

**Summary of Discussion
Broward County Charter Review Commission
Wednesday, February 27, 2008
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
Commissioner Hayward J. Benson, Jr., Ed. D.
Michael L. Buckner, Esq.
Ms. Maggie Davidson
Mr. David Esack
Ms. Patricia Good
H.K. "Petey" Kaletta
Mr. Mark Ketcham
Dr. Mark Lieberman - *[Available via telephone during the course of this meeting]*
Joseph Maus, Esq.
Commissioner Ted Mena
Burnadette Norris-Weeks, Esq.
Dr. Irv Rosenbaum
Ms. Jodi Jeffreys-Tanner
Mr. Wil Trower
Bruce Rogow, Esq. - *[Available via telephone during the course of this meeting]*
Richard J. Weiss, Esq.

Members Absent:

Mayor Debby Eisinger

Others Attending:

Christopher Akagbosu, School Board of Broward County
Maite Azcoitia, Esq., County Attorney's Office
Brandon Biederman, Builders Association of South Florida
Kareen Boutros, Executive Director, Broward Workshop

Pete Corwin, Esq., Assistant County Administrator
Paul Daly, Fort Lauderdale, FL
Chedley Etienne, Administrative Assistant, CRC
Ellen Feld, Esq.
Dan Glickman, Deerfield Beach, FL
Breanne Gilpatrick, Miami Herald
Samuel Goren, Esq., General Counsel
Ben Graber, Former Broward County Commissioner
Yolanda Grooms, Administrative Specialist, CRC
Maria Gross, Assistant Director, CRC
Bob Harbin, Director of Parks and Recreation
Commissioner Kristen Jacobs, Broward County Board of County Commissioners
Phyllis A. King, Transcriber, PKING Consulting
Alain Levy, Broward Workshop
Commissioner Ilene Lieberman, Broward County Board of County Commissioners
Dan Lindblade, Greater Fort Lauderdale Chamber of Commerce
Dennis D. Mele, Ruden, McClosky, Smith, Schuster & Russell, P.A.
Carol Morgenstern, Environmental Administrator Broward Parks & Recreation
Kayla Olsen, Broward County Office of Management and Budget
Jonathan Peservich, School Board of Broward County
Robin Rorapaugh, Hollywood, FL
David Tolces, Esq., Assistant General Counsel
Lisa Vondrak, News Abstracts.com
Patricia G. West, Executive Director, CRC
Scott Wyman, Sun Sentinel

(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 10:00 a.m. on Wednesday, February 27, 2008 at the Broward County Governmental Center Room 430, Fort Lauderdale, FL.

I. Call to Order/Roll Call

The Chair, Lori Moseley called the meeting to order at 10:07 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.

The Chair informed CRC members that Bruce Rogow, Esq. and Dr. Mark Lieberman would be joining the meeting later via telephone and stated for the record that they would be allowed to participate in the discussion and vote however, they would not be considered a part of the quorum.

II. Approval of February 13, 2008 CRC Summary of Discussion

Mr. Benson MOTIONED to approve the full Charter Review Commission February 13, 2008 Summary of Discussion, Mr. Esack SECONDED: I's were stated and the motion PASSED unanimously.

III. Chair & Executive Director's Report

The Chair reminded the Commission that today is the desired deadline to have all work completed and urged everyone's participation in the success of the goal precluding whatever changes that might come from public participation.

[Ms. Davidson entered at this time 10:09 a.m.]

The Chair stated that the next CRC meeting is March 12, 2008 from 1:00 p.m. to 4:00 p.m., and the Public Hearing will start at 5:00 p.m. She suggested starting the CRC meeting at 3:30 p.m. or 4:00 p.m., because the CRC meeting will be housekeeping issues, and there will be no need to have a full meeting.

Mr. Benson advised that due to a League of Cities meeting in D.C., he will be late to the meeting.

Mr. Esack suggested changing the Public Hearing from 5:00 p.m. to 6:00 p.m.

The Chair advised that in respect for the working public it was agreed that the Public Hearing would begin at 5:00 p.m. She stated that the Public Hearings are traditionally different and there could be more people in attendance.

Discussion of Public Hearing Purpose and Format – (Non-agenda Item)

Mr. Ketcham asked for an explanation of the Public Hearing voting process.

Mr. Goren: Under the Charter you have to have two Public Hearings which are now scheduled. It's at those Public Hearings where the public has a right to be heard, and the Board has the right to except the comments and make changes at the dais if you so choose. At the end of the day, you need 13 votes on the second reading of both sets of Resolutions to get to the County Commission by the deadline date. If there's commentary given during the hearings, you can make changes during those hearings. It's a public meeting as well as being a Public Hearing, but there are only two of them. ,The consequence of which is that if you are going to make changes, if you so choose, whatever that may mean, they can be done from the dais because you will have a public meeting along with a Public Hearing and then you would finalize at that point.

Mr. Ketcham inquired as to how many CRC members must be in attendance.

Mr. Goren: You need to have a quorum, obviously, which are 10. The items that are now going on the Public Hearing thus far are identified by a matrix in the agenda books today which shows you what has been adopted by 13 or more votes; those are all destined for Public Hearing. Whether there are 13 votes at the second Public Hearing to actually place them on the ballot, I can't know that, but you need 13 votes to get on the ballot.

The Chair advised that the meeting on March 12, 2008 will be a working meeting but public participation is the first part of it.

Mr. Goren: For example, if for some reason an item were, after public review by this Full Commission deemed not to be acceptable, you could by the appropriate vote, vote not to place it on the ballot or correspondingly you can confirm your prior conversation without change and submit it accordingly.

[Mr. Maus entered at this time 10:13 a.m.]

Mr. Ketcham asked if new ideas of interest from the public would be sent to the subcommittees.

The Chair replied no.

Mr. Trower asked if a resolution would be removed from the list if there are 10 members on the dais making 6 the majority vote to remove the resolution.

Mr. Goren: It's kind of like an Ordinance if I can put it that way, that's how it was considered the last go around. You have two readings of the document, and at the second reading that would be an opportunity for the Board to make a final decision which has happened in the past. In fact, we had a laptop sitting in the room at the time of the second Public Hearing, making changes that were asked for by the Board.

Mr. Trower asked if an item could be removed from the list of resolutions by a vote of less than 13, if it took 13 votes to be added.

Mr. Goren: It takes 13 votes to get on the ballot. I suspect that one could argue that a lesser number could remove it from consideration.

The Chair asked Mr. Goren if the CRC chose procedurally to say that it took 13 votes to get there, then should it take 13 votes to remove it.

Mr. Goren: This Board has the right to interpret your own rules as to how you intend that to occur. The rule is written in the affirmative as opposed to the negative, or the potential against that issue.

The Chair asked if the language would stick if the CRC agrees that it must take 13 votes to remove something.

Mr. Goren: The answer is you get to interpret your rules.

The Chair advised that she believes it takes 13 votes to remove a Resolution from the table.

Mr. Goren: That may well have been the intent in having these items now placed for Public Hearings, which require 13 or more votes; you've got that on the agenda.

The Chair called for consensus that everyone understood that there must be 13 votes for a Resolution to stay and 13 votes for a Resolution to be removed.

Mr. Weiss asked if 13 votes are required after the Public Hearings are complete.

Mr. Goren: It doesn't say.

Ms. Norris-Weeks advised that the CRC interpreted it that way.

Mr. Goren: You adopted some very serious rules when you began this process to guide you to the goal post. The goal post is in sight, apparently, because you have set Public Hearings to get there. It was always the intention of this Board by having created those rules that you get to interpret the rules, so if that is the wish of this Board, then you simply codify that by appropriate discussion and move in that direction.

Mr. Mena asked if consideration for "majority rules" should be made for the meetings that all members are not in attendance.

[Ms. Good entered at this time: 10:18 a.m.]

Mr. Goren: When the Board considered your rules, it was debated to some extent and the issue was that phone access was an available voting point so long as a physical quorum were present during that discussion, and so long as there could be interaction between the members in the room and the member on the phone, and barring that, then it would be difficult to do.

Mr. Mena asked if the members on the phone would be a part of the quorum.

The Chair replied no, however they are allowed to vote.

Mr. Weiss advised that he believed that the idea of Public Hearings is to have the benefit of what the public feels before placing Resolutions on the ballot. He suggested that the final vote to put something on the ballot should happen after Public Hearings regarding each items.

The Chair confirmed that it was agreed to have 13 votes to put something on the ballot, and now the agreement is to have 13 votes to take something off the ballot as well.

Mr. Weiss asked if after the Public Hearings, an item must again have 13 votes to go on the ballot.

Mr. Goren: Let me be clear, if there were a second reading of an Ordinance, it needs to be 13 votes on an affirmative basis *on the record* to get to the next level, which is ballot access, and I concur with that legally.

Ms. Norris-Weeks advised that there was consensus that the CRC will conduct a Public Hearing and listen to public input, and if there were 13 votes to take an item off the ballot, then it would be taken off. She clarified that in order to remove items from the list of things that are going before the voters there must be 13 votes to take an item off.

Mr. Goren: That is your consensus, but let me be very clear again if you will, and forgive me for the interruption. The Charter may not be that clear on the concept except the legal conclusion is very much clear. ***It takes 13 votes of this group to get an item on the ballot at the end of the day.***

Ms. Norris-Weeks again clarified that what was said by consensus, is that it would take 13 votes to also take an item off.

The Chair responded that the concept still works in a reverse.

Mr. Benson asked if the purpose of the Public Hearing is to seek public validation or to get responses to what the CRC has done thus far.

The Chair replied that the CRC would be expecting both outcomes from the Public Hearings.

Mr. Benson stated that if the Commission is proposing that if there is a segment of the public advocating for or against something, and there are 13 CRC members who agree to take the item off the list that the item will then be taken off. He stated that he finds this to be very cumbersome because the populous of Broward County is not being reached for the decision.

The Chair asked Mr. Benson if he had any suggestions for a solution.

Mr. Benson advised that he doesn't know if there is a solution, but the Public Hearing is not for validation but should be for the public to respond to what the CRC has done.

Mr. Esack reminded the Commission that there are 8 weeks between the date of the last Public Hearing and the final due date of the Resolutions.

Ms. Kaletta suggested having a second vote as to whether to keep the item on the ballot.

Ms. Norris-Weeks disagreed with Ms. Kaletta. She advised that she sees the Public Hearing as validation and input from the public on what the CRC has already done. She stated that she believes the CRC will be going about the situation the wrong way if they were to have another vote on everything that has already been done.

The Chair suggested tabling the discussion until later in the meeting.

[Dr. Rosenbaum entered at this time 10:26 a.m.]

Mr. Mena added that the School Board listens to the public after they have already made a decision, and he does not wish to see the CRC doing that.

Ms. Norris-Weeks advised that she is concerned that the amount of work and the effort put forth by the CRC to get to this point might be lost because people may wake up on items that they were asked to wake up on at the Public Hearing. Then there is a process that would be fraught, merely because there is a group or something that happens that really doesn't consider all of the work done to get to the item to this point. Everything would be killed based on people showing up or whether they're influential or not. Ms. Norris-Weeks explained that in her opinion this would be a *silly process and she disagrees with it because people's time will have been wasted, if on that particular day there aren't enough people there or whatever the case may be and the 13 votes were not available to keep the items on the list.*

The Chair gained consensus to table the discussion until later in the meeting to allow members time to consider the desired process. She explained that during the 2002 CRC Public Hearing process items were tweaked, not totally removed.

Ms. Norris-Weeks advised that she would be fine with that, as that is what she thought would be done, not totally removing the items from the list.

[Ms. Rogers entered at this time 10:28 a.m.]

Mr. Goren: The word actually is *refinements*, and that is what occurred during the Public Hearing process.

The CRC members welcomed CRC Executive Director, Patricia West back following her recovery and thanked Assistant CRC Director Maria Gross and staff for their dauntless efforts taken in Ms. West's absence.

Executive Director's Report

Ms. West thanked her staff (Maria Gross, Yolanda Grooms and Chedley Etienne) for doing such a great job in her absence.

Ms. West advised that staff plans to make available the most recent and current proposed Resolutions, Ballot Language and Exhibit A from the proposed Resolution on the Charter Review Commission's website to enable people to see exactly what they will be voting on. She reminded members that at this point, once the CRC has approved something, staff is saying it is okay to distribute.

Ms. West referred to the next CRC meeting which is scheduled for March 12, 2008, and requested confirmation of attendance from everyone.

Ms. West reminded the Commission that the marketing and education budget for the CRC was cut when cuts were made throughout the County. She explained that Commission members are being asked to assist with distribution of the Public Hearing flyers for a CRC Grassroots Education Campaign. Ms. West advised that the County's Office of Public Communications has distributed flyers to Homeowners' Associations and run Ads in Newspapers, but the funds are not available to conduct a full campaign as done in the past. She advised that staff is working with the School Board, BEACON and Comcast, but still feels that Grassroots is always the way to go.

The Chair advised that she is scheduled to speak on BEACON with the County Mayor sometime in March as another avenue for public awareness. She advised that this would be to have a discussion about some issues just to inform the public.

Ms. West advised that during the Public Hearing, the public will be able to call in. She stated that staff will be taking phone calls at the County's Emergency Operation Center from 5:30 p.m.

to 7:00 p.m. and forwarding questions from the public to the meeting in Commission Chambers as they are received. She advised that this will only take place during the March 12, 2008 meeting due to conflict with County Operations during the April 1 p.m. meeting.

Ms. West provided an overview of items in the Commission member's folders:

- *Land Use Subcommittee February 8, 2008 Summary of Discussion*
- *Health & Social Services Subcommittee February 11, 2008 Summary of Discussion*
- *Full Charter Review Commission February 13, 2008 Summary of Discussion*
- *Resolution 2008-007 (Parks Preservation)*
- *Resolution 2008-008 (Environmental Policy Statement)*
- *Resolution 2008-018 (MESC Recommendation to County Commission)*
- *Resolution 2008-019 (MESC – CRC Timetable)*
- *Resolution 2008-015 (Composition of County Commission)*
- *Memorandum from Mayor Debby Eisinger*
- *Email from Pembroke Pines Commissioner, Angelo Castillo regarding the Composition of the County Commission*
- *Article from the Sun Sentinel Editorial Board regarding the County-wide Mayor vote*
- *Resolution 11-144 received from the City of Margate opposing the proposed Charter Review position providing for minimum requirements for both County Fire Rescue and Municipal Law Enforcement Standards. (Ms. West stated that she responded to this item by notifying the City of Margate that the vote had failed at the last CRC Meeting.)*
- *Article provided by Scott Wyman regarding Ethics and Recusal of County Commissioners.*

Ms. West thanked everyone for the calls and cards she received during her absence.

IV. Housecleaning Issues:

A. Approval of Summary of Discussion from the Land Use Subcommittee, February 8, 2008.

Ms. Tanner MOTIONED to approve the Land Use Subcommittee February 8, 2008 Summary of Discussion, Ms. Good SECONDED. I's were stated and the motion PASSED unanimously.

B. Approval of Summary of Discussion from the Health /Social Services Subcommittee, February 11, 2008

Ms. Tanner MOTIONED to approve the Health & Social Services Subcommittee February 11, 2008 Summary of Discussion, Dr. Rosenbaum SECONDED. I's were stated and the motion PASSED unanimously.

V. Land Use Subcommittee Preservation, Richard Jay Weiss, Chair

A. Parks Preservation Resolution, 2008-007 (Power Point Presentation by Bob Harbin, Director, Broward County Parks & Recreation and Carol Morgenstern, Environmental Administrator for Parks & Recreation)

Mr. Weiss: I am honored to present the final report of the Land Use Subcommittee. ***For the Record** the members were Hayward Benson, Vice Chair, Joseph Maus, Irv Rosenbaum, Patricia Good, Mark Ketcham, and Maggie Davidson.* We were also very happy to welcome to our meetings both the Chair and Vice Chair of the Charter Review Commission. In doing our work, we had tremendous support from our staff, the County staff, and the Planning Council staff. I'd like to take this opportunity on behalf of the Subcommittee to thank the following people:

- *Pat West, Executive Director and her staff*
- *The County Administration, especially Elliot who was here at almost everyone of our meetings*
- *Bob Harbin and his Parks Department staff*
- *Henry Sniezek and his staff from the Planning Council*
- *The County Attorney's office, especially Maite Azcoitia who is here and was very helpful to us*
- *Mr. Goren and his staff including Jacob Horowitz, for helping us in drafting this material*

Finally, the most significant of our proposals was suggested by Commissioner Jacobs, so we would like to thank her for bringing issues that deal with the preservation of parks to our

attention. I would like to also acknowledge the input and help from the School Board staff in getting done with our work.

Our Subcommittee met 15 times and met for over 30 hours discussing some very complex topics. We heard testimony from 42 individuals and groups, and in the end we are bringing to you two proposed Charter Amendments that were within our purview. The first one relates to Preservation of Parks, and the second relates to a broader environmental concern. Both are very much in keeping with the Green Movement that's going through our Country. Notably we are not presenting or proposing any changes to the Land Use procedure, jurisdiction, or changes to the composition, jurisdiction, or appointment of Planning Council members.

I'd like to turn first to our Save our Parks proposal. My kids got a kick out of the fact that it was Resolution 2008-007; we're big James Bond fans, so we liked that. The actual language, if you want to turn to it, is at the back end of the Resolution that's in your packet.

Having thanked Commissioner Jacobs, I also want to make it very clear that nothing in the Parks proposal should be in anyway interpreted to reflect in any way, on the way that the current County Commission has dealt with protecting our parks. They have an excellent record, as far as the subcommittee was concerned in terms of protecting parks, but it was really looking forward and recognizing that as development, and there's less and less open space within Broward County, that the pressure to convert parks to other uses is going to be very strong. Our proposal protects existing and new parks, while providing some flexibility in appropriate situations.

The proposal that you have in front of you divides parks into three categories, Natural Area Parks, Regional Parks, and Neighborhood Parks. We have a little PowerPoint presentation to give you an idea of what those parks look like. Once having defined those parks, we defined appropriate uses in those parks that were consistent with what was currently being done in the parks. We then provided that the uses could not be changed without voter approval. Those are the three basic elements we defined. The parks, we decided what the appropriate uses were, and then we said that those uses could not be changed without voter approval.

In order to help you understand our proposal and the categories, we've asked the Parks Department to prepare a brief PowerPoint presentation, which they have done, if I can call on Bob Harbin, the Parks Director, to go through that with you.

Bob Harbin, Director of Parks and Recreation

Mr. Harbin: Thank you Mr. Weiss. This will be a brief presentation, but as Richard said, we want to try to give you a better concept of our park system and what it's all about, especially the three kinds of parks. Right now there are 26 Park and Recreation agencies in Broward County in which we are one of those agencies; you've got the State parks, and the balance would be Municipalities. Of all these agencies, we are very blessed in Broward County in that we have a little over 14,000 acres of park property that's managed by some governmental agency which totals 651 parks. Our parks system, as Richard mentioned earlier, are basically in three components, our Natural Area Parks, our Regional Parks, and our Neighborhood Parks, which totals 6,448 acres or just a little under 6,500 acres. They have various owners, other than just the County, like the South Florida Management District, FIND, the City of Coral Springs, as well as the State of Florida.

Natural Area Parks

In the Natural areas of course, the biggest component here is to preserve them in their natural state in perpetuity to help re-nourish our environment, primarily you have a passive recreational area. The examples I have this morning for you are three of them. The first one being the Hillsborough Pineland site, which is up in Coconut Creek that is about 56 acres, but it is preserved as you see right here, not only preserved but managed. For example, here is a re-watering project where from time to time because of the habit itself, it needs to be re-watered and of course we have a restroom, shelter, and a small office there for our staff to use to do programmatic things and interpreting programs within the site itself.

The next example that I have is the Highlands Scrub Natural Area which we've just opened this past October in Pompano. All of our natural areas that you can see even from the picture, do provide some very nice habitats for animals, birds, and reptiles that really don't have a home in our County because of all the development they're very well used. In this particular park, we also have nature trail, interpretive signage, picnic shelters, and shelters.

The next example that I have for you is the Helene Klein, which we just opened this month up in Coconut Creek as well. It was funded through the 2000 Bond Issue Program. It has nature trails, interpretive signage, picnic tables, and a covered overlook, and of course this was named after a lady who was a very influential Environmentalist who helped us acquire it.

Regional Parks

The next types of parks are Regional Parks. They are really associated with larger open spaces in our County, the more active recreation, but also within these Regional Parks we also have natural areas that we're preserving as well. The first example is a park that just opened up last November, which is Central Broward Regional Park. It's just north of the Swap Shop at the intersection of 441 and Sunrise Blvd. Where I am pointing to right here is 5,000 permanent seats that are covered, and if we have an opportunity on these beams for an additional 20,000 seats. We just had our first major Professional Soccer game last Friday, and of course, it is a multi-use facility not just for athletics, but it can also be used for Musical Concerts, Art Shows, Theatrical Productions, etc. Not only with the park, as I said we have natural areas within our regional park. You see here, I think we have somewhere around 5 burrowing owl nests, which it was least to say, very complicated during construction in preserving their habitat without interfering with them. Staff really did a tremendous job in moving them when needed so we could continue. At the top left up there is about a 20,000 sq ft field house, which has all glass in the front of it, which makes the viewing really spectacular.

The next park that I have is Trade-winds Park. Trade-winds has some very unique facilities. One example is that it houses Butterfly World which is a public situation. We have a model-train group that is all volunteers, disc golf, athletics, this program here is Horses and the Handicap; it's a therapeutic riding program for children. They have been in our parks now for almost 15 years and it is a great asset for our County.

The last regional park that I have is C.B. Smith Park, which is just less than 300 acres, located in Pembroke Pines. The newest feature there is a water playground which was opened a few years ago. It hosts one of our largest events, which is the chili cook off. Just this past year we had almost 24,000 participants, and of course we have a number of various picnic shelters and open space for people to enjoy.

Neighborhood Parks

Our third component is our Neighborhood Parks. At one time, we had 28 neighborhood parks. We're down to 5 at this time due to annexation. These neighborhood parks are going through municipality acquisition. They are very program orientated, not only outdoors but community

centers also. A couple of examples of this are Roosevelt Gardens which was just opened in November; it's right off of Sunrise about a block and a half to the west of Dillard High School. It has a brand new community center, and of course we have computer labs in all the community centers, picnic shelters, and couple of playgrounds. We even have one play ground that has a little spray apparatus just to cool off.

My last example is Reverend Samuel Delevoe Memorial Park, which is off Sistrunk Blvd. and 27th right behind the African American Research Library. In the Community Center, we're getting ready to do some additions to this facility itself. There's a computer lab and a fishing lake, which is used quite a bit.

Just a couple of closing remarks, the protection that you all are providing that you're getting into is not our entire park system because of other ownerships like the State of Florida or FIND, but it will be a little under 5,100 of a 6,500 acres which is what this protection would be going for. I guess if there are any questions I can answer; I wanted to keep it brief.

The Chair referred to Page 9, Section (H) *Exception* and asked why the parks listed were deemed exceptions.

Mr. Harbin: Those are your Neighborhood Parks, annexation is to be completed by 2010, and we would be turning those over to a Municipality.

The Chair asked if the annexation was automatic.

Mr. Harbin: We're working through that issue and I think we would hopefully bring that to conclusion in March.

The Chair asked Mr. Harbin if he is hoping that the parks listed under Section (H) are going to be municipal owned and operated.

Mr. Harbin: Every one so far has happened that way, yes.

The Chair asked if the parks listed under Section (H) are unincorporated.

Mr. Harbin: Yes, that's correct.

The Chair asked a hypothetical question. If Miramar Regional Park were a County Park and something happened, and people decided to have Senior Housing in a corner of the park that is not accessed or they wanted to co-locate something, would proposed Resolution 2008-007 stop them?

Mr. Weiss: That's exactly what this is intended to do. The testimony we heard was that there's going to be that kind of pressure, and I think what we heard was, that there's going to be an unlimited number of very interesting ideas, each of which probably could have merit on its own to take a small piece of the park land and turn it into housing, another piece to do this and that with. This proposal basically prohibits that. It allows *with voter approval* for that to happen. If the voters said that was an appropriate use, assuming it was a County park, to take that and use it for housing, then that was fine because we felt ultimately that if it was approved by the voters that it would be an appropriate exception. The way this is drafted is specifically to prohibit that, without voter approval.

The Chair referred to Page 8, Section (G), and asked for clarification as to the meaning of the language.

Mr. Weiss: What it says is that if the property is transferred to the School Board it could be used for park purposes, which include athletic or recreational facilities, so that if the School Board wanted to locate a school next to a park, and then use this land for athletic fields and so forth and so on, that would be a permitted thing to do.

The Chair inquired about the turnout of the northern parks and the School Board regarding the issue of trading park space for school space.

Mr. Harbin: That was with the City of Deerfield Beach, and from my understanding, they swapped the properties.

Commissioner Kristen Jacobs, Broward County Board of County Commissioners

Commissioner Jacobs: No, that is not true. Thank you and sorry to pipe up but it's my district and I fought hard for that project to come forward. In the Deerfield case, and the Cooper City case, you have a letter from Debby Eisinger supporting this Amendment. In the Deerfield case, the School Board has Quiet Waters Elementary which sits on the border, co-located with Quiet Waters Park. Quiet Waters, due to State mandate for classroom size needed the area that they

currently have ball fields on, ;they wanted to use that to expand the school. There was a slice of that land that was already being used, co-located with the County for recreation, so what the School Board did was go and expand its physical buildings on its recreational land, because those recreational lands were not only used with the school, but also the City of Deerfield Beach recreational programs. Little League and others were also using that property; it would have been a loss. The School Board had a chunk of land that we have been trying to acquire through the Bond Referendum Program which was 10 acres. The site next to the school where the school wanted to expand was 5 acres. The school is building on its recreational land, and we gave them 5 acres of Quiet Waters Park for the recreational uses, which has co-location and the ability for the City and the School Board to use the land. In return, the School Board deeded over to the County for a slight amount of money that was different, 10 acres of conservation land that was not nearby. Well, close by but not adjacent, and that was how the deal worked.

In the end, the County and Parks and Recreation won tremendously throughout the County, because the School Board was able to meet its mandate, the County was able to acquire a wonderful piece of conversation land that we heretofore had not been able to acquire. We were able to arrange that the recreational needs for the City of Deerfield Beach were also met by combining them with the parks.

You will see there's an Amendment (***referring to Memo dated 2/27/2008 from Commissioner Kristen Jacobs to the CRC requesting the addition of language to Section 8.13 paragraph G of the proposed Resolution***) that I asked you all to take up today. That Amendment is specific to the City issue, which was a point of access through the parks, to be able to utilize the land that they had wanted for an entrance in a development project so that the issue there was access. This language we are asking for today, be added to the proposal so that it adds additional flexibility to co-location and schools with the idea that at the end of the day, you're still looking at park uses and recreational uses. You're not taking away the land that would be used for anything other than that.

Ms. Rogers advised that from previously sitting on the Parks Advisory Board there were Municipalities that would come in and compete for open space. She asked if the Resolution would also affect those Municipalities as long as those funds were used to purchase the parks, she asked for further clarification.

Mr. Weiss: There's a provision in the proposed Charter Amendment that preserves existing restrictive covenants and other restrictions on property, which are in effect today and prohibits the County Commission from reducing the vote necessary to release those restrictions. We felt that was very important, as the Vice Chair has brought up to preserve those restrictions, and there is a paragraph that does do that.

Mr. Goren: Subsection (E).

Ms. Good applauded Commissioner Jacobs for her efforts. She advised that she works for the School District in Dade County and she believes it is extremely important that there is flexibility to co-locate uses on government property including educational and recreational uses. She referred to Page 8, Section (G) and advised that under that section, the scenario that was presented regarding Deerfield Beach would not be able to occur given the way the section is worded. She explained that based on the language, if a piece of property were to be deeded over to the School Board, it must continue to be used for park purposes.

Mr. Weiss: There's an Amendment that came up after the Subcommittee had concluded its deliberations to deal with that situation. There's a memo from Commissioner Jacobs in your packet dated February 27, 2008 which provides that in that kind of case, there could be an acre for acre replacement of property as long as the acres that are replacing the park land are restricted for parks purpose, and that was to facilitate that kind of a transaction. That is why it was being suggested.

Ms. Good apologized and explained that she thought Commissioner Jacobs mentioned that the language was for egress.

Commissioner Jacobs: Under what's described here, the Deerfield property definitely did work and it doesn't need this Amendment. This Amendment was for the Cooper City issue, where there was an issue of access and the attorney who represented the developer on the other side; Dennis Mele is here today to talk about that language. There was much discussion between the City, the School Board, and the County on what we would need to do as far as any creativity that needed to be preserved in the future and that's why this language is here about acre per acre.

Again, the purpose is that the land and the ability to be flexible long into the future when the real pressures 20 or 30 years from now are occurring on the park space, but not at the expense of

the flexibility that's needed for co-location and such imaginations as this last project in Cooper City. This we felt really cleared the way for that kind of creativity to happen, because at the end of the day, it still reserves that park land to remain as a park land.

Ms. Good advised that she is concerned with Section (G), and from what she interpreted, the language would preclude the district from using that piece of property for school purposes.

Commissioner Jacobs: What you describe is something similar to the Cooper City situation, but not the Deerfield situation. That's the language that is on the memo that we sent over. What you described is a swap, basically, where they took a school and put it on a park and used the school land for the park, so at the end of the day it stayed as a park use it was just a little different; there's no net loss.

Ms. Good advised that the site itself may not be used for park purposes, it may be used for educational purposes as long as there is another piece of property that's used for recreational purposes.

Commissioner Jacobs: Right, acre for acre or greater.

Ms. Good questioned why the word "Municipality" is in Section (G). She stated that she thought item (G) was only dealing with co-location for the School Board. She asked if it was for co-location for the Municipality as well.

Mr. Weiss: It could be with Municipality. This also provides for, let's assume for some reason that the operation of a park for maintenance purposes is transferred to a municipality, the issue here as we discussed in the Subcommittee meeting, was the park purposes for the item. Whether it's maintained by a municipality or by the County, was not really the issue as long as it was used for park purposes.

Ms. Good asked if Section (G) would allow this to happen without a referendum and would just be negotiations between the County Parks Department or Municipality.

Mr. Weiss: Correct, as long as the park purposes were preserved.

Mr. Buckner asked if Commissioner Jacobs' Amendment would provide for acre for acre replacement for any transfers through the County, City, or School Board for Regional Parks.

Mr. Weiss: It's only Regional Parks, not Natural Area Parks.

Mr. Buckner asked why Commissioner Jacobs' Amendment did not provide for Natural Area Parks, which he thinks is more important to preserve.

Mr. Weiss: The Natural Area Parks we felt needed more protection than Regional Parks, so this item allows operation, maintenance, or title to Regional Parks but it does not permit the same operation for Natural Parks because we felt that needed to be more protected by the County.

Mr. Buckner referred to Page 7, Section (B) 3, and asked if there would be any type of swapping going on if an acre of a Natural Area Park is transferred to a City by referendum.

Mr. Weiss: There's no swapping, in other words, you can transfer the title, but the use has to remain a Natural Area Park.

Mr. Buckner questioned the reasoning for not providing the County something similar.

Mr. Weiss: Basically, protection of the Natural Area Parks we felt like they needed more protection, and we didn't want to give flexibility for Natural Area Parks.

Mr. Buckner asked if the County is giving land or a Natural Area Park to a City, and if it is still being preserved, then why isn't acreage in other parts of the County also provided an acre swap?

Mr. Weiss: The issue here was not to keep ownership of the parks, but the existence of the parks, who actually owned title to the park was not important. The use of the park was important and whether it was titled to the Municipality or the County was really not an issue.

Mr. Buckner referred to Section (G) with regards to transfers, and asked if the County is transferring for co-location or shared use purposes and the School Board or a City is going to provide acreage to transfer, does the land that is being transferred to the County have to set the standards of a Regional Park, or what can be described as a Regional Park.

Mr. Weiss: What the Amendment provides is that the land provided to the County is restricted to "park purposes," and if you look on the first page that defines what park purposes are.

Mr. Buckner asked hypothetically, if the County wants to give up acreage at the Central Broward Park, and Lauderhill is going to do a swap of an equal amount of acreage, does the acreage that Lauderhill is going to give over to the County have to be defined as a Regional Park or could Lauderhill give some commercial developed land?

Mr. Weiss: No, the second part of the Amendment says, “...is provided to the County and restricted to Park Purposes as described in this article.” The land that comes to the County has to be restricted for park purposes.

Mr. Buckner asked if the land has to meet the definition of a Regional Park before it is transferred to the County. He explained that the reason for his question is, if the County is going to go through and develop all these Regional Park lands, and use the money from bonds and whatever sources to develop future park lands, and then we transfer acreage over to a School Board or a City. In return we get land that is not developed as a Regional Park, and we have to spend more money in order to transfer that land into a Regional Park. He advised that he believes that would defeat the purpose.

Mr. Weiss: I think it's a very good question. I presume that if the County was not satisfied with the condition of the land that they were acquiring, then they would not take it.

Commissioner Jacobs: It's important to understand when we talk about parks that we have lots of different kinds of parks. In the Deerfield example, that is natural area conversation land that needed some mitigation to bring it completely up to speed, put boardwalks in and the kind of uses that we needed to attach it, because it was a corner lot. It was actually a missing link between other sites, so there were development processes that occurred on that site in order to make it a part of a mosaic of parks and connected them. In that case, we did add infrastructure, and we did add mitigation to it, but it was largely already a wonderful wetland conservation site.

In many cases, you have land that developers simply would lose through the requirements of mitigation, so much of that land to mitigation itself, that the property lends itself to almost being un-developable, that's how the School Board found itself with this land. It didn't have up to 10 acres, it had maybe 3 to 4 acres it could actually put buildings on. It was 10 acres of conversation land for 5 acres of Regional Park land. It wasn't an even swap but it all still fell under the park uses category. I guess to get to the even more far out portion of your question, which is, “*What if it was warehouse space,*” and in that case, I would also point to the City of

Deerfield where we did recently through the parks acquisition; they purchased warehouses in an area and an old dilapidated apartment building adjacent to an existing park. They knocked those down and created park space. I would think that, and again looking to the future 20 years from now and flexibility, if we were able to do a swap like that, and represented the opportunity to add park land, it's certainly something we would not want to preclude; that is why that last Amendment is in there., It's to really understand that we can't, at this point, contemplate the pressures for our existing park land and what manner or form they may take, but we certainly want to be able to allow them the creativity to not chip away at the existing park space.

Mr. Buckner advised that he is thinking long term, where if Broward doesn't continue out into the Everglades, his hope being that we do not; there will be no open space left other than the park system. He stated that the only land that will be available would be land that has already been developed or is dilapidated or in some way not suitable for commercial uses. He added that he just wanted to bring those issues up in terms of financial issues, and whether or not we would want the County to be in a position of developing land, turning it into a Regional Park, and having to continue pouring money into developing land that is not already for Regional Park purposes.

Mr. Weiss: I think you make a very good point. I heard Commissioner Jacobs' answer. My answer is consistent but slightly different, which is if the County feels like the land that they're getting as a swap would be too much of a burden, then they're not going to make that deal. If they're not satisfied sometime in the future with some land that they are getting and they feel like it would be too much of a burden to take that land, I assume that the County Commissioner would not authorize that transaction. It doesn't require these things to happen; it just facilitates them.

Ms. Tanner advised that she is in favor of the proposed Resolution. She stated that her only concern is if there were swap capability, would there be a maximum amount of land that could be swapped out.

Mr. Weiss: You can put a limitation on it, but again what we are trying to do is to give the County Commission some discretion as long as it's used for park purposes. There might be a great piece of land out there that could be larger than the limitation we might put in; I would be concerned that by limiting it, we're tying the hands of the Commission.

Mr. Mena advised that he wholeheartedly agrees with Commissioner Jacob's Amendment but has questions in reference to the use of land swapped or given to the School Board. He stated that the reason for his question are the words "park purposes," and in many cities there is a problem where there is a Park next to a school, but not big enough to use for festivals. Mr. Mena asked if that park area could be used for festivals.

Commissioner Jacobs: That was a point that the Subcommittee spent a great deal of time on and started to head down the path that Miami-Dade is currently on with limits in their Charter, the ways in which parks are operated for all kinds of operations. You can really start heading down a path of "*what if's*," so on the uses that we are currently using our parks for today, we didn't want to limit those. There are festivals that go on, there are all kinds of other uses that happen in our Regional Parks in particular, and there are uses that we don't allow in natural areas to preserve what we're doing with the parks today. The intent that the voters and the people today who are spending their money for are these parks, that these uses will be preserved in the future. There is no language that precludes the ways in which park use is interpreted, so it can be festivals, it can be events where Cities for example use the land to help raise money for not-for-profits for events that do contribute to the health of the community.

Mr. Weiss: We had a lot of discussion regarding how much we should get involved in the actual day-to-day operations of the park. In the end, we decided that we would just leave that to the County and the Parks Department subject to the absolute necessary restrictions that we put in there.

Mr. Mena explained that his question is prompted because if a piece of land is transferred to the School Board and it becomes their domain and responsibility, what about liability. He stated that if he has a festival in his City he has to purchase liability insurance. Mr. Mena advised that his concern is now the City would have to go through the School Board to get a permit to use this particular piece of property; he asked what guarantees the municipality would have that the School Board would have to go along with the previous use of what that particular piece of property was. He suggested having language that would guarantee this.

Dennis D. Mele. Ruden, McClosky, Smith, Schuster & Russell P.A.

Mr. Mele: I want to respond to the question that Commissioner Mena was asking. In this memo, this Amendment, it indicates that the piece of property that the County receives in the

transaction has to be the same size or larger than the piece they give up to the School Board or the Municipality. In most situations, if we're looking at the situation that Commissioner Mena is talking about, the park will become bigger not smaller, and certainly as Mr. Weiss said, all this does is give the ability for the County Commission to consider a transaction like this without a referendum. If the piece of property isn't suitable for a park or has a building on it that's a problem; then they won't do it. They'll say you have to tear the building down first before we take the property, or if it has some other problem like a title issue, you have to fix it before we take the property in the transaction.

The Chair asked what happens if the County lets the School Board use the park.

Ms. Good advised that there are certain prohibitions at the school district. She stated that if the district has a piece of property there might be prohibitions although it is used for recreational purposes as a park, but owned by the district. There may be Statute issues that may be impacting. The space will have to be used for recreational activities, but there are certain prohibitions when the district owns property.

Mr. Mena suggested grandfathering the nonrestrictive part of Regional Parks to the new property.

Mr. Mele: Mr. Harbin just told me that to deal with the situation Commissioner Mena is talking about in the contract for the transaction, the County could simply put in, that the property that becomes the ownership of the School Board would be available for uses for these festivals and other things. The whole idea is you're going to have a contract between the two government entities and you will have the ability to deal with any of those types of issues. Thank you.

Ms. King asked Mr. Mele if he is with the School Board.

Mr. Mele: No, I am an attorney who is working on this example that we heard about in Cooper City. It's just an example; it doesn't mean that's the only time it would be done. I don't want to just focus on that one thing.

Commissioner Jacobs: On that point, the whole reason to put this Amendment in is to add that flexibility into the future, so that if it was desired by the County, a Municipality, or the School Board to do that, they would go deal with those issues individual to each swap on its own

without writing something into the Charter that is so hard line that it would preclude the deal from going forward. That's what this is about; it's to give that flexibility.

Christopher Akagbosu, School Board of Broward County

Mr. Akagbosu: Thank you for giving me the opportunity to be here. I also have the Director of Real Estate who is very involved in the two instances we're talking about, the Deerfield issue and Cooper City, so if you have any additional specific questions he will be able to provide details.

I just wanted to say that the School District is in support of this language. We have worked with Mr. Weiss and the Subcommittee and we are very happy with the opportunity to basically provide comments. Looking at the larger picture, there is a Statute requirement that Cities, the County, local government, and the School Board must do co-location, and as you know there's an Interlocal Agreement that the State passed in 2002; it was recently amended to have concurrency that basically requires co-location. This will enable for those to move forward. The other side of the committee, which is in charge of basically monitoring that agreement, is also in favor of co-location being enabled in this process. This will also allow that to move forward. In that Interlocal Agreement and in any kind of swap or anything, there has to be some kind of agreement. Those details regarding what's going to be allowed will be addressed in those specific agreements, and that's also addressed in the Interlocal Agreement that the School Board has with now 27 local municipalities and also the County. There's always going to be a specific agreement to deal with those details that you are talking about.

The Chair asked if it is statutory or part of an Interlocal Agreement that the school system does not allow alcohol beverages...

Mr. Akagbosu: It's School Board policy; it is not part of the Interlocal Agreement.

The Chair asked if it is negotiable since it is not part of the Interlocal Agreement.

Mr. Akagbosu: It is policy, and again it is an agreement regarding any kind of specific transaction the School Board Attorney is going to be involved in, and I don't know how you could circumvent a policy.

The Chair advised that a policy can be changed. However, if it is statutory it is different.

Mr. Akagbosu: The Board's Attorney is going to be involved, and I think as they talk about the matter, they will discuss those specific issues at that time. Thank you, and again this would allow the co-location efforts to move forward, and we all know it's for the benefit of the whole community.

Ms. Good advised with regard to the acre per acre, there may be a situation of value per acre. She presented an example where someone may be able to donate 5 acres of pristine preserves in lieu of 10 acres, which would have been an acre per acre. She stated that she believes that the County would want to consider such flexibility to allow them to be able to get a more valuable environmental piece of property.

Commissioner Jacobs: If I could direct you to the language where the Amendment says, "... a like acre for acre." That language was contemplated, but I think that goes to the earlier question, which is, "what if". In fact, I can't think of a scenario in the future other than one that already transpired in the City of Deerfield Beach. There was an apartment complex and a warehouse that were knocked down and added to a park. I would think that certainly isn't, but it would. I think if you are able to find the money and at that time whatever the deal was that was being contemplated, you would at least be allowed to consider it without having to schedule a special referendum to try to explain the deal to the public in order to gain approval so it would not be precluded from being created.

Ms. Good advised that what she interpreted from the words, "like acre for acre", means to her 5 acres for 5 acres.

Commissioner Jacobs: The language says, "*like acre for acre replacement of the transferring property, or greater*", so it doesn't allow exactly 5 for 5; it could be 5 or the number could be greater, the issue again is no net loss.

Ms. Good stated that she doesn't believe the County would not want to preclude itself from being able to take 5 acres for 10 acres. She advised that it is really more value to the County for the 5 acres than to receive 10 acres somewhere else that would just have a few trees and some grass.

Commissioner Jacobs: I guess I disagree, because I would consider a net loss of 5 acres open park land; that's the whole idea here; that we are losing. We are under pressure now and will continue to be chipped and nibbled away to death, by a thousand paper cuts as it were 20,

30, 40, or 50 years from now. Right now the County Commission on our own, passed Administrative Codes that says it takes a supermajority vote, 8 of the 9, in order for any of the things that are contemplated here. As it turns out, it's a simple majority to change that rule. That's the genesis of this whole item. It was to be able to codify it in the Charter so that it's the voter's pleasure in the future to make that change.

Ms. Good advised that she does not want to preclude the County Commission or staff from making such a decision.

Commissioner Jacobs: In that scenario, it would be a net loss.

Ms. Norris-Weeks advised that she is very comfortable with the Amendment and happy to hear what the School Board had to say about this, and MOVED to call the question.

Mr. Maus responded that he would CARRY.

Vice-Chair Rogers opened the floor to Public Comment.

Public Comments Related to Resolution 2008-007

Brandon Biederman, Builders Association of South Florida

Mr. Biederman: First, I would like to apologize to Commissioner Jacobs, because I didn't realize that when you look at these, these are similar to the Florida Legislature where they have a numbering author. I didn't realize that she had brought this forward, and I apologize. I wish we would have had the opportunity to chat prior to this. I also think it's important to point out that developers love to have these parks around because they can usually sell those homes in those areas for more value.

The only issue that hasn't been raised today and I think it's worthy of some discussion, is a narrow piece related to this Amendment that relates to the threshold of passage for which the current document is talking about. It is talking about a 60% threshold for voters now to change any land use designation. It begins to remind me a little bit of the Home Town Democracy Amendment. The Broward League opposed the Amendment according to my list, Hallandale Beach, Coral Springs, Lauderdale Lakes, North Lauderdale, Pembroke Pines, Tamarac, and Weston voted against that threshold. To me, it's just a high threshold to meet. I get concerned

that if a Scripps wants to come to town and use a portion of a park designation or the Centers for Disease Control wants to come and do some groundbreaking Parkinson's research, you now have to go to the voters to ask them if that's going to be acceptable to them. At the moment that decision lays within the County Commission. It seems more appropriate that it be left there. If the Committee wants to move forward, I just think that some dialogue on the threshold might be valuable. Thank you.

[End of Public Comment]

Mr. Mena asked Mr. Biederman as he represents the Builder's Association, what was the purpose of his comment in reference to the Resolution.

Mr. Biederman: I thought I was specific. If I wasn't, my issue relates to the passage of the Amendment. As you are aware, the language now requires 60% of the voters to change the land use designation for a park. My suggestion is just like we allow our County Commissioners to be elected for 50% plus 1; that would be an appropriate designation. As you know to amend the Florida Constitution, it requires a 60% threshold of the voters. You're putting this on the exact same playing field, and that's the issue that I raised today for the Committee.

The Chair advised that she believes that if the County Commission need 8 out of 9 votes they would think hard before changing the land use designation for parks. There would be major public outcry and major public output would be needed.

Mr. Weiss: I would just like to point out to Mr. Biederman, from the Builders Association, that the Subcommittee had considered a much higher threshold and that based upon some of his comments and comments of others we lowered the threshold to 60%. I would have had it a much higher threshold; we all started at a much higher threshold. I understand what you are saying and that's why I prefaced the comments by the fact that this wasn't directed towards the current County Commission. After discussions that we had and consultations with the County Attorney's office, even though it takes 8 to change something now in order to change that rule, it only takes a pure majority of the County Commission, and although this County Commission I think is very transparent, these things just sort of happened quietly. If I can just finish up by saying that I was going to ask Mr. Benson if he would like to move this.

Mr. Benson responded that he would like to move the item but he believed the amendment should be dealt with first and requested Mr. Goren address its incorporation.

Mr. Goren: It would actually be in 8.13, which is part of the main document before you, specifically at paragraph (G). The underlined version would be added language to the current version on the dais this morning, or that Subsection, which says, *“or that a like acre for acre replacement of the transferring property or greater, is provided to the County and restricted to park purposes as described in this article.”* That is the change.

Mr. Benson MOTIONED to approve Resolution 2008-007 (Parks Preservation) as Amended; Mr. Mena SECONDED.

The Chair called for a roll call vote at 11:33 a.m.

Commissioner Hayward Benson	Yes	Mayor Lori Moseley, Chair	No
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	Absent	Mr. Wil Trower	Yes
Joseph Maus, Esq.	Yes	Richard Weiss, Esq.	Yes
Commissioner Ted Mena	Yes		

Motion PASSED on a roll call vote of 15 YES to 1 NO.

Commissioner Jacobs: Thank you everyone, and thank you especially to Richard and the Subcommittee, and all the long hours. We really appreciate it; this is a great step for the future of the County.

B. Environmental Policy Statement Resolution, 2008-008

Mr. Weiss: The second one we have is far simpler and is only about 15 words. Article one of the current Charter contains some policy statements regarding what the County Commission should be doing and not doing. The Committee felt in looking at these policy statements, that a policy statement regarding a sustainable environment would be something to have in the

Charter, so you have under Exhibit (A) to the Resolution 2008-008 a brief statement, which says:

“Broward County shall enact ordinances which protect its citizens’ right to a sustainable environment, including clean air and clean water, while encouraging the stewardship of natural resources.”

We felt like it was something that should be in the Charter, if one of the Committee members would like to move this to get it on the floor.

The Chair called for Public Comments.

Public Comments Related to Resolution 2008-008

Hearing no public comments the Chair called for a motion.

Mr. Benson MOTIONED to approve Resolution 2008-008, Mr. Mena SECONDED.

The Chair called for a roll call vote at 11:35 a.m.

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	Absent	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	Absent	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 15 YES to 0 NO.

The Chair moved to the next order of business.

VI. Administrative Issues/ Governance, Irv Rosenbaum, Chair

A. MESC Resolution 2008-018 – Recommendation to County Commission to provide responsive report to MESC

Dr. Rosenbaum: What we're trying to do here is initially provide a response, yes or no, just so we can deal with the issues and recommendations that come forward from the Management and Efficiency Study Committee.

Mr. Goren: *For the Record this is a Resolution, not a ballot question. This Board voted at the last meeting to make this a Resolution requesting that the Board of County Commissioners consider this at a future time. It is not a ballot question or a ballot item; the second item is and was made that way by the vote of this Board last time around.*

The Chair opened the floor for public comment.

Public Comment Related to Resolution 2008-018

Hearing no public comments the Chair called for a motion.

Mr. Mena MOTIONED to approve Resolution 2008-018, Ms. Norris-Weeks SECONDED.

The Chair called for a roll call vote at 11:37 a.m.

Commissioner Hayward Benson	Yes	Joseph Maus, Esq.	Yes
Michael Buckner, Esq.	Yes	Commissioner Ted Mena	Yes
Mayor Debby Eisinger	Absent	Mayor Lori Moseley, Chair	Yes
Mr. David Esack	Yes	Burnadette Norris-Weeks, Esq.	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.	Absent
Dr. Mark Lieberman	Absent	Dr. Irv Rosenbaum	Yes

Ms. Jodi Jeffreys-Tanner	Yes	Richard Weiss, Esq.	Yes
Mr. Wil Trower	Yes		

Motion PASSED UNANIMOUSLY on a roll call vote of 16 YES to 0 NO.

The Chair moved to the next order of business.

B. MESC/CRC Resolution 2008-019 – One year Hiatus between the end of MESC Subcommittee and the beginning of Charter Review Commission.

Dr. Rosenbaum: After the lengthy discussion last time, we discussed the problems of one Committee running into another. A lot of the issues that are discussed in the Management Efficiency Study Committee are passed on to the Charter Review Commission. This would give an opportunity to address some issues and not have the inability to respond to a lot of recommendations.

Ms. Good asked for clarification of the change.

Mr. Goren: All you're changing is the date of commencement, so there would be a year hiatus.

Ms. Good asked if everything else remains the same.

Mr. Goren: Yes, you're not changing Charter Review, just the MESC by taking 2009, that creates the hiatus.

Ms. Kaletta stated that it is just leaving the six year rotation and switching the MESC over 1 year.

Mr. Buckner advised that he was contemplating the last discussion concerning this issue in terms of the gap between the Management and Efficiency Study Committee and the Charter Review Commission and after further reflection, he believes it would be best if the County Commission mimic what the State does with regards to their Budget and Taxation Commission and their Constitution Revision Commission and provide a 10 year gap between the bodies. He stated that by having a gap between the Management and Efficiency Study Committee and the Charter Review Commission would not only save money in terms of having the two bodies meet less often, but also gives a resting period for some of the policies and issues that deal with the two bodies. Mr. Buckner advised that he believes that the two bodies are meeting too often,

and if it is sufficient for the State to have its Constitution Revision Commission to meet every 10 years, he does not see why the County should not also adopt the same process.

Mr. Trower advised that he supports the existing proposal as is extending the time is not a good idea. The Taxation Budget Reform Commission is taking on quite complicated issues, and they're at a higher level of magnitude than the MESC or CRC.

The Chair opened the floor for public comment.

Public Comments Related to Resolution 2008-019

Hearing no public comments the Chair called for a motion.

Ms. Rogers MOTIONED to approve Resolution 2008-019, Mr. Mena SECONDED.

The Chair called for a roll call vote at 11:43 a.m.

Commissioner Hayward Benson	Yes	Mayor Lori Moseley, Chair	Yes
Michael Buckner, Esq.	No	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	Absent	Mr. Wil Trower	Yes
Joseph Maus, Esq.	Yes	Richard Weiss, Esq.	Yes
Commissioner Ted Mena	Yes		

Motion PASSED on a roll call vote of 15 YES to 1 NO.

The Chair called for a 30 minute lunch break at 11:44 a.m.

The Chair reconvened the CRC meeting at 12:16 p.m.

VII. Administrative Issues / Governance, Irv Rosenbaum, Chair

A. Motion to Reconsider Resolution 2008-015 (Composition of County Commission)

The Chair advised that there are members of the CRC that would like to phone into the meeting regarding the Motion to Reconsider Resolution 2008-015.

Mr. Benson asked if a motion should be made prior to moving forward.

Mr. Goren: The motion was a MOTION to RECONSIDER at the last meeting of this Board to have the item on this agenda for discussion; 12 to 5 was the number.

Mr. Maus stated that the CRC can discuss the Resolution, the Motion for Reconsideration was already done.

Mr. Goren: It was passed at the last regular meeting of this Board.

The Chair explained that by the end of this meeting, there would either be a passing motion or there will not be a passing Motion for Reconsideration.

Mr. Benson asked if the item can come back to the full Commission again.

The Chair advised that there is nothing in Roberts' Rules that ever stops it from coming back.

Mr. Goren: Well there actually is. There's a motion that both ends the debate and ends the discussion, but I think that can also be reconsidered. At the end of the day, there could be a motion made under the rules to essentially cut debate and cut discussion further, so as to get off the treadmill, if that is the perception as described by the Commissioner.

The Chair advised that the original objective of this CRC meeting was to complete all work today, so that the CRC can go forward with the language. She stated that it looks like this is the only outstanding item at the moment that the Commission has.

Ms. West phoned members wishing to join the meeting.

[Dr. Lieberman joined the meeting via speakerphone at this time 12:23 p.m.]

Dr. Lieberman asked if it was okay if he could be notified at the time of voting.

Mr. Goren: Under the rules, which are limited in scope to the extent that a member chooses to vote, you have to be part of the discussion, you can't just vote at the end of a conversation.

Mr. Weiss advised that in terms of the reconsideration, the CRC rules do provide for a very liberal reconsideration. He stated that besides the items continuing to come up, one way or another and the same discussion happening over and over again, he wished there was some way that the CRC could as a group decide how it goes and this discussion will be the end. He advised that Roberts' Rules provides a procedure for closure of an issue.

The Chair suggested that before the CRC moves forward with the discussion, they decide that this would be the last time for reconsideration, however she is concerned that at the Public Hearing they might bring a totally different issue up.

Mr. Goren: If this Board makes an affirmative decision to end the debate and the conversation, and to eliminate further conversation or discussion about this item; it can make that decision. There is liberality in your rules, but you would've taken an affirmative statement on the record hypothetically by a motion to end that discussion; that's something, which I think Roberts' Rules actually endorses. What Roberts' Rules tries to do is actually try to end debate at some point in time. It's the control of flow of information, but to end the conversation with some finality, that's what the objective is. I would think that this Board acts by motion; it acts by Resolution. If by motion this Board were to conclude today after whatever parameters you choose to handle this item with, to not debate the item further, you could make that motion. You could make an affirmative statement that the treadmill has been turned off.

Mr. Benson asked if what might happen during Public Hearings, could it be included.

Mr. Goren: You can do that, and to the extent that you're only going to expose the public to what you have approved, which are approved Resolutions, then the answer is yes.

[Mr. Rogow joined the meeting via speakerphone at this time 12:27 p.m.] He advised that he had limited time remaining on his battery as it may go out during the call.

Mr. Goren for the Record: You have interactive communication with members of the Board who are not part of the quorum but who would be able to vote, so long as they stay and listen

and absorb the information, and make their decisions, if any, based upon the evidence and presentations to be given on this specific item, which is proposed Resolution 2008-015.

The Chair asked CRC members if there were any questions or comments.

Mr. Rogow advised that he moved the question when it was originally agreed to by the Charter Review Commission, and still subscribes to the notion that it is a good idea and the voters should have an opportunity to vote. He stated that the CRC does not make the final call, but in terms of how the County will be governed in the future, its growth, and all of the issues, it seems to him to be wise to have the possibility of there being countywide members of the Broward County Commission.

Dr. Lieberman advised that he is for the 9:2 and agrees with Mr. Rogow.

Ms. Kaletta stated that she strongly supports a countywide Elected Mayor and does not feel the number of Commissioners needs to increase. She asked the CRC for consideration that since there is going to be redistricting in 2010, keeping 9; (8 single and 1 At Large Mayor). She asked if this was possible to consider at this point.

Mr. Goren: There were several options that this Board considered many months ago, one of them was an 8 plus 1 and there were other configurations, all of which were relevant to transitioning Commissioners and when terms would expire. You remember we did a matrix at your request that showed when that could occur, etc. If your question goes more to the issue of dilution of voters or the potential impact on minorities, the answer is that I can't know the answer nor can you, but the question could be raised that in connection with the compression of the Commission Districts, that there could potentially be several different conclusions. One of which is that there could be voter dilution. There could also be an impact adversely to minorities, but oddly enough given the nature of the County's current composition, it actually may increase and benefit minorities, that cannot yet be known. That would be known, however, by those experts that are particularly engaged to in fact review, evaluate, and recommend how best to deal with re-apportionment. Either event can occur. Would it be suspect? I can't say it's legally suspect, but it could be questioned. The timing of which would be unknown to me, but certainly the ability to question is always available to someone who believes that there's been some unconstitutional infringement or impact because of that decision. That's the best answer I can provide, given the nature of what's being asked.

Ms. Kaletta asked if the outside Consultant that is hired would be charged with the protection that all ethnic groups are represented.

Mr. Goren: It would be.

Commissioner Ilene Lieberman, Broward County Board of County Commissioners

Commissioner Lieberman: Just to respond to Ms. Kaletta's question regarding redistricting in 2010. Redistricting will not happen in 2010. I tell you that because I wear a couple of other hats. I am chairing for the second time, the Broward County Census. I chaired it in 2000, and I will be chairing it in 2010. I chaired the State's 2000 Census and I am presently working with the State to get their act on the 2010 Census. I was the only Florida person to serve on the Census Advisory Committee, which is a national Board, and I was a Census observer in 1995 in Macintosh to do the ACS. I say this so you all know I am not saying this just off the top of my head. The Census that happens on April 1st will not give you numbers in 2010 to do redistricting. You should not expect to have final numbers for purposes of redistricting until sometime in 2011, so that the redistricting will happen for 2012 not for 2010. I raise that just as a point of information to bring you up-to-date on how the census conducts its business.

Mr. Benson asked if they could go back to the discussion that they were having regarding the ending of the current issue. He stated that he would like to make that decision before the CRC goes further into the discussion.

The Chair explained that there was a discussion regarding that once a motion was made a vote on the issue will die, and asked Mr. Goren for guidance.

Mr. Goren: If the objective of the maker of the motion is to essentially end debate and discussion on this topic which includes the potential modification of the composition of the County Commission, and/or for seats At-large or Mayor At-large, if by motion this Board would choose to do so, it can do so, if the motion would be that specific and would be voted upon by majority here.

Mr. Benson MOTIONED to end debate and consideration of Resolution 2008-015, Mr. Maus SECONDED.

Mr. Goren: This is not on the substance of the item, but on the procedure that in the event that this item does not move further, that any future discussion would end by the motion you're making.

The Chair advised that she understands why the motion is being made but expressed that if she wasn't the Chair, she would be concerned that she might be stopping additional public input. She stated, however, as the Chair, she thinks it is a really good idea, and therefore she's not sure how she will vote.

The Chair called for a roll call vote at 12:43 p.m.

Dr. Lieberman requested an explanation of the motion being voted on.

Restatement of the MOTION

Mr. Goren: The motion is to essentially for the future, after today, to cut off any further debate or discussion on an issue that would affect the composition of the County Commission by having At-large members or elected Mayor At-large, etc. If the item does not move forward beyond today, that it be the objective of the maker of the motion to end debate on the topic.

Mr. Weiss: Excuse me; I don't really think that's a quite fair answer to his question. If the vote today is to move forward with this, it would also prevent the people that are opposed to it from bringing this thing up again too. It really works both ways, to make this a final decision on this. It's not fair to categorize this as if it fails it can't be brought up again.

[Mr. Rogow's call ended at this time 12:46 p.m.]

Dr. Lieberman asked if he voted yes to the motion, it would mean that the discussion of proposed Resolution 2008-015 cannot be brought up again.

The Chair replied that this is correct.

Mr. Weiss stated that it also means that if it passes today, it can't be recycled and people can't try to defeat it.

The Chair replied that Mr. Weiss is also correct.

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

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

Mr. Weiss: We might as well just leave. I mean, the point is that we've basically decided just now that no matter what happens today, it doesn't matter that anybody is free to bring this thing up again. I really don't understand the purpose of this. I assume it's the people who are concerned that it's not going to pass, tell me when we're going to make a decision about this.

The Chair advised that after the Public Hearings, a decision will be made regarding Resolution 2008-015, just as everything else.

Mr. Weiss MOTIONED to table discussion of Resolution 2008-015 until after the CRC Public Hearings.

Mr. Weiss: To go through this again and again, I feel like I'm going to lose today anyway! It doesn't matter, but I just don't want to go through the torture twice! It just doesn't make any sense! I MOVE to table this item until after the Public Hearing; we can have a full debate on it! We're going to decide today and whatever happens it really doesn't matter, because either side can bring it up again! I really don't get it!

The Chair advised that Mr. Weiss' motion does not require a SECOND.

Mr. Benson asked if the MOTION to TABLE was for a time certain.

Mr. Weiss responded that the MOTION to TABLE is until after the Public Hearings.

Mr. Buckner asked if the public at the Public Hearings would be able to comment on Resolution 2008-015 if the motion passes and the item is tabled.

The Chair advised that the CRC would be bringing the completed documents to the Public Hearings.

Mr. Goren: You would be bringing to the public the approved Resolutions for potential ballot access, and any other item on the public's mind they choose to be heard; that's the law. You can't just limit people's ability to speak on a topic because you got those items during Public Hearings.

The Chair asked if Resolution 2008-015 would be in the packet for consideration.

Mr. Goren: No, it would not be.

Mr. Weiss: In the interest of trying to move this process forward, in terms of listing the items that we're going to discuss at the Public Hearing, because I would like to hear from public on this item, I'd be very happy to include in our list of items, to encourage the public to speak on this item, to do anything that we could. I am just trying to move the process forward and to get some consensus here and I think that Michael raises a good point, which is, this is not intended to preclude any public debate on this issue.

The Chair advised that there is a Motion to Table on the floor and procedurally it is not usually open for discussion.

Mr. Goren: It would be a Point of Order because this motion takes precedence over any motion, except several very minor motions.

Mr. Trower asked which Public Hearing is being referred to.

Mr. Goren: The maker, I think is referring to the Public Hearings, plural, that are established by Charter.

The Chair advised that the proposed Resolution wouldn't be voted on until after the two Public Hearings.

Ms. Norris-Weeks asked if this was on as a general topic of restructuring the County Commission / strong Mayor.

Mr. Weiss replied yes.

Ms. Good advised that she liked how the CRC was proceeding today and moving forward. She stated that she is concerned with treating this item differently from any other items.

The Chair advised that there is a Motion to Table on the floor.

The Chair called for a roll call vote at 12:52 p.m.

Commissioner Hayward Benson	Yes	Mayor Lori Moseley, Chair	No
Michael Buckner, Esq.	No	Burnadette Norris-Weeks, Esq.	Yes
Mayor Debby Eisinger	Absent	Ms. Maggie Davidson	No
Mr. David Esack	No	Commissioner Hazelle Rogers	Yes
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
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 9 YES to 8 NO.

[Dr. Lieberman's call ended at this time 12:55 p.m.]

Ms. Norris-Weeks stated that Mr. Goren advised the CRC that they can decide what it wants to do, interpreting its own rules. She advised that her interpretation was that the CRC would refine any of the Resolutions put forth after the Public Hearings.

Ms. Norris-Weeks MOTIONED to allow public comment and refinement on items which have already been voted upon, in addition to the item tabled, Mr. Mena SECONDED.

Mr. Ketcham: This is so confusing what just happened with the tabling, what we are saying is, we can't make a decision without public input, but on the other 9 Resolutions we don't need your input.

Ms. Norris-Weeks stated that she does not believe that by tabling, Resolution 2008-015, the CRC makes that impression.

Mr. Buckner advised that he thought that at the end of each Subcommittee's presentation the CRC was voting on the Charter Resolutions, and those would be placed on the ballot because they had votes of 13. He stated that he also understands that the public can comment on the Resolutions that have been passed by 13 votes of the CRC; however, the public can bring new items to the CRC's attention. Mr. Buckner advised that he does not believe that there needs to be a second vote on the Resolutions that have previously received 13 votes, but that there may be other issues from the public that they may want to consider, then they would vote on that new issue.

Ms. Good stated that she couldn't agree more with Mr. Ketcham's comments. She advised that what's good for one Resolution should apply to all. She stated that she feels it is not the way to move forward.

The Chair suggested that items which have received 13 votes be put forward in a packet of approved proposed items subject to public input.

Mr. Trower referred to Section 6.3 of the 2006 Rules of Voting Procedure. He advised that his interpretation was that the vote to get an item out as a proposed Amendment required 13, and then the Public Hearings to get input from the public, and a second vote having 13 in favor of the Amendment in order to get the proposal on ballot.

The Chair stated that Mr. Trower's comment was what the rule states and would be followed.

Mr. Mena stated that some issues that have been discussed in the past pale in comparison with electing a Mayor At-large. He advised that this is a very serious plan that is being discussed. Mr. Mena agreed with Mr. Weiss and advised that he believes the public needs to know and have input and then thanked the Sun Sentinel for writing two good articles. Mr. Mena stated he believes the CRC needs to continue the issue and put it in the forefront.

Ms. Norris-Weeks thanked Mr. Trower for referring to the Voting Rules. She suggested in this case amending the CRC rules with respect to other items, other than the Commission Composition issue to allow for public participation, to have all of the items that have been voted on to come up again could be problematic.

Mr. Esack recommended that with the Public Hearings, the proposed Amendments that have received 13 votes, be put behind the tabled Composition of the County Commission Resolution in order to discuss that item first at the Public Hearing.

Ms. Good advised that she does not support amending the CRC rules and she believes that the rules are there for a purpose. She suggested presenting the Amendments that have received tentative approval by the CRC as Amendments under consideration and subject to public input. Ms. Good stated that she believes the public needs to know that the CRC values what they have to say.

Ms. Kaletta advised that she does not know the reason for the discussion. She stated that it doesn't seem to be a problem to go to the public and say what Ms. Good is suggesting. She stated the CRC could say that the issue of the Composition of the County Commission has not been resolved and we want your input.

Mr. Buckner advised that he did not want the motion to table to circumvent the public being able to comment. He stated that the CRC needs to decide how the tabling of the Composition of the County Commission is going to be presented to the general public because he does not want to get to the public and have that issue brushed off. He advised that the CRC needs to establish the rules governing that particular issue.

Ms. Davidson advised that she is confused about why the CRC has had testimony from public already and asked what is the purpose of the Public Hearings after already hearing testimony from the public. She advised that she is not clear on the concept.

Mr. Goren: It's actually in the Charter, it's a current requirement that's not part of the rules, although it is part of the rules here. It's also a charge in the Charter to in fact have two Public Hearings.

Ms. Davidson asked Mr. Goren how much would it take for the public to change what the CRC already voted on.

Mr. Goren: The best answer is that the Charter requires two Public Hearings.

Ms. Davidson stated that the public comments were included.

The Chair stated that these are public comments through a Public Hearing process. She advised that during the 2002 CRC, what took place was tweaking.

Ms. Davidson asked as far as the tabled discussion, does the item need to go back to the Subcommittee? ,How does that happen?

The Chair replied the same way it has been happening. She advised that after the second Public Hearing, the Resolution or any other issues would be brought back to the full Board.

Mr. Goren: My recollection was that whatever items were considered by the Charter Board the last time, were already drafted, they were considered for public review, they were minimally refined, and they were adopted for the ballot. Nothing was rejected and nothing was modified that it was different than it was initially purposed, but some things were changed.

Ms. Davidson asked if the language is approved for the ballot, is it possible it can be done at the end of the second Public Hearing.

The Chair replied that after the second hearing it would be done.

Mr. Weiss advised that he believes Ms. Norris-Weeks makes a very good point based upon the way that the CRC did things, which is really the way CRC rules were setup. He stated that what was supposed to happen was that the CRC was suppose to meet and come up with an idea and if there were 10 people who voted, it was supposed to be sent to drafting and that once the Resolution was drafted and there were 10 votes to agree on the language, he believes it should have just sat there and at that point it should move on to Public Hearing. He stated that after the Public Hearings with input from the public, and then the 13 votes should have happened and

should have been the end of it. Mr. Weiss advised that there's no harm in having taken the 13 votes earlier, however in light of this conversation that may be the procedure that should have been used. He advised that by making his motion to table, he did not want to preclude any discussion regarding the Strong Mayor proposal.

The Chair suggested that all the Resolutions be put in numerical order with no opinion on the packet.

Mr. Trower asked if that includes Resolution 2008-015.

The Chair replied yes.

Ms. Kaletta asked if presentations would be provided to the public.

Mr. Goren: There are titles, which are read into the record. The title is intended to at least provide some public notice of what the subject of the discussion would be, and to the extent that The Chair or other members of the Board would choose to advise the public. If they have a question, you could respond back to the public. You cannot preclude them from doing so to clarify whatever it is that's before you for them.

Ms. Kaletta stated that she couldn't imagine just providing them with a big packet of papers.

Ms. West stated that they would receive a list with the ballot language.

Mr. Mena commented to Mrs. Davidson and advised that 95% of the public that testified were either special interest or people who were invited. He suggested using some of the experience from the last Charter Review Commission.

Mr. Ketcham advised that he does not believe the CRC has to do anything, because according to the rules pursuant to the Broward County Charter, after two (2) Public Hearings and by a vote of thirteen (13) of the members of the full Charter Review Commission, the Charter Review Commission may submit a proposal." He advised that the CRC can take votes all year long, but if they weren't after the Public Hearings everything stays the same.

Ms. Good asked Mr. Goren how the CRC could ensure that the item that was tabled is considered in some fashion.

Mr. Goren: Mr. Weiss' motion actually included having it at the end of the discussion, if I am not mistaken.

The Chair advised that the clarification on the motion to table was to table the discussion until the 2nd Public Hearing.

Ms. Good stated that she does not want the public to think the Resolution was approved. She asked to at least label each proposed Resolution that was passed.

Mr. Goren: The motion that Mr. Weiss made that carried, essentially related to specifically 2008-015, which is the item which is a 9:2 issue of Composition of the County Commission, which the tabling motion was to consider it for public review, or that topic for public review at the final Public Hearing.

Ms. Good advised that she thought Mr. Weiss motioned to table Resolution 2008-015 and not discuss until after the Public Hearings.

Mr. Benson referring to the CRC flyer advised that 2008-015 must go the people without the blessing of this Commission and that point has to be clear.

Mr. Goren: What you could do hypothetically, is put a bold face statement on the document if it's not yet approved, or in draft, or in proposed form, something which tells the reading public it's not approved.

Mr. Benson advised that he believes proposed Resolution 2008-015 should be bifurcated from the list of approved proposed Resolutions.

Ms. Norris-Weeks stated that the statement Mr. Benson is referring to contemplates that approval has already been done.

Ms. West disagreed with Ms. Norris-Weeks. She explained that everything that has been completed and remains as proposed draft and does not become approved until the voters approve it. She reminded the Commission that they are making recommendations but at the end of the day the public approves it.

Ms. Norris-Weeks stated for clarification purposes that the intent of her motion is not to preclude the public from participating or the CRC from reconsidering some of the items voted on already.

Ms. Norris-Weeks re-worded her previous motion.

Ms. Norris-Weeks MOTIONED to have the 8 issues voted upon with the 13 votes carried to the Public Hearings, have public participation, and if no public participation requires refinement of any of the 8 issues, then the issues be forwarded directly to the voters without another vote of the CRC, Mr. Maus SECONDED.

The Chair advised that Ms. Norris-Weeks' motion is to change the CRC rules.

Ms. Norris-Weeks pointed out that this has been done before.

Restatement of the MOTION

Ms. Norris-Weeks MOTIONED that if there is no public comment and/or no refinements to the 8 items already approved by the CRC, that those items are forwarded to the voters without another vote by the CRC at the end of the Public Hearings, Mr. Maus SECONDED.

The Chair called for a roll call vote at 1:36 p.m.

Commissioner Hayward Benson	Yes	Mayor Lori Moseley, Chair	No
Michael Buckner, Esq.	Yes	Burnadette Norris-Weeks, Esq.	Yes
Mayor Debby Eisinger	Absent	Ms. Maggie Davidson	No
Mr. David Esack	No	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
Dr. Mark Lieberman	Absent	Mr. Wil Trower	No
Joseph Maus, Esq.	No	Richard Weiss, Esq.	No
Commissioner Ted Mena	No		

Motion FAILED on a roll call vote of 4 YES to 12 NO.

Mr. Ketcham MOTIONED to have all approved proposed Resolutions with all legal language including Item 2008-015 be a part of the record for the Public Hearing. Listing them in numerical order and noting next to Item 2008-015 the words – Still Under Consideration, Mr. Trower SECONDED.

Ms. Rogers inquired as to the format of the Public Hearing.

Continued Discussion of Public Hearing Purpose and Format – (Non-agenda Item previously tabled for later discussion)

Ms. West advised that generally when there is a Public Hearing, the Commission does not direct how people speak. That previously the Chair has given a speech before the hearing opens up, and in the speech she can speak to all the 8 Resolutions that have passed.

Ms. Rogers asked if the public would then be allowed to speak on what is on the table and anything else they would like to discuss.

Mr. Benson stated that the motion is a good idea because it distinguishes where the CRC is with the items. He requested that General Counsel identifies where each is as far as the CRC discussions and concerns.

Mr. Weiss advised that there are several items on the Public Hearing flyer that did not get 13 votes to pass.

The Chair explained that there are a group of Resolutions that the CRC already have legal language for, and during the Public Hearing anything else is open for conversation. She stated that what will show are the 8 items that were approved, and the 1 that is being brought for consideration.

Mr. Weiss expressed concern with the Resolutions that were listed on the Public Hearing flyer.

Ms. West offered to redo the Public Hearing flyer.

Mr. Esack pointed out the \$2,100 cost of publication located at the bottom of the flyer and expressed concern with repeating this expense.

Ms. West advised that the Public Hearing flyer is information only, and everything on it has been discussed by the CRC and there are supporting documents to each proposed Resolution. She

reminded everyone that the public can go on the Broward Charter Review Commission website and find everything listed on the flyer with the supporting documents, and there is a chance that the public can bring back the discussion of a Resolution that has not been passed. She advised that it will be up to the CRC to reconsider the issue.

Mr. Weiss advised that he does not believe it is right to put out a document that includes rejected items and the flyer should be modified.

Mr. Buckner agreed with Mr. Weiss. He stated in fairness to CRC staff, that the Commission’s work was suppose to be completed 3 weeks ago, and staff had to draft something for the CRC to review. He agrees that there are a lot of issues considered in on the list. Mr. Buckner also suggested that the flyer needs to be redone or clarification should be provided as to which items have been voted on and approved with 13 votes.

Ms. West advised that the items listed on the Public Hearing flyer are proposed changes.

Ms. Kaletta stated that the Public Hearing flyer is a working document, and she is opposed to making any changes.

Restatement of Motion

Mr. Ketcham MOTIONED to have all approved proposed Resolutions with all legal language including Item 2008-015 be a part of the record for the Public Hearing. Listing them in numerical order and noting next to Item 2008-015 the words – Still Under Consideration, Mr. Trower SECONDED.

The Chair called for a roll call vote at 1:50 p.m.

Commissioner Hayward Benson	Yes	Dr. Mark Lieberman	Absent
Michael Buckner, Esq.	Yes	Joseph Maus, Esq.	Yes
Mayor Debby Eisinger	Absent	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 16 YES to 0 NO.

Mr. Mena recognized former Mayor Ben Graber in the audience.

Ms. Kaletta MOTIONED to leave the Public Hearing flyer in its current state as a working document, Ms. Tanner SECONDED.

The Chair called for a roll call vote at 1:51 p.m.

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	Absent	Mr. Wil Trower	Yes
Joseph Maus, Esq.	Yes	Richard Weiss, Esq.	No
Commissioner Ted Mena	Yes		

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

Public Comments Related to Resolution 2008-015

Hearing no public comments the Chair called for a motion.

VIII. New Business

Dr. Rosenbaum suggested that the Resolutions that do not make it on the ballot be passed to the Broward County Commission as recommendations.

The Chair agreed and suggested tabling the discussion until after the Public Hearing.

Next Meeting

Ms. Kaletta stated that she believes the next CRC meeting should clarify what is going to be said at the Public Hearing.

The Chair replied that she will share her script for the Public Hearings with the CRC.

Ms. Kaletta asked if any supporting documentation or options would be provided on the Composition of the County Commission.

The Chair advised that what was voted on (proposed Resolution 2008-015) would be provided.

Mr. Benson reminded the Chair that he will be late to the Public Hearing.

The Chair requested that everyone arrive on time for the Public Hearing.

The next CRC meeting will be on March 12th immediately following the 5:00 p.m. Public Hearing.

IX. Public Comments

Kareen Boutros, Executive Director, Broward Workshop

Ms. Boutros: I am a 37 year resident of Broward County. I just have a quick question after the April Public Hearing, when will you meet again to vote on the Elected Mayor issue, on that day or the following meeting?

The Chair advised that the vote will take place after the Public Hearing on the same day.

Dan Glickman, Deerfield Beach, FL

Mr. Glickman: I am somewhat disappointed, because as Mr. Trower pointed out in the rules, every single one of your Resolutions says, "Whereas after two Public Hearings, and by an

affirmative vote with at least 13 of the 19.” It’s been there every single time you’ve had a Resolution, and it does have that sequence, and that sequence is important. When you say, and with all due respect to everybody herein, to have information going to the public, which is not revised as currently as possible in black and white at 5 cents a copy for a hundred copies or however many, the public deserves to have correct information. They do not deserve to have mixed matched apples, oranges, and maybe this maybe that.

The idea of having a Public Hearing and having anybody get up without knowing what they’re saying and you not necessarily knowing what they’re addressing, though it may be laborious, I respectfully recommend you do a very simple thing: Public Hearing Resolution 1, Public Hearing Resolution 2, all those who wish to speak to that will speak to that. That way it is cogent, it is cohesive, and people know what it is, and their comments may be even reflected to that. When I’ve gone to County Commission meetings, when I go to an MPO meeting, I assume when you have City Commission meetings, when you have a Public Hearing, you have a particular hearing on an item. If you have three items for Public Hearing, you have each of the items properly identified so they will know which one you are talking about.

The Chair agreed with Mr. Glickman.

Mr. Glickman: I think you should have Public Hearings for those people who want to have additional comments not related to any of the specific Public Hearing items.

Ben Graber, Former Broward County Commissioner

Mr. Garber: About 18 months ago I came to you. In my last month as Mayor, I gave you my Exit Report. At that time, I suggested to you that the idea of having an Elected Mayor was a good idea. I’ve been watching your proceedings the last year and a half, I guess more than that. Yes, you do a lot of good work and I thank you for it. I am a little concerned about the concept of an Elected Mayor going on the back burner.

Let me just say two things, it is accountability and it’s assurability. One of the things I did as Mayor, we had a few Hurricanes, we had to deal with FEMA, and we had to deal with the Federal Government. I went to China; I made a deal with the Chinese government to bring about \$20 million worth of work to our Port. Four months after I left the Mayor’s position, the Chinese left also, mainly because it was about assurability. They told me then that’s because you have a different leader every year, it’s hard for us to make long-term arrangements with

you. This County is losing tens of millions of dollars a year in revenue because you have no assurability, no accountability, and no continuity. It is a ship with a crew with no captain, having a figurehead or an appointed hired manager is not the same as a leader. I think it is very important that you consider that issue and give the people a chance to vote on it.

I am recommending to those out there concerned that it's time to have a referendum to put it on the ballot anyway, because we are running out of time, and this Committee appears to be hedging on it. I've come here today to ask you one more time to please reconsider. We are going to go forward with a different approach, not because we are disappointed in you, but because we are running out of time. I think the County deserves the business it's losing. We're going through a recession, you've read about inflation today. It is not going to get better. You are here representing the people, not the people who appointed you; so please remember that, and please reconsider that issue and my best regards to all of you. Thank you.

[End of Public Comment]

Ms. Good asked if the April 9, 2008 10:00 a.m. CRC meeting will take place.

The Chair advised that she does not believe the 10:00 a.m. meeting will need to take place because the CRC has to meet after the Public Hearing.

Ms. West advised that CRC members will be notified of any cancellations or schedule changes but the rooms are still reserved just in case the meeting needs to take place.

X. Adjournment

There being no further discussion the meeting was adjourned at 2:02 p.m. The minutes of this meeting are recorded on CD # 02.27.08 (BCGV CTR).