



CHARTER REVISION BOARD MEETING

FORT LAUDERDALE EXECUTIVE AIRPORT
RED TAILS CONFERENCE ROOM
6000 NW 21ST AVENUE, FORT LAUDERDALE, FL 33309
THURSDAY, DECEMBER 14TH 5:30 PM

AGENDA

- I. CALL TO ORDER / PLEDGE OF ALLEGIANCE**
- II. DETERMINATION OF QUORUM**
- III. APPROVAL OF CORRECTED SEPTEMBER 07TH MINUTES and NOVEMBER 02ND MEETING**
- IV. SPEAKERS: BROWARD COUNTY ELECTIONS**

Mary Hall – Chief Deputy Supervisor of Elections
Nathaniel Klitsberg – Senior Assistant County Attorney
Devona Reynolds Perez – General Counsel to the Broward County Supervisor of Elections
- V. OLD BUSINESS:**
 - Sec. 3.15. - Initiative; petition for proposed ordinance.
 - Sec. 3.03. - Qualification of members; forfeiture of office.
 - Sec. 3.13. - Meeting place; meetings to be public.
- VI. NEW BUSINESS:**
 - Sec. 3.09. - Organization meeting.
 - Sec. 3.10. - Special meeting to seat a new member.
 - Sec. 4.05 – City manager; appointment; qualifications; compensation
- VII. CHARTER REVISION BOARD DISCUSSION**
- VIII. PUBLIC INPUT**
- IX. UNFINISHED BUSINESS**
- X. GENERAL PUBLIC INPUT**

ADJOURN

PURPOSE: ADVISE THE CITY COMMISSION ON THE PROPRIETY OF THE EXISTING CHARTER AND, FURTHER, TO MAKE SUGGESTIONS AND RECOMMENDATIONS TO PERFECT SAID CHARTER SO AS TO ESTABLISH A BETTER GOVERNMENT OF AND FOR THE CITY.

NOTE: TWO OR MORE CITY COMMISSIONERS AND/OR ADVISORY BOARD MEMBERS MAY BE PRESENT AT THIS MEETING. IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING OR HEARING, HE/SHE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

IF YOU DESIRE AUXILIARY SERVICES TO ASSIST IN VIEWING OR HEARING THE MEETINGS, OR READING MEETING AGENDAS AND MINUTES, PLEASE CONTACT THE CITY CLERK AT (954) 828-5002 AND ARRANGEMENTS WILL BE MADE TO PROVIDE THESE SERVICES.

Sec. 3.15. Initiative and referendum; petition for proposed ordinance.

(a) Power to initiate and reconsider ordinances.

(i) Initiative. The electors of the city shall have the power to propose ordinances to the city commission and, if the city commission fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election. Such power shall not extend to the annual budget or community investment plan or any ordinance appropriating money, levying taxes, changing the actual zoning map designation of a parcel or parcels of land, changing the actual list of permitted, conditional, or prohibited uses within a zoning category, or setting salaries of city officers or employees.

(ii) Referendum. The electors of the city shall have power to require reconsideration by the city commission of any adopted ordinance and, if the city commission fails to repeal an ordinance so reconsidered, to approve or reject it at a city election. Such power shall not extend to the annual budget or community investment plan or to any ordinance appropriating or authorizing the borrowing of money, levying taxes, changing the actual zoning map designation of a parcel or parcels of land, changing the actual list of permitted, conditional, or prohibited uses within a zoning category, or setting salaries of city officers or employees.

(b) Commencement of proceedings. A minimum of ten electors may commence initiative or referendum proceedings by filing an affidavit with the city clerk (the "Affidavit") stating that they will constitute the petitioners' committee (the "Committee") ~~and be responsible for circulating the initiative or referendum petition (the "Petition") and filing it in proper form.~~ The Affidavit shall state the names and addresses of the Committee members and shall specify the address to which notices to the Committee are to be sent. The Affidavit shall also set out in full the text of the proposed initiative ordinance or cite the ordinance sought to be reconsidered. ~~After the Affidavit is filed, the city clerk may, at the Committee's request and expense, issue the appropriate Petition blanks to the Committee.~~

(c) ~~The Committee's shall submit the~~ proposed ordinance ~~shall be subject~~ to the city attorney, who shall have thirty days from receipt to find whether it is legally sufficient. In the event the city attorney finds that the proposed ordinance is legally insufficient, the Committee shall have thirty days from receipt of the city attorney's notice within which to redraft the proposed ordinance and resubmit it to the city attorney. ~~'s approval as to legal sufficiency prior to circulation of the Petition blanks~~ The city attorney shall have thirty days from receipt of the redrafted proposed ordinance within which to find it legally sufficient or legally insufficient.

(d) ~~After the Affidavit is filed~~ Following a finding by the city attorney that the proposed ordinance is legally sufficient, the city clerk may, at the Committee's request and expense, issue the appropriate Petition blanks to the Committee.

Commented [PB1]: "Ordinances initiated by other than the municipality that change the actual zoning map designation of a parcel or parcels of land shall be enacted pursuant to paragraph (a)." (Normal two-reading adoption.) §166.041(3)(c), Fla. Stat. (2023).

"Ordinances that change the actual list of permitted, conditional, or prohibited uses within a zoning category, . . . shall be enacted pursuant to the following procedure:" §166.041(3)(c), Fla. Stat. (2023).

(ee) Petitions.

- (i) Number of signatures. Initiative Petitions must be signed by at least ~~458~~ of the total number of electors registered to vote at the last regular city election. Referendum Petitions must be signed by at least ~~258~~ of the total number of electors registered to vote at the last regular city election.
- (ii) Form and content. All portions of a Petition shall be assembled as one instrument. Each signature shall be executed in ink and shall be followed by the printed name and address of the person signing. Throughout circulation, Petitions shall contain or have attached the full text of the ordinance proposed or sought to be reconsidered. Petitions blanks shall be subject to the city attorney's approval as to legal sufficiency prior to circulation~~must be legally sufficient.~~
- (iii) Affidavit of circulator. When filed, each page of a Petition shall have attached to it an affidavit executed by the circulator thereof stating:
- (A) that s/he personally circulated the page;
 - (B) the number of signatures contained on each page;
 - (C) that all the signatures were affixed in his/her presence;
 - (D) that s/he believes them to be the genuine signatures of the persons whose names they purport to be; and
 - (E) that each signatory had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
- (iv) Filing deadline. Petitions must be filed with the ~~city clerk~~Broward County Supervisor of Elections within ~~9180~~ days of the date of filing the Affidavit relating to such initiative or referendum.

Commented [PB2]: Article XI, Section 3, Fla. Const.

(ef) Procedure for filing of Petitions.

- (i) Certificate of City Clerk Supervisor of Elections. Upon the Committee's payment to the Broward County Supervisor of Elections the cost of signature verification established pursuant to Subsection 100.371(11)(b), Florida Statutes (2023), as may be amended or revised, the Broward County Supervisor of Elections~~Within 20 days after a Petition is filed, the city clerk~~ shall complete a certificate as to ~~its~~ compliance with the provisions of subsection (ee) of this Section (the "Certificate"). If insufficient, the Certificate shall specify the particulars of the deficiency. A copy of the Certificate shall be sent promptly to the Committee by certified mail, return receipt requested, and to the city clerk.

- (ii) Amendment. A Petition certified insufficient because it lacks the required number of valid signatures may be supplemented by the filing of additional signatures within fifteen days from the date of the Certificate (the "Supplementary Petition") upon the Committee's payment to the Broward County Supervisor of Elections the cost of signature verification established pursuant to Subsection 100.371(11)(b), Florida Statutes (2023), as may be amended or revised. Within ten days after a Supplementary Petition is filed, ~~‡The city clerk~~ Broward County Supervisor of Elections shall complete a Certificate as to the sufficiency of the Petition as amended by the Supplementary Petition (the "Amended Petition") and promptly forward a copy of the Certificate to the Committee by certified mail, return receipt requested, and to the city clerk.
- (iii) Submission to the city Commission. If a Petition or Amended Petition is certified sufficient, or if a Petition is certified insufficient and the Committee does not elect to file a Supplementary Petition, or if an Amended Petition is certified insufficient, the city clerk shall promptly present the Certificate to the city commission ~~as the final determination of sufficiency of the Petition.~~

(eg) Action on Petitions.

- (i) Action by city Commission. Upon receipt of a Certificate determining a Petition sufficient, the city commission shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance by voting after 6:00 p.m. its repeal at its next regular meeting whether to publish notice, pursuant to Subsection 166.041(3)(a), Florida Statutes (2023), as may be amended or revised, of the proposed initiative ordinance or of the proposed repeal of the referred ordinance. If the city commission fails to adopt a proposed initiative ordinance without any change in substance within 45 days or fails to repeal the referred ordinance within 30 days, it shall submit the proposed or referred ordinance to the electors of the city. If the city commission fails to act on a proposed initiative ordinance or a referred ordinance within the requisite time period, the city commission shall be deemed to have failed to adopt the proposed initiative ordinance or failed to repeal the referred ordinance on the last day that the city commission was authorized to act on such matter.
- (ii) Submission to electors. The vote of the electorate on a proposed or referred ordinance shall be held not less than 45 nor more than 60 days from the date the city commission acted or was deemed to have acted pursuant to paragraph (i) of this subsection. If no regular election is to be held within six months of such date, the city commission shall provide for a special election to be held not less than 45 days nor more than 90 days from such date. If a regular election is to be held within such six-month period, such regular election shall be used for submission to the electors of the proposed or referred ordinance. Copies of the proposed or referred ordinance shall be made available at the polls. Ballots to be used when voting upon a proposed or referred ordinance shall state the title

of the ordinance to be voted on and below it the two (2) propositions "For the proposed Ordinance" and "Against the proposed Ordinance."

Commented [PB3]: As adapted from Section 3.19

(iii) Withdrawal of petitions. A Petition may be withdrawn at any time prior to the 15th day preceding the day scheduled for a vote of the electorate by filing with the city clerk a request for withdrawal signed by at least eight-tenths of the members of the Committee. Upon the filing of such request, the Petition shall have no further force or effect and all proceedings thereon shall be terminated.

(h) Results of election.

- (i) Initiative. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (ii) Referendum. If a majority of the qualified electors voting on a referred ordinance vote for its repeal, it shall be considered repealed upon certification of the election results.

Sec. 3.03. - Qualification of members; forfeiture of office.

To be eligible to hold the office of mayor, a candidate shall have resided continuously in the City of Fort Lauderdale as a permanent resident for at least six (6) months immediately preceding the date of qualification for such office, shall be a citizen of the United States of America and an elector of the City of Fort Lauderdale at the time of qualification for such office, shall be otherwise qualified for such office as provided in this charter, shall hold no other public elective office, shall not be an officer, employee, or serving in any capacity in the government of the City of Fort Lauderdale at the time of filing a candidate oath in accordance with section 7.14 of this charter, and shall reside continuously as a permanent resident of the City of Fort Lauderdale during the term of office. Candidates for election as mayor shall comply with all of the rules and regulations set forth in this charter as to their conduct. Any candidate for mayor or any mayor who shall cease to possess the qualifications required herein shall forthwith forfeit his or her office or candidacy.

To be eligible to hold the office of city commissioner, a candidate shall have resided continuously in the City of Fort Lauderdale as a permanent resident for at least six (6) months immediately preceding the date of qualification for such office, shall be a citizen of the United States of America and an elector of the City of Fort Lauderdale at the time of qualification for such office, shall be otherwise qualified for such office as provided in this charter, shall hold no other public elective office, shall not be an officer, employee, or serving in any capacity in the government of the City of Fort Lauderdale at the time of filing a candidate oath in accordance with section 7.14 of this charter, and shall reside continuously as a permanent resident of the district to which such commissioner is elected during the term of office. Candidates for election as mayor shall comply with all of the rules and regulations set forth in this charter as to their conduct. Any candidate for mayor or any mayor who shall cease to possess the qualifications required herein shall forthwith forfeit his or her office or candidacy.

Sec. 3.13. - Meetings ~~place; meetings to be public.~~

All regular meetings of the city commission shall be held at the usual place of holding meetings of the city commission at 1:30 p.m. on the first and third Tuesdays of each month, except that in those months wherein there are five (5) Tuesdays, a meeting shall be held on the last such Tuesday in addition to the meetings on the first and third Tuesdays, at the discretion of the city commission. If a meeting day shall fall on a legal holiday, then the meeting shall be held at 1:30 p.m. on the succeeding Wednesday. Provided, however, at any meeting the commission may, by resolution, reschedule commission meeting dates to dates other than as established in this section, provided that the resolution so adopted is published in the official newspaper of the city once at least three (3) days before the date so fixed. The city commission may, by motion, eliminate meetings for one (1) month each year to provide for vacations. A special meeting may be held elsewhere in the city under authority of a resolution previously adopted authorizing such meeting.

The agenda for meetings of the city commission shall be established by the city manager and shall provide for public hearings, ordinances, resolutions and motions to be heard at 6:00 p.m. at the meeting on the first and third Tuesday of each month.;~~but a special meeting may be held elsewhere in the city under authority of a resolution previously adopted authorizing such meetings.~~

Meetings of the city commission shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times and under the supervision of the city clerk. The commission shall prescribe its ~~own rules, regulations and order of business, and~~ shall keep minutes of its proceedings, and shall by ordinance prescribe its own rules and identify a parliamentarian. The mayor shall maintain order at all meetings, and the police department, upon instructions of the mayor, shall expel any person from the meeting who refuses to obey the order of the mayor in relation to preserving order at the meetings. The commission may meet in conference session at a place other than the regular meeting place, but no official action shall be taken at such conference meeting.

Sec. 3.09. - Organization meeting Newly elected officials.

~~At On the time scheduled for the first regular city commission meeting day after the certification of election results by the Broward County Canvassing Board, in December following each regular election the existing city commission shall meet at the usual place for holding the meetings, all newly elected officials shall take an oath of office and of the legislative body of the city, for the purpose of transacting any and all necessary business before assumption of office by the newly elected commissioners. At 11:00 a.m. Eastern Standard Time the newly elected city commissioners shall assume the duties of office.~~

~~Sec. 3.10. – Special meeting to seat a new member.~~

~~On the first Tuesday following the election of a new member, elected at other than a quadrennial regular election, the commission shall meet to receive such new member.~~

Sec. 4.05. - City manager; appointment; qualifications; compensation.

The city commission shall appoint a city manager who shall be the administrative head of the municipal government answerable to and under the direction and supervision of the city commission, and he or she shall hold office at the pleasure of the city commission. He or she shall receive such compensation as the city commission may by resolution fix and determine, and shall furnish such bond as the city commission may require. He or she shall be chosen solely on the basis of his or her executive and administrative qualifications, without regard to his or her political belief, shall be over the age of twenty-one (21) years, shall be a permanent resident of ~~reside in~~ the city during his or her term of office, but he or she need not be a resident of the city or state at the time of his or her appointment. A city manager shall serve the city on a full-time basis. He or she shall not be or become engaged in any other occupation. He or she shall not serve on any committee, board, or as an officer of any enterprise, compensated or not, while in the city's service, except by approval of the city commission by resolution.