

**APPROVED**  
**City of Fort Lauderdale**  
**Charter Revision Board**  
**March 9, 2017 – 5:30 P.M.**  
**1<sup>st</sup> Floor City Commission Room – City Hall**  
**Fort Lauderdale, FL 33301**

<u>MEMBERS</u>		January-December 2017	
		<u>PRESENT</u>	<u>ABSENT</u>
Judith Stern, Chair	P	3	0
Ron Gunzburger, Vice Chair	P	3	0
Wilson Atkinson	A	2	1
Desorae Giles-Smith	A	1	2
Maria Del Rosario Lescano	P	2	1

**Staff Present**

Paul Bangel, Senior Assistant City Attorney  
Jeff Modarelli, City Clerk

**1. Roll Call**

Roll was called at , and a quorum was established.

**2. Approve Minutes from the Meeting of February 9, 2017.**

**Motion** made by Vice Chair Gunzburger, seconded by Ms. Lescano, to approve the minutes of the February 9, 2017, meeting. In a voice vote, the motion passed unanimously (3-0).

**3. Public Input - None**

**4. Old Business**

**A. Membership; ex officio non-voting members (Section 2-232, Code of Ordinances)**

The City Commission voted unanimously to adopt Section 2-232 at its first reading, and the second and final reading will be coming back on March 21, 2017. Chair Stern explained this would remove ex officio non-voting members from the Charter Revision Board so that all members could have Sunshine conversations with staff.

Attorney Bangel advised he had attached a copy of the proposed ordinance to the agenda.

**B. Section 3.15. - Initiative; petition for proposed ordinance**

Vice Chair Gunzburger reported that Attorney Bangel provided him with copies of the portion needing updating. Vice Chair Gunzburger will continue working on it.

Attorney Bangel referred to Title XII Florida Statutes, Section 166.031, Charter Amendments, and read from Sub Section (1). He noted there are two ways to amend the charter - either by petition of the electors, or by ordinance. He then directed the Board's attention to the City's ordinance, Section 3.15, where the "1,000 electors rule" is, as opposed to the Statute's "10% of the registered electors."

Attorney Bangel proposed a change to Section 3.15 to insert, "except any ordinance amending the Charter of the City of Fort Lauderdale may be initiated submitted and enacted in the following manner". The revision would be voted on by the City Commission, as a Charter revision.

Chair Stern recalled that they also wanted to look into the differences in standards (8% versus 10%) for any type of petition drive.

Attorney Bangel directed the Board's attention to Sub Section (3) of Florida Statutes Section 166.031 which suggests the City could have another standard other than what is in the Statute.

Mr. Modarelli advised that the City Commission discussed the Board's Communication at their last meeting, and the joint meeting will be scheduled. One of the items, as requested by Chair Stern, will be discussion on the standards just mentioned by Attorney Bangel.

**Motion** made by Vice Chair Gunzburger, seconded by Ms. Lescano, to table the item to the Charter meeting following the workshop with the City Commission (3-0).

**C. Section 4.13 - City clerk (compensation pursuant to pay plan)**

Attorney Bangel recalled the issue was to make the Charter language consistent with that of the other Charter officers. He proposed changing the last sentence of paragraph A to read, "the City Clerk shall receive such compensation as the City Commission may by resolution fix and determine."

**Motion** made by Vice Chair Gunzburger, seconded by Chair Stern, to recommend the change as stated by Attorney Bangel. In a voice vote, the motion passed unanimously (3-0).

**D. Section 3.03 - Qualification of members; forfeiture of office (appointment pursuant to Section 7.08)**

Attorney Bangel referred to a distributed copy of Section 3.03 with the proposed additional language, which added the word, "appointment." He read from the document, and noted that the last order could be nomination, election, or appointment.

It was noted that an appointment can be accepted up to 18 months prior to an election, so that point needs clarification.

Attorney Bangel read from Section 7.08 regarding office vacancies. He believed then he would only add "appointment" in the second paragraph.

Motion made by Vice Chair Gunzburger, seconded by Ms. Lescano, to remove it to the City Attorney's office to make further recommendations. In a voice vote, the motion passed unanimously (3-0).

#### **E. Section 3.12 - Special meetings -- How called**

Attorney Bangel referred to the revised language in his proposal. He pointed out that any of the Charter officers could call special meetings of the City Commission, and the call notice should state the general purpose of the meeting.

Ms. Lescano said they wanted to clean up the six-hour notice and put it under the preface of the Sunshine Law requirements. Attorney Bangel said that the Sunshine Law specifies the notice requirements.

**Motion** made by Vice Chair Gunzburger, seconded by Ms. Lescano, to adopt the proposed revisions. Motion not brought to vote.

Mr. Modarelli wondered if the City Clerk should be able to call a special meeting. Attorney Bangel clarified that there may be a situation where each one of the officers has an emergency situation that needs to be brought to the City Commission.

Discussion ensued on what might be deemed an emergency need. Attorney Bangel suggested a few scenarios such as a time-limited trial action, a natural disaster, etc. He clarified that the calling of the meeting goes in a prioritized order, with the Mayor being first. Some members were also concerned about conforming to the Sunshine Law when possibly discussing the need for a meeting.

Chair Stern wished to hear an opinion from the City Auditor, since he also works directly under the City Commission and may have a differing view.

**Motion** made by Vice Chair Gunzburger, seconded by Ms. Lescano, to defer for additional input as suggested by Chair Stern. In a voice vote, the motion passed unanimously (3-0).

#### **5. New business**

##### **A. Section 6.0.2 - Classified and nonclassified service (grant-funded positions)**

Sr. Assistant City Attorney Paul Bangel said this item may become moot. He spoke with the City Manager who said there are other options to resolve the point.

## **6. Adjourn**

Upon motion duly made and seconded, the meeting was adjourned at 6:14 p.m.

[Minutes prepared by J. Rubin, Prototype, Inc.]