Chair & Executive Director’s Report

The Chair announced that Ms. West will be leaving to work for the County in the Human Services and Families Success Administration Department. She advised that the Charter Review Commission is sorry to see her go.

Ms. West thanked the Commission. She advised that today's dais folders included information for both the current meeting and the impending Public Hearing.

IV. Report on Status of CRC Budget, Jodi Jeffreys-Tanner, Chair, CRC Budget Committee

Ms. Tanner recommended promotions and salary adjustments for the remaining Charter Review employees. She recommended that the Charter Review Commission accept the appointment of Ms. Gross to the position of Executive Director and Ms. Grooms to the position of Assistant Executive Director. She advised that the recommendations are based on review of the current Charter Review budget, working with Broward County Administration and the Office of Management and Budget. She reminded the Commission that the CRC is slated to close on July 31, 2008 and that the appointments would be effective beginning April 14, 2008 until July 31, 2008. She stated that the salary and budget calculations have been provided for the CRC's review and that there are sufficient funds remaining in the budget to support the salary adjustments and to take care of the remaining contractual service obligations required to complete the work of the CRC.

Mr. Benson MOTIONED to approve the Charter Review Budget Committee's recommendation for promotion of Ms. Gross and Ms. Grooms; Ms. Norris-Weeks SECONDED.

The Chair called for a roll call vote at 11:53 a.m.

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

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

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

The Chair moved on to Agenda Item V–A.

V. Procedural Issues

A. DISCUSS PROCESS FOR FINALIZING THE VOTE ON THE RESOLUTIONS

The Chair explained that she had conferred with the CRC attorney to determine the most logical process for running this afternoon’s Public Hearing and allowing the CRC to vote on the final resolutions. She stated that the individuals would sign in and select on which resolution number they wish to speak. She advised that the CRC would take public testimony on the items and then close the item to public comments and bring it back to the dais for discussion and motion recommendations.

Mr. Benson asked to what extent there will be interaction between the public and the full CRC.

The Chair advised that the interaction would be the same as previous public hearings. She stressed that everyone understands that she would be closing the public communications part of the meeting and bring it back to the dais. She explained that they would not be going back and forth between Commission members and the public. The Chair stated that the time to ask questions or have anything clarified is at the first half of the item and then the Commission will talk amongst themselves.

Ms. Good asked what if someone wanted to make a general comment on something that is not particularly on the agenda.

The Chair advised that logic would dictate to let general comments go first because they might miss their opportunity.

Mr. Goren for the record: *To the extent that the procedure that was just pronounced by The Chair, in fact are your rules of the road for today's procedure; you may want to adopt them by motion so the record is clear that this is what you intend to do. I would read the titles as they are proposed by number. The objective then would be to conduct by opening a public hearing, allowing public commentary, or interaction with members of the public as needed. Public Hearing for each individual item will then be closed. There will be debate involved on the dais, with the objective of discussing the item and then by appropriate motion, as required by your rules and required by the Charter, the appropriate disposition of each Charter Resolution.*

Dr. Lieberman asked if there was a time limit for public comments.

The Chair responded that they have 3 minutes each.

Mr. Goren: The Chair has some prerogative to extend beyond that to the extent of not creating disruption or duplication.

Ms. Good MOTIONED to accept the Public Hearing procedures as established; Ms. Tanner SECONDED.

The Chair acknowledged the motion on the floor and called for further discussion.

Ms. Norris-Weeks asked if the motion would preclude the Commission from having a public speaker return forward, should a question arise during the discussion on the dais.

The Chair replied that she believes that the public and the cross dialogue should be concluded, so the answer to Ms. Norris Weeks question would be no.

Mr. Goren: Madam Chair, not to appear obtuse to the Chair, but should the body, by motion, appropriately seek to have commentary from the public, by appropriate motion they could in fact overrule the Chair and seek that input. I say that only because you're not constrained legally.

Ms. Norris-Weeks suggested that there should be a process.

Restatement of Motion

Ms. Good MOTIONED to accept the Public Hearing procedures as established; Ms. Tanner SECONDED.

The Chair called for a roll call vote at 12:01 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.	Absent
Ms. H.K. "Petey" Kaletta	Yes	Dr. Irv Rosenbaum	Yes
Mr. Mark Ketcham	Yes	Ms. Jodi Jeffreys-Tanner	Yes
Mr. 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 18 YES to 0 NO.

The Chair moved on to agenda Item V-B and recognized Mr. Goren.

B. DISCUSS THE PROCESS OF PLACING THE PROPOSED AMENDMENTS ON THE BALLOT

Mr. Goren: Under the Charter as drafted and as your rules would dictate, to the extent that the CRC today adopts by 13 votes or more any item that would go on the ballot. The objective would be to transmit those resolutions which were approved by the Charter Review Commission to the County Mayor and the County Administrator by appropriate delivery document. In the past, we have also provided a copy of the Charter blacklined showing the additions, as a courtesy to the County which would then take your adopted resolutions, showing what would change in the Charter specifically. That's only a guideline, for the record. That's not specifically how they would do it, but it would be presumptively what it would look like if the voters approved those items. As you know the Charter was changed last time around. That suggests the

County Commission needs to have the documents by June 1, but that the objective is that they're a conduit to passing through to the voters for November. June 1st certainly is a little bit off, calendar-wise, but delivery would be expected by our offices to The Chair and to the Director as soon as possible after you conclude your work today.

The Chair advised that if there are changes in the resolutions, Mr. Goren and Mr. Horowitz (legal counsel) are prepared to adjust the language during the meeting. She stated that final documents will be available this evening and prior to leaving the Public Hearing this evening voting to accept all documents will take place.

The Chair moved on to agenda Item VI and opened the floor to the Commission.

VI. New Business

Dr. Rosenbaum expressed concern regarding the fact that the County has not finished the annexation of unincorporated areas. He suggested sending a Resolution to the County Commission asking them to complete the annexation as originally planned.

The Chair explained that the reason for the holdup is that from a municipal point of view there is a problem with some of the areas and what the County is doing and not doing with some of the infrastructure.

Dr. Rosenbaum advised that area A is a concern and the process needs to move along. He asked that the CRC prepare a resolution.

Dr. Rosenbaum MOTIONED to have the CRC prepare a Resolution recommending the County Commission complete the annexation of the unincorporated areas as originally planned, Ms. Rogers SECONDED.

The Chair acknowledged the motion and a second on the floor and called for any further discussion.

Mr. Benson asked if there was a timeline on the annexation.

Ms. West advised that the annexation must be completed by 2010.

Mr. Benson suggested that the recommendation should encourage the County Commission to complete annexation by 2010.

Ms. Eisinger agreed with Mr. Benson.

Mr. Maus asked if the CRC was proposing a resolution that clarifies what the County is already working on.

Dr. Rosenbaum advised that it would be a recommendation asking the County to complete the annexation by 2010.

Mr. Maus asked if the County had to complete it anyway.

Mr. Benson stated that the CRC is trying to encourage it to become a priority.

Mr. Goren: To the extent that you take action on the proposed resolution, which is not yet drafted. Obviously, it takes 10 to draft it and 13 to support from the standpoint of your rules. There are Resolutions currently on the Public Hearing agenda, which are not Charter changes but are just simply requests for the County Commission. If you today at this moment, so to speak, vote to draft, we will work on the draft, but you would have to present it publicly this afternoon as an offering, as a draft in progress which means we'll work on it today as needed, but the public would have a right to be heard on it.

Ms. Good stated that she does not feel there is enough information to make a recommendation today.

Mr. Ketcham asked if it had to be heard twice.

Mr. Goren: No, Public Hearings are required for items going on the ballot. I think this is being distinguished by the maker of the motion, which is not in fact to request a change in the Charter but to encourage the County Commission to take specific action.

Ms. Eisinger stated that it is a good resolution. She advised that the recommendation is to create greater awareness that we are approaching the annexation deadline and she plans to support the recommendation.

Ms. Rogers stated that she supports the proposal by Dr. Rosenbaum.

Ms. Tanner asked when the last time a piece of property was annexed.

Mr. Benson responded that the Lauderhill area was annexed in 2006. He stated that he is supportive of the Resolution and encourages the CRC to be supportive as well.

Mr. Trower asked if the County has the ability not to comply with the 2010 deadline.

Mr. Benson stated that he was taking the positive approach.

Mr. Goren: The 2010 date is actually in a policy of the Broward Legislative Delegation. They have an aspirational goal in the proposal, which policy would suggest, that by 2010 annexation throughout Broward County should be completed. That's been a moving target over recent years but that date has been in place for some period of time now. It is not a law; it is a policy of the Delegation. It is a target or a destination, which has been spoken to by many over time who are looking at that target as a real date; that's where it comes from.

Mr. Mena reminded the CRC that they are dealing with 6,000 people in the un-annexed area. He stated that he feels it is very important and he would support it.

Mr. Benson stated that there are other contiguous cities other than Lauderhill, but someone needs to deal with it and get it done.

Ms. Rogers stated that the Delegation has changed over the years and she has not heard this Delegation make annexation a priority.

Restatement of Motion

Dr. Rosenbaum MOTIONED to have the CRC prepare a Resolution recommending that the County Commission make completion of annexation of the unincorporated areas by 2010 a priority, Ms. Rogers SECONDED.

The Chair called for a roll call vote at 12:14 p.m.

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

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

Motion PASSED on a roll call vote of 12 YES to 6 NO.

The Chair asked if there would need to be a subsequent vote on the Recommendation later today.

Mr. Goren: Yes.

The Chair asked if there was any further new business to discuss.

Dr. Rosenbaum advised that another concern he had was budget cuts. He stated that the County has the ability to create Taxing Districts. He suggested recommending that the County Commission look at creating Independent Taxing Districts to protect the library system from budget cuts.

The Chair asked if Dr. Rosenbaum was providing this for informational purposes.

Dr. Rosenbaum stated that it was discussed in the subcommittee but no interest was shown there.

The Chair confirmed that Dr. Rosenbaum's statement was not a motion. She asked if there was further new business to discuss.

Ms. Norris-Weeks advised that it is difficult for a public person to have their say and address an issue. She suggested asking the County Commission to consider creating a procedure for a member of the public to place an item on the Commission agenda.

The Chair stated that she thought the County Commission had 5:30 meetings where they take down public comments.

Ms. Norris-Weeks explained that the problem is that the 5:30 meetings are not agenda items. She stated that this would allow legitimate issues to come before the Commission for consideration. She explained that the Broward Workshop has addressed this same concern. Ms. Norris-Weeks stated that it would be appropriate for the CRC to make the suggestion to create a procedure.

Mr. Goren: There is a section in the Charter, which speaks to what you are describing, but maybe it needs to be looked at further. Section 1.04 Subsection (D) is the right to be heard section which actually parrots your discussion, but maybe it doesn't go far enough. It does say any person has the right to appear before the County Commission, a board, or committee for the presentation, adjustment, or determination of an issue, matter or request within the Counties jurisdiction, etc. It does go on to say, the County may establish reasonable procedures relating to public hearings, including limitations on the time members of the public may speak on an issue.

Ms. Norris-Weeks stated that the issue she is trying to address speaks to time, place, and manner issues that are already a part of the Florida Statutes pursuant to the Sunshine Law. She advised that she did not think that it gives the public a clear understanding that they could place an agenda item before the Commission for consideration.

Mr. Goren: House Bill 991 may have some impact on the County Commission, which is the Voice of the People Act. I know many of you have read about or are aware of, which was modified yesterday briefly in the House, which will require that all regular meetings, special meetings, workshop meetings, and related activities of public bodies would provide for access to the public, at the beginning of each meeting for a certain limited amount of time, dividing that time among the number of speakers and if someone does not get 3 minutes at that particular point they get bound over to another meeting where their time is unlimited essentially under the proposal, which changes House Bill 286.

Ms. Norris-Weeks stated that she understands and does not think that HB991 is a great idea. She advised that it still would not address having an agenda item placed on the agenda that the public could place.

The Chair advised that in her city they have public comment during the second meeting of every month. She stated that anyone could bring up anything that they want. She explained that if someone brings an item to the agenda, it would still need research and backup to be placed on the agenda. The Chair informed that the public hearing works because before any money is spent on staff time, there has to be interest in the item to begin with.

Ms. Norris-Weeks stated that she understands, but thinks the staff could still provide the backup for the issue to give to the Commissioners.

The Chair asked if staff would have to pay to do the backup for something that the Commission might not be interested in.

Ms. Norris-Weeks responded that it doesn't matter if the Commission is not interested in the issue. She advised that it would be a vehicle that would allow the public to place items on the agenda. She stated that she is advocating some way for the public to be able to put items on the agenda that staff could still vet, and have a process for airing the item out that the public would know about.

Ms. Eisinger stated that she could not support something like this. She advised that the elected body is responsible to make the decisions on behalf of the district and there is a system in place that allows for this, but with the proposed procedure, it would become a costly process.

Mr. Ketcham asked Ms. Eisinger if it happens often where someone comes up for public comment to address an item not on the agenda.

Ms. Eisinger responded that it does happen sometimes. She stated that if there is consensus from the Commission and it's a majority who wants to pursue the resident's concern, it is then placed on the agenda.

Mr. Ketcham asked if it would be delayed 2 weeks.

Ms. Eisinger responded 2-weeks.

Ms. Rogers stated that the process in her city is that if the community wants a Commissioner to sponsor an item they allow for it. She advised that they allow the public to ask for a Commissioner to sponsor an item on the agenda.

Ms. Norris-Weeks advised that if you go and speak with the District Commissioners about an item that your Commissioner disagrees with, they would tell you that they are not going to get involved in that. She stated that this is the kind of problem that the Broward Workshop is talking about. She explained that her suggestion could possibly address that issue or at least give the Commission some forum to discuss.

The Chair advised that they needed to wrap up soon to prepare for the next meeting. She asked if Ms. Norris-Weeks wanted to make a motion and see if there was a second.

Ms. Norris-Weeks MOTIONED to have the CRC prepare a Resolution asking the County Commission to consider creating a procedure for a member of the public to place an item on the agenda, Mr. Mena SECONDED.

Mr. Mena stated that he believes Ms. Norris-Weeks has a point. He advised that sometimes in the Commission meetings you have people that come up with good ideas.

Ms. Kaletta advised that she agrees with Ms. Norris-Weeks. She stated that if it is not on the agenda people are not going to know.

The Chair stated that hopefully you're doing the business for the people already, so you're bringing the items forward.

Ms. Kaletta stated that she thinks there is a reason for looking into whether it is possible or not.

The Chair stated that ultimately you need the vote of the people that are the voting body for it to pass.

Restatement of the MOTION

Mr. Weiss asked if they are suggesting a topic or an agenda item.

Ms. Norris-Weeks stated that she is speaking in terms of a topic or subject matter going on the agenda.

Ms. West asked Ms. Norris-Weeks for clarification of the motion.

Ms. Norris-Weeks MOTIONED to propose that the CRC take a Resolution to the County Commission to support a process for public participation in a way to place a topic on the County Commission Agenda, Mr. Mena SECONDED.

The Chair asked for clarification regarding County staff researching the items for backup to the agenda.

Ms. Norris-Weeks advised that the County Commission could create the process that would account for the backup and research.

The Chair called for a roll call vote at 12:34 p.m.

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

Motion FAILED on a roll call vote of 5 YES to 13 NO.

VII. Public Comment

Dan Glickman – Deerfield Beach

Mr. Glickman: There were three proposed Resolutions, two of them were actually proposed, one not. One was on the unincorporated areas, the other was the libraries, and the third one was this BCG agenda item. I don't normally speak on process; I try to speak mostly on

substance. I would ask you to consider, however, with respect to the Resolution regarding unincorporated areas. Nobody here has asked why somebody would be against it; It passed as a draft. I am asking you when you consider, during the next hour or so, and you deliberate, that you reconsider. The point is very simple. Nobody has had a chance, as an interested party, to say nay for whatever reason they may have. You haven't heard from anybody, you haven't asked anybody, nobody knows about it. That diminishes the credibility of the CRC when you have something, which nobody from the public has had a chance to address. It is a matter of process; it's not a matter of substance.

The Chair thanked Mr. Glickman.

Mr. Mena requested a photo be taken of the Committee before the end of the day.

VIII. Adjournment

There being no further discussion the meeting was adjourned at 12:38 p.m. The minutes of this meeting are recorded on CD # 04.09.08 (BCGV CTR).