

CHARTER REVISION BOARD MEETING

City of Fort Lauderdale
101 NE 3rd Avenue, Tower 101
Suite 1100 – 11th floor conference room
Fort Lauderdale, FL 33301
Thursday, June 5, 2025, 5:30 pm

AGENDA

- I. CALL TO ORDER/PLEDGE OF ALLEGIANCE
- II. ROLL CALL/DETERMINATION OF QUORUM
- III. APPROVAL OF MAY 01st MEETING MINUTES
- IV. UPDATE CHARTER REVISION BOARD PUBLIC OUTREACH
- V. CITY ATTORNEY FOLLOW-UPS - PAUL BANGEL, SENIOR ASSISTANT CITY ATTORNEY
 - a. Conflict Chart and Proposed Revisions (Exhibits A-1 & A-2)
 - i. Section 3.04 – Judge of Elections and Qualifications of Members
 - ii. Section 3.09 – Organization Meeting
 - iii. Section 3.10 – Special Meeting to Seat a New Member
 - iv. Section 3.12 – Special Meetings – How Called
 - v. Section 3.15 – Initiative; Petition for Proposed Ordinance
 - vi. Section 3.17 – Commission Required to Take Action
 - vii. Section 3.20 – Referendum Elections
 - viii. Section 4.07 – Assistants to the City Manager
 - ix. Section 10.03 – Public Hearings and Public Notice
 - b. Memorandum No: 23-013 and Proposed Revisions – REVISED: List of Charter Sections Suggested for Revision (Exhibits B-1 & B-2)
 - i. Section 3.03 – Qualifications of Members; Forfeiture of Office
 - ii. Section 3.08 – Forfeiture of Office
 - iii. Section 4.06 – Action City Manager Upon Resignation of or During Absence or Disability of City Manager
 - iv. Section 6.06 – City Commission Involvement Prohibited
 - v. Section 7.16 – Election; Tie Vote; Primary Election to Fill One Vacancy
 - c. Sections 8.02 and 8.09 – Proposed Revisions (Exhibit C)
- VI. CHARTER REVISION BOARD DISCUSSION
- VII. DISCUSSION REGARDING JULY MEETING
- VIII. PUBLIC INPUT
- IX. ADJOURN

PURPOSE: ADVISE THE CITY COMMISSION ON THE PROPRIETY OF THE EXISTING CHARTER AND, FURTHER, TO MAKE SUCH 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.

CONFLICT CHART

City of Fort Lauderdale Charter Section	Conflicting Authority	Solution
<p>§3.04 “The city commission shall be the judge of all municipal elections and referendums and of the qualifications of its members, subject to review by the courts. At the time that the city commission meets to canvass the results of any election, any registered elector of City of Fort Lauderdale shall be entitled to file with the city commission an affidavit setting out the facts showing that a candidate has violated the provisions of this charter as to the manner of his or her election, or is otherwise unqualified to hold office, and the city commission shall take proof at such meeting and declare the results.”</p>	<p>§7, Ch. 2012-253, Laws of Fla. All municipal elections shall be canvassed by the county canvassing board, with said board certifying the results to each city clerk within 5 days after the election.</p> <p>§102.168(1), Fla. Stat. “Except as provided in s. 102.171, the certification of election or nomination of any person to office, or of the result on any question submitted by referendum, may be contested in the circuit court by any unsuccessful candidate for such office or nomination thereto or by any elector qualified to vote in the election related to such candidacy, or by any taxpayer, respectively.”</p>	<p>Delete.</p>
<p>§3.10 “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.”</p>	<p>§7, Ch. 2012-253, Laws of Fla. All municipal elections shall be canvassed by the county canvassing board, with said board certifying the results to each city clerk within 5 days after the election.</p> <p>§101.6952(5), Fla. Stat. “A vote-by-mail ballot from an overseas voter in any presidential preference primary or general election which is postmarked or dated no later than the date of the election and is received by the supervisor of elections of the county in which the overseas voter is registered no later than 10 days after the date of the election shall be counted as long as the vote-by-mail ballot is otherwise proper.”</p>	<p>Replace with “A member elected at other than a quadrennial regular election shall take office following certification of the special election by the Broward County Supervisor of Elections.”</p>
<p>§3.12 “The mayor or the city manager, may call special meetings of the city commission upon at least six (6) hours' written or e-mail notice to each member, the city manager, city auditor, city clerk, and city attorney, served personally, transmitted by e-mail, or left at his or her usual place of residence. The call notice shall state the general purpose of the meeting. The regularity</p>	<p>§286.011, Fla. Stat. (Government in the Sunshine Law) “The board or commission must provide reasonable notice of all such meetings.” (For emergencies, not less than 24 hours)</p>	<p>Change to “at least seventy-two hours' notice or, in the event of an emergency as determined by the mayor or the city manager, in consultation with the city attorney, at least twenty-four hours' notice . . . “</p>

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<p>or validity of any proceedings, taken at any special meeting at which a majority of members of the city commission and city clerk is present, or where written waiver of call and consent in writing is filed, shall not be questioned on account of any omission or irregularity in calling such special meeting.”</p>		
<p>§3.15 “Any proposed ordinance, including ordinances for the repeal or amendment of the "Code of Ordinances of the City of Fort Lauderdale, Florida," then in effect, may be initiated, submitted and enacted in the following manner</p>	<p>§166.031, Fla. Stat. (1) The governing body of a municipality may, by ordinance, or the electors of a municipality may, by petition signed by 10 percent of the registered electors as of the last preceding municipal general election, submit to the electors of said municipality a proposed amendment to its charter, which amendment may be to any part or to all of said charter except that part describing the boundaries of such municipality. The governing body of the municipality shall place the proposed amendment contained in the ordinance or petition to a vote of the electors at the next general election held within the municipality or at a special election called for such purpose. (2) Upon adoption of an amendment to the charter of a municipality by a majority of the electors voting in a referendum upon such amendment, the governing body of said municipality shall have the amendment incorporated into the charter and shall file the revised charter with the Department of State. All such amendments are effective on the date specified therein or as otherwise provided in the charter. (3) A municipality may amend its charter pursuant to this section notwithstanding any charter provisions to the contrary. This section shall be supplemental to the provisions of all other laws relating to the amendment of municipal charters and is not intended to diminish any substantive or procedural power vested in any municipality by present law. A municipality may, by ordinance and without referendum, redefine its boundaries to include only those lands previously</p>	<p>The Charter section should exclude ordinances affecting the Charter.</p>

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	annexed and shall file said redefinition with the Department of State pursuant to the provisions of subsection (2).	
<p>§3.17 (Petition for election) “If the certificate of the clerk, so submitted, shows that fifteen (15) percent of the registered electors of the city signed such petition and have not requested that their signatures be stricken or deleted, then it shall be the mandatory duty of the city commission at such meeting at which the clerk's certificate is presented to enact the ordinance in final form, or call an election for the purpose of submitting such proposed ordinance to the votes of the electorate.”</p>	<p>§166.041, Fla. Stat. “(3)(a) Except as provided in paragraph (c), a proposed ordinance may be read by title, or in full, on at least 2 separate days and shall, at least 10 days prior to adoption, be noticed once in a newspaper of general circulation in the municipality.”</p>	<p>Incorporate two ordinance readings.</p>
<p>§3.20 “Any existing ordinance of the City of Fort Lauderdale, or any section or related sections of the ‘Code of Ordinances of the City of Fort Lauderdale,’ including ordinances approved by the electorate, may be repealed or amended, and any intended sale or lease of public property may be approved or rejected by a majority of the electors voting at a referendum election, when such matter is submitted to a referendum by the city commission, upon its own motion or as a result of initiative proceedings. In case of initiative proceedings, when the necessary requirements have been met, and proper petitions bearing the signatures of fifteen (15) percent of the registered electors have been filed, the city commission shall pass a resolution calling for a referendum election to be held under the same procedure as provided in section 3.18 and section 3.19 of this charter.”</p>	<p>§163.3167, Fla. Stat. “(8)(b) An initiative or referendum process in regard to any local comprehensive plan amendment or map amendment is prohibited unless it is expressly authorized by specific language in a local government charter that was lawful and in effect on June 1, 2011. A general local government charter provision for an initiative or referendum process is not sufficient. (c) It is the intent of the Legislature that initiative and referendum be prohibited in regard to any development order. It is the intent of the Legislature that initiative and referendum be prohibited in regard to any local comprehensive plan amendment or map amendment, except as specifically and narrowly allowed by paragraph (b). Therefore, the prohibition on initiative and referendum stated in paragraphs (a) and (b) is remedial in nature and applies retroactively to any initiative or referendum process commenced after June 1, 2011, and any such initiative or referendum process commenced or completed thereafter is deemed null and void and of no legal force and effect.”</p>	<p>Exclude comprehensive plan amendments and map amendments from ordinance by referendum.</p>

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<p>§4.07 “Upon the recommendation of the city manager, a deputy city manager may be appointed by resolution of the city commission. Assistant city managers and all other professional managerial and administrative employees in the office of the city manager shall be appointed by the city manager. The deputy city manager, assistant city managers and all other professional managerial and administrative employees in the office of the city manager shall be in the exempt service and may be suspended, demoted or removed by the city manager. The compensation of such members of the city manager's staff who are in the exempt service shall be established by the provisions of the city's pay plan.”</p>	<p>“Exempt” can be confused with “exempt” from the Fair Labor Standards Act (minimum wage/maximum hours).</p>	<p>Change “exempt” to “nonclassified.”</p>
<p>§10.03 Notice of public hearings must be “published once a week for two (2) consecutive weeks in the official newspaper of the city, with the first publication at least twelve (12) days before date of such public hearing or time for filing bids, and second publication seven (7) days after the first publication.”</p>	<p>§286.011(1), Fla. Stat. (Government in the Sunshine Law) “The board or commission must provide reasonable notice of all such meetings.”</p>	<p>Delete. If deleted, consider recommending that ordinances be included in Public Hearings on the City Commission Agenda. “The notice shall also advise that interested parties may appear at the meeting and be <i>heard</i> with respect to the proposed ordinance.” §166.041(3)(a), Fla. Stat.</p>

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~~Sec. 3.04. Judge of elections and qualifications of members.~~

~~The city commission shall be the judge of all municipal elections and referendums and of the qualifications of its members, subject to review by the courts. At the time that the city commission meets to canvass the results of any election, any registered elector of City of Fort Lauderdale shall be entitled to file with the city commission an affidavit setting out the facts showing that a candidate has violated the provisions of this charter as to the manner of his or her election, or is otherwise unqualified to hold office, and the city commission shall take proof at such meeting and declare the results.~~

Sec. 3.09. Organizational meeting.

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

Sec. 3.09. Organizational meeting.

On the date of the first regular city commission meeting after the certification of election results by the Broward County Canvassing Board, all newly elected officials shall take an oath of office and 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.~~

NOTE: This section becomes superfluous if Section 3.09 is amended as suggested by the previous CRB. (PGB)

Sec. 3.12. Special meetings—How called.

The mayor or the city manager, may call special meetings of the city commission upon at least ~~six (6) hours' written or e-mail notice~~ seventy-two hours' notice or, in the event of an emergency as determined by the mayor or the city manager, in consultation with the city attorney, at least twenty-four hours' notice to each member, the city manager,

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city auditor, city clerk, and city attorney, served personally, transmitted by e-mail, or left at his or her usual place of residence. The call notice shall state the general purpose of the meeting. ~~The regularity or validity of any proceedings, taken at any special meeting at which a majority of members of the city commission and city clerk is present, or where written waiver of call and consent in writing is filed, shall not be questioned on account of any omission or irregularity in calling such special meeting.~~

Sec. 3.12. Special meetings—How called.

The mayor or the city manager, may call special meetings of the city commission upon at least seventy-two hours' notice or, in the event of an emergency as determined by the mayor or the city manager, in consultation with the city attorney, at least twenty-four hours' notice to each member, the city manager, city auditor, city clerk, and city attorney, served personally, transmitted by e-mail, or left at his or her usual place of residence. The call notice shall state the general purpose of the meeting.

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

Any proposed ordinance, including ordinances for the repeal or amendment of the "Code of Ordinances of the City of Fort Lauderdale, Florida," then in effect, may be initiated, submitted and enacted in the following manner:

(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 apply to the city's budget or community investment plan, any amendment of the city's budget or community investment plan, or the salaries or benefits of elected officials, city officers, or employees. In addition, such power shall not apply to any ordinance 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 amending the charter.
- (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 apply to any ordinance 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 amending the charter.

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- (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"). 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.
- (ac) ~~A~~ The committee ~~Committee~~ of not less than one thousand (1,000) electors of the city shall prepare and sign a petition addressed to the City Commission of the City of Fort Lauderdale requesting that a ~~submit the proposed ordinance or the citation of the ordinance to be reconsidered, together with a proposed petition on a form provided by the city ("Petition"), to the city attorney, who shall have thirty (30) days from receipt to find whether the proposed ordinance and the proposed petition are legally sufficient~~ attached to the petition be enacted. Each signer of the petition must be an elector of the city and shall sign his or her name in ink and shall indicate his or her place of residence and voting precinct. The petition shall have attached the certificate of the supervisor of elections indicating whether each of the signers is a qualified elector of the city. Thereafter, such signers shall be referred to as the committee, and one (1) member shall be designated therein as chairman of the committee. The committee shall have the right to request In the event the city attorney finds that the ~~, in writing, to assist in the drafting of such proposed ordinance or the proposed petition is, or both, are legally insufficient, in proper form, and such the~~ city attorney shall inform the Committee of the circumstances of the level insufficiency, and the Committee shall have ~~draft the proposed ordinance in proper form within thirty (30) days from receipt of the city attorney's notice of legal insufficiency with which to redraft and resubmit the proposed ordinance or the proposed petition or both to the city attorney after being requested to do so by said committee in writing. He or she shall append to the drafted form of ordinance his or her opinion as to the legality of such proposed ordinance. The city attorney shall have thirty (30) days from receipt of the redrafted proposed ordinance or proposed petition or both within which to find the redrafted proposed ordinance or proposed petition or both legally sufficient or legally insufficient.~~
- (d) Following a finding by the city attorney that the proposed ordinance and Petition are legally sufficient, the city clerk may, at the Committee's request and expense, issue the appropriate Petition blanks to the Committee.
- (e) Petitions.
- (i) Number of signatures. Initiative Petitions must be signed by at least one (1) percent of the total number of electors registered to vote at the city's last regular municipal election. Referendum Petitions must be signed

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- by at least one (1) percent 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 (collectively, “Compliant Signature”). Throughout circulation, Petitions shall contain or have attached the full text of the ordinance proposed or sought to be reconsidered.
 - (iii) Qualifying deadline. Petitions must be filed with the city clerk or the city clerk’s designee within 180 days of the date of the city attorney’s finding that the proposed ordinance and Petition are legally sufficient.
- (f) Procedure for filing of Petitions.
- (i) Certificate of Supervisor of Elections. Upon the Committee’s payment to the Broward County Supervisor of Elections (“Supervisor”) of the cost of signature verification established by the Supervisor (“Supervisor Verification Cost”), the Supervisor shall complete a certificate as to compliance with the provision of subsection (e) of this Section (“Certificate”). If insufficient, the Certificate shall specify the particulars of the deficiency. A copy of the Certificate shall be sent promptly to the Committee and the city clerk by electronic means with electronic verification of receipt.
 - (ii) Amendment. A Petition certified insufficient because it lacks the required number of Compliant Signatures may be supplemented by the filing of additional Compliant Signatures within fifteen (15) days from the date of the Certificate (“Supplementary Petition”) and upon the Committee’s payment to the Supervisor of any additional Signature Verification Cost. The Supervisor shall complete a Certificate as to the sufficiency of the Petition as amended by the Supplementary Petition (“Amended Petition”) and promptly forward a copy of the Certificate to the Committee and the city clerk by electronic means with electronic verification of receipt.
 - (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.
- ~~(b) Such signed petition and proposed ordinance and the opinion of the city attorney shall be presented by the committee to the city commission at a~~

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~~regular meeting, after sixty (60) days prior notice to the city manager that such matter will be presented at such meeting. An opportunity shall be given for proponents and opponents of the proposed ordinance to be heard. At such meetings the city commission shall take definite action upon the ordinance by rejecting same, failing to take action upon same, passing same in prepared form upon first reading or passing same in amended form upon first reading. If passed on first reading in an amended form, the chairman of the committee shall state in open meeting whether the committee accepts or rejects the ordinance, as amended, and the decision of the chairman shall be binding upon the committee. If the committee accepts the amended ordinance, as aforesaid, or if the city commission accepts the proposed ordinance, same shall be placed upon its first reading at such meeting, upon the second reading at the next regular meeting. If the proposed ordinance is passed upon first reading, or if the proposed ordinance is amended and passed upon first reading, and such amended ordinance is accepted and approved by the chairman of the committee, it shall be the duty of the city commission to pass such ordinance, and to continue reading such ordinance upon progressive readings at each regular meeting of the city commission until such ordinance is duly enacted.~~

(eg) ~~If the city commission should:~~Action on Petitions.

(1i) ~~Reject the proposed ordinance; or~~ Action by city commission. Upon receipt of a Certificate determining a Petition is sufficient, the city commission shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance. If the city commission fails to adopt a proposed initiative ordinance without any change in substance within forty-five (45) days or fails to repeal the referred ordinance within thirty (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.

(2ii) ~~Fail to take action upon said proposed ordinance; or~~ Submission to electors. The vote of the electorate on a proposed or referred ordinance shall be held in conjunction with the city's next regular municipal election unless the Committee elects an earlier vote of the electorate, either in conjunction with an earlier available Broward County election, or by mail ballot election, provided that the Committee shall prepay the cost of a vote of the electorate that is held earlier than the city's next regular municipal election.

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- ~~(3iii) Pass the ordinance in an amended form not acceptable to the committee; or Withdrawal of petitions. A Petition may be withdrawn at any time prior to the fifteenth (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.~~
 - ~~(4) Fail to pass the proposed ordinance upon first and second reading; or~~
 - ~~(5) Fail to pass an amended ordinance, acceptable to the committee, upon successive meetings; or~~
 - ~~(6) Do any act to delay passage of such ordinance; the chairman of the committee shall have the right to demand in writing that an election upon the matter of enactment of the proposed ordinance, or amended ordinance which has been accepted or approved by the committee, be held in the manner provided in section 3.18 of this charter, and at such meetings at which such demand in writing is presented, the said city commission shall take action either calling such election or refusing to call such election, and the failure to call such election shall constitute a refusal.~~
- (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 qualified electors voting on a referred ordinance vote for its repeal, it shall be considered repealed upon certification of the election results.

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

Any proposed ordinance, including ordinances for the repeal or amendment of the "Code of Ordinances of the City of Fort Lauderdale, Florida," then in effect, may be initiated, submitted and enacted in the following manner:

- (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

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adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election. Such power shall not apply to the city's budget or community investment plan, any amendment of the city's budget or community investment plan, or the salaries or benefits of elected officials, city officers, or employees. In addition, such power shall not apply to any ordinance 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 amending the charter.

- (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 apply to any ordinance 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 amending the charter.
- (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"). 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.
- (c) The Committee shall submit the proposed ordinance or the citation of the ordinance to be reconsidered, together with a proposed petition on a form provided by the city ("Petition"), to the city attorney, who shall have thirty (30) days from receipt to find whether the proposed ordinance and the proposed petition are legally sufficient. In the event the city attorney finds that the proposed ordinance or the proposed petition is, or both, are legally insufficient, the city attorney shall inform the Committee of the circumstances of the level insufficiency, and the Committee shall have thirty (30) days from receipt of the city attorney's notice of legal insufficiency with which to redraft and resubmit the proposed ordinance or the proposed petition or both to the city attorney. The city attorney shall have thirty (30) days from receipt of the redrafted proposed ordinance or proposed petition or both within which to find the redrafted proposed ordinance or proposed petition or both legally sufficient or legally insufficient.
- (d) Following a finding by the city attorney that the proposed ordinance and Petition are legally sufficient, the city clerk may, at the Committee's request and expense, issue the appropriate Petition blanks to the Committee.

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- (e) Petitions.
 - (i) Number of signatures. Initiative Petitions must be signed by at least one (1) percent of the total number of electors registered to vote at the city’s last regular municipal election. Referendum Petitions must be signed by at least one (1) percent 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 (collectively, “Compliant Signature”). Throughout circulation, Petitions shall contain or have attached the full text of the ordinance proposed or sought to be reconsidered.
 - (iii) Qualifying deadline. Petitions must be filed with the city clerk or the city clerk’s designee within 180 days of the date of the city attorney’s finding that the proposed ordinance and Petition are legally sufficient.
- (f) Procedure for filing of Petitions.
 - (i) Certificate of Supervisor of Elections. Upon the Committee’s payment to the Broward County Supervisor of Elections (“Supervisor”) of the cost of signature verification established by the Supervisor (“Supervisor Verification Cost”), the Supervisor shall complete a certificate as to compliance with the provision of subsection (e) of this Section (“Certificate”). If insufficient, the Certificate shall specify the particulars of the deficiency. A copy of the Certificate shall be sent promptly to the Committee and the city clerk by electronic means with electronic verification of receipt.
 - (ii) Amendment. A Petition certified insufficient because it lacks the required number of Compliant Signatures may be supplemented by the filing of additional Compliant Signatures within fifteen (15) days from the date of the Certificate (“Supplementary Petition”) and upon the Committee’s payment to the Supervisor of any additional Signature Verification Cost. The Supervisor shall complete a Certificate as to the sufficiency of the Petition as amended by the Supplementary Petition (“Amended Petition”) and promptly forward a copy of the Certificate to the Committee and the city clerk by electronic means with electronic verification of receipt.
 - (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

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Amended Petition is certified insufficient, the city clerk shall promptly present the Certificate to the city commission.

(g) Action on Petitions.

- (i) Action by city commission. Upon receipt of a Certificate determining a Petition is sufficient, the city commission shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance. If the city commission fails to adopt a proposed initiative ordinance without any change in substance within forty-five (45) days or fails to repeal the referred ordinance within thirty (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 in conjunction with the city's next regular municipal election unless the Committee elects an earlier vote of the electorate, either in conjunction with an earlier available Broward County election, or by mail ballot election, provided that the Committee shall prepay the cost of a vote of the electorate that is held earlier than the city's next regular municipal election.
- (iii) Withdrawal of petitions. A Petition may be withdrawn at any time prior to the fifteenth (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 qualified electors voting on a referred ordinance vote for its repeal, it shall be considered repealed upon certification of the election results.

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NOTE: The highlighted areas reflect additional revisions made since the language was drafted by the CRB in 2024.

Sec. 3.17. Commission required to take action.

~~If the certificate of the clerk, so submitted, shows that fifteen (15) percent of the registered electors of the city signed such petition and have not requested that their signatures be stricken or deleted, then it shall be the mandatory duty of the city commission at such meeting at which the clerk's certificate is presented to enact the ordinance in final form, or call an election for the purpose of submitting such proposed ordinance to the votes of the electorate.~~

NOTE: This section becomes moot if consolidated with Section 3.15, as suggested by the previous CRB. (PGB)

Sec. 3.20. Referendum elections.

~~Any existing ordinance of the City of Fort Lauderdale, or any section or related sections of the "Code of Ordinances of the City of Fort Lauderdale," including ordinances approved by the electorate, may be repealed or amended, and any intended sale or lease of public property may be approved or rejected by a majority of the electors voting at a referendum election, when such matter is submitted to a referendum by the city commission, upon its own motion or as a result of initiative proceedings. In case of initiative proceedings, when the necessary requirements have been met, and proper petitions bearing the signatures of fifteen (15) percent of the registered electors have been filed, the city commission shall pass a resolution calling for a referendum election to be held under the same procedure as provided in section 3.18 and section 3.19 of this charter.~~

NOTE: This section becomes moot if consolidated with Section 3.15, as suggested by the previous CRB. (PGB)

Sec. 4.07. Assistants to the city manager.

Upon the recommendation of the city manager, a deputy city manager may be appointed by resolution of the city commission. Assistant city managers and all other professional managerial and administrative employees in the office of the city manager shall be appointed by the city manager. The deputy city manager, assistant city managers and all other professional managerial and administrative employees in the office of the city manager shall be in the ~~exempt~~ nonclassified service and may be suspended, demoted or removed by the city manager. The compensation of such members of the city

CONFLICT CHART – PROPOSED REVISIONS

manager's staff who are in the ~~exempt~~ nonclassified service shall be established by the provisions of the city's pay plan.

Sec. 4.07. Assistants to the city manager.

Upon the recommendation of the city manager, a deputy city manager may be appointed by resolution of the city commission. Assistant city managers and all other professional managerial and administrative employees in the office of the city manager shall be appointed by the city manager. The deputy city manager, assistant city managers and all other professional managerial and administrative employees in the office of the city manager shall be in the nonclassified service and may be suspended, demoted or removed by the city manager. The compensation of such members of the city manager's staff who are in the nonclassified service shall be established by the provisions of the city's pay plan.

~~Sec. 10.03. Public hearings and public notice.~~

~~Unless otherwise specified herein a notice of public hearing before the city commission, a notice for invitation for bids, a notice to materialmen, and other types of notice required to be published, shall be published once a week for two (2) consecutive weeks in the official newspaper of the city, with the first publication at least twelve (12) days before date of such public hearing or time for filing bids, and second publication seven (7) days after the first publication. Provided, however, that the giving of notice in connection with the purchase of supplies, equipment and material needed in connection with the ordinary operation of the city, and not primarily used in connection with new public construction, shall be governed by the requirements pertaining to the department of purchases as provided in the "Code of Ordinances of City of Fort Lauderdale."~~

Memorandum No: 23-013

City Attorney's Office

To: Honorable Mayor and Commissioners

From: D'Wayne M. Spence, Interim City Attorney

Date: February 22, 2023

Re: **REVISED-** List of Charter Sections Suggested for Revision

Pursuant to your request, the following is former City Attorney Alain E. Boileau's list of Charter sections that should be addressed:

- Section. 4.06 - Acting city manager upon resignation of or during absence or disability of city manager. *The current requirements of this charter section are deem impractical and are not followed.*
- Section 10.03 - Public hearings and public notice. *The notice requirement for public meetings should be revised to be consistent with state law.*
- Section 3.12 - Special meetings-How called. *The notice requirements for special meetings should be revised to be consistent with state law. (i.e., 6 hours insufficient under state law)*
- Section 3.03 - Qualification of members; forfeiture of office. *Commissioner Glassman requested that the minimum age of eligibility to hold the office of city commissioner to be reduced from the age of 21 years.*
- Sections 3.08 - Forfeiture of office and 6.06 - City commission involvement prohibited. *The sections are inconsistent as Section 3.08 provides that if a city commissioner violates Section 6.06, she or he "shall forfeit" his or her office, while Section 6.06 only provides for the possibility of removal from office.*
- Section 7.16 - Election; tie vote; primary election to fill one vacancy. *Clean-up item to remove the reference to primary elections.*
- Article VU. **VIII** - Public Property. *The notice requirement for the sale or leases of public land should be consistent with state law.*

Please note that the Charter Revision Board has requested that our office provide a list of sections that are inconsistent with current law. That list is presently being compiled and will be provided to the board at a later date.

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

To be eligible to hold the office of mayor of the City of Fort Lauderdale, or to qualify for nomination or election as such, ~~a~~ the 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, the election, shall continuously reside in the City of Fort Lauderdale, and shall be a resident of the State of Florida and 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 duly qualified to vote at city, state and national elections; shall be over the age of twenty-one (21) years; shall be otherwise qualified for such office as provided in this charter provided;~~ shall hold no other public elective office; ~~and shall not be an officer, employee, or serving any capacity with in the city government of the City of Fort Lauderdale at the time of filing a candidate oath in accordance with section 7.14 of this charter, except that a city commissioner serving may qualify for election to the office of mayor, and the mayor may qualify for reelection subject to section 3.02 of this charter, and shall reside continuously as a permanent resident of the City of Fort Lauderdale during the term of office.~~ Candidates for nomination or election as mayor shall comply with all the rules and regulations set forth ~~out~~ in the 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 of the City of Fort Lauderdale, or to qualify for nomination or election as such, ~~the~~ a candidate shall have resided continuously in the City of Fort Lauderdale as a permanent resident of the city commission district for which such candidate seeks office for at least six (6) months immediately preceding the date of qualification the election for such office, except that in any year in which there has been a reestablishment of city commission districts (a "Reestablishment"), and shall reside in the commission district from which he or she seeks election on the day he or she qualifies as a candidate for that the office of city commission whose permanent residence in the City of Fort Lauderdale is in a different city commission district as a result of the Reestablishment may seek office as a city commissioner in the city commission district of his or her permanent residence that results from the Reestablishment; ~~shall continuously reside in that district and shall be a resident of the State of Florida, and a citizen of the United States of America; shall be duly qualified to vote at city, state and national elections; shall be over the age of twenty-one (21) years; and shall be otherwise qualified as in this charter provided; shall hold no other public elective office; and shall not be an officer, employee or serving in any capacity with the city government, In addition, to be eligible to hold the office of city commission, a candidate 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, except that a city commissioner serving~~

MEMO 23-013 – PROPOSED REVISIONS

may qualify for reelection subject to section 3.02 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 ~~nomination or election for the office of~~ as city commissioner shall comply with all the rules and regulations set ~~out~~ forth in the charter as to their conduct. Any candidate for city commission or any city commissioner who shall cease to possess the qualifications required herein shall forthwith forfeit his or her office or candidacy.

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 any capacity in the city government of the City of Fort Lauderdale at the time of filing a candidate oath in accordance with section 7.14 of this charter, except that a city commissioner may qualify for election to the office of mayor, and the mayor may qualify for reelection subject to section 3.02 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 the rules and regulations set forth in the 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 as a permanent resident of the city commission district for which such candidate seeks office for at least six (6) months immediately preceding the date of qualification for such office, except that in any year in which there has been a reestablishment of city commission districts (a "Reestablishment"), a candidate for the office of city commission whose permanent residence in the City of Fort Lauderdale is in a different city commission district as a result of the Reestablishment may seek office as a city commissioner in the city commission district of his or her permanent residence that results from the Reestablishment. In addition, to be eligible to hold the office of city commission, a candidate 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, except that a city commissioner may qualify for reelection subject to section 3.02 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 city commissioner shall comply with all the rules and

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regulations set forth in the charter as to their conduct. Any candidate for city commission or any city commissioner who shall cease to possess the qualifications required herein shall forthwith forfeit his or her office or candidacy.

Sec. 3.08. Forfeiture of office.

Absence by any commissioner from four (4) consecutive regular meetings of the city commission shall operate to vacate the seat of such member, unless such absence is excused by the city commission, by formal action duly entered upon the minutes. ~~Any member of the city commission who shall, while in office, be convicted of a felony, shall thereupon forfeit his or her office, notwithstanding any appeal or right of appeal he or she may take or have subsequent to such conviction.~~ Any member of the city commission who shall violate the provisions of article VI, section 6.06 of this charter shall forfeit his or her office.

Sec. 3.08. Forfeiture of office.

Absence by any commissioner from four (4) consecutive regular meetings of the city commission shall operate to vacate the seat of such member, unless such absence is excused by the city commission, by formal action duly entered upon the minutes. Any member of the city commission who shall violate the provisions of article VI, section 6.06 of this charter shall forfeit his or her office.

Sec. 4.06. Acting city manager upon resignation of or during absence ~~or disability~~ of city manager.

Upon the resignation of ~~or during the absence or disability~~ of the city manager, the city commission may by resolution designate some properly qualified person, ~~either classified or exempt service,~~ to temporarily ~~execute~~ exercise the ~~functions~~ powers and duties of his or her office the city manager. During the absence of the city manager, the city manager may designate the deputy city manager or an assistant city manager to temporarily exercise the powers and duties of the city manager. The person thus designated shall ~~have the same powers and duties as the city manager, and shall be known while service as "acting city manager."~~

Sec. 4.06. Acting city manager upon resignation of or during absence of city manager.

Upon the resignation of the city manager, the city commission may by resolution designate some properly qualified person to temporarily exercise the powers and duties of the city manager. During the absence of the city manager, the city manager may designate the deputy city manager or an assistant city manager to temporarily exercise the powers and duties of the city manager. The person thus designated shall be known as "acting city manager."

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Sec. 6.06. City commission involvement prohibited.

Neither the city commission, any of its committees, nor any of its members, individually or collectively, shall direct the appointment of any person to, or removal from, office by the city manager or any of the manager's subordinates, or in any manner, directly or indirectly, take part in the appointment or removal of any officer or employee in the classified or nonclassified service of the city except as provided in section 6.02 of this article. All inquiry dealing with any portion of the classified or nonclassified service of the city shall be with the city manager, except with regard to assistant city clerks, assistant city auditors, and except with regard to commission assistants, neither the city commission nor any member thereof shall give any orders to any subordinate or officer of the city, either publicly or privately, directly or indirectly. Any violation of the provisions of this section by a member of the city commission shall ~~be grounds for removal from~~ result in forfeiture of his or her office.

Sec. 6.06. City commission involvement prohibited.

Neither the city commission, any of its committees, nor any of its members, individually or collectively, shall direct the appointment of any person to, or removal from, office by the city manager or any of the manager's subordinates, or in any manner, directly or indirectly, take part in the appointment or removal of any officer or employee in the classified or nonclassified service of the city except as provided in section 6.02 of this article. All inquiry dealing with any portion of the classified or nonclassified service of the city shall be with the city manager, except with regard to assistant city clerks, assistant city auditors, and except with regard to commission assistants, neither the city commission nor any member thereof shall give any orders to any subordinate or officer of the city, either publicly or privately, directly or indirectly. Any violation of the provisions of this section by a member of the city commission shall result in forfeiture of his or her office.

Sec. 7.16. Election; tie vote; ~~primary election to fill one vacancy.~~

At the regular or special municipal election, the candidates for each office who shall receive the greatest number of votes for that office at such regular or special municipal election, shall be declared elected. A tie between two (2) candidates for the office of mayor or city commissioner shall be decided by lot to be conducted by the city attorney. ~~If in a municipal primary election a candidate shall receive a majority of valid votes cast for that office, such candidate shall be declared elected without the holding of a regular municipal election.~~

Sec. 7.16. Election; tie vote.

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At the regular or special municipal election, the candidates for each office who shall receive the greatest number of votes for that office at such regular or special municipal election, shall be declared elected. A tie between two (2) candidates for the office of mayor or city commissioner shall be decided by lot to be conducted by the city attorney.

Sections 8.02, 8.04 & 8.09 – Proposed Revisions

Sec. 8.02. - Sale or lease of city public lands ~~and of public property~~ to public bodies.

~~The City of Fort Lauderdale is hereby authorized and empowered, upon adoption of a resolution by the affirmative vote of at least four commissioners, to enter into contracts with and to sell, lease, alienate, exchange, give, grant, or otherwise convey to the United States of America or any of its departments or agencies, to the State of Florida or any of its counties, districts, subdivisions, municipalities, or agencies, or to any other public body, any public places or any public property, real or personal, now owned by said the City of Fort Lauderdale or hereafter acquired, or allow any such public body to make improvements on any property owned by the City, to be used by such public body or agency for a public purpose, to wit, an activity that is essential to the health, morals, safety, or general welfare of the City, as determined by the city commission. When a sale, lease, or other conveyance to a public body generates any benefit to a private party, the public purpose of such sale, lease, or other conveyance shall be paramount, and any benefit to a private party shall be incidental. or make improvements upon public property used for a public purpose, under the following conditions, to wit:~~

- ~~(a) The city commission shall first adopt a resolution determining and declaring its intention to sell, alienate, give, exchange, grant, or convey certain public property to a designated public body, or make improvement to public property, and such resolution shall particularly describe the public lands, public property, improvements or places intended to be conveyed or improved, the purchase price to be paid, if any, the public purpose for which such land or such property will be used by the grantee, and other details of the sale, and designate a day not less than thirty (30) days after the adoption of such resolution, on which a public hearing will be had before the city commission upon such proposal.~~
- ~~(b) If any public property intended to be sold, alienated, given away, granted or conveyed to any other public body is encumbered by any bonds or obligation for which such property or the revenue derived therefrom is specially pledged, provision must be made in the proposal and plan to simultaneously discharge and pay the obligations for payment of which such lands or revenues derived therefrom are specially pledged.~~
- ~~(c) Such resolution shall be published in full in two (2) issues of a newspaper published in said city with the first publication not less than ten (10) days before such public hearing and the second publication one (1) week after the first publication.~~
- ~~(d) At the time designated for a public hearing, the terms of the proposal and the use of the property shall be explained to the public and opportunity given for citizens and taxpayers to be heard upon such proposal.~~

- (e) ~~At such meetings, or any designated adjourned meeting, the city commission shall pass another resolution either confirming or repealing the resolution previously adopted, or confirming the previous resolution with amendments or additions. If the previous resolution is confirmed in its original form, or with amendments or additions, such confirming resolution shall direct the proper city officials to execute and deliver deed of conveyance under the terms and conditions set out in the resolution as confirmed.~~
- (f) ~~The provisions of this section to the contrary notwithstanding, the city may sell (for fair market value) or trade (for like value) surplus stock of supplies or equipment belonging to the city to another governmental entity by any procedure as may be established under the "Purchasing Ordinance of the City of Fort Lauderdale" [Code ch. 2, art. V, div. 2].~~

Sec. 8.02. - Sale or lease of city property to public bodies.

The City is hereby authorized and empowered, upon adoption of a resolution by the affirmative vote of at least four commissioners, to sell, lease, or otherwise convey to the United States of America or any of its departments or agencies, to the State of Florida or any of its counties, districts, subdivisions, municipalities, or agencies, or to any other public body, any property, real or personal, now owned by the City or hereafter acquired, or allow any such public body to make improvements on any property owned by the City, for a public purpose, to wit, an activity that is essential to the health, morals, safety, or general welfare of the City, as determined by the city commission. When a sale, lease, or other conveyance to a public body generates any benefit to a private party, the public purpose of such sale, lease, or other conveyance shall be paramount, and any benefit to a private party shall be incidental.

Sec. 8.04. - Sale of real property to private ~~parties~~persons, firms or corporations.

Except as provided in Section 8.21, the City of Fort Lauderdale is hereby authorized and empowered to sell any public lands and improvements thereon real property owned by the, title to which is vested in City of Fort Lauderdale, to any private party, or exchange, deed, or convey any real property owned by the City in consummating a transaction whereby the City acquires property needed in connection with a public improvement or a public use, as provided by ordinance and consistent with applicable law, subject to the following, person, firm or corporation (other than a public body) under the following conditions, to-wit:

- (a) ~~Resolution declaring property not needed for public use.~~ The city commission shall adopt a resolution at a regular meeting of the city commission particularly describing the land by metes and bounds, reference to a recorded plat or government survey, its location by street

~~number, if any there be, a description of all improvements located upon the land, and shall declare how said land has been used since same has belonged to the city, why it is desirable to sell same, and that the city does declare and determine that it is for the best interests of the city that such lands and facilities be sold. The resolution declaring that such lands be sold shall state whether the sale shall be made for cash or terms. Where the value of the land is determined by the city commission to be less than ten thousand dollars (\$10,000.00), the sale shall be for cash. Where the value of the land is determined by the city commission to exceed ten thousand dollars (\$10,000.00), the city commission may sell same for twenty five (25) percent cash and the balance upon terms, with installments due yearly, not exceeding ten (10) years, with interest to be determined by the city commission. The city shall sell, without competitive bidding, to the party making the best offer, but the city may reject any and all offers at any time. Offers shall be accompanied by cashier's checks or certified checks payable to the city in an amount equal to at least ten (10) percent of the offer. In no event shall the sale be for less than seventy five (75) percent of the appraised value of the property as determined by the city commission. The approval of any sale, exchange, or conveyance of improved or unimproved real property shall be pursuant to a resolution containing a finding that such sale, exchange, or conveyance would be in the City's best interest adopted by the affirmative vote of at least four commissioners.~~

- (b) ~~Notice; offers. Within seven (7) days after the adoption of the resolution, it shall be published by the city in one (1) issue of the official newspaper. Offers shall be accompanied by cashier's checks or certified checks payable to the city in an amount equal to at least ten (10) percent of the offer. ———~~
- (c) ~~Protests. During the period intervening between the adoption of the resolution and the date of sale, taxpayers and registered electors of the city may protest or object to the sale, or propose other public uses for the said property, and the city commission may rescind its former action and repeal the resolution declaring the property should be sold, if it deems same expedient and proper.~~
- (d) ~~Authority to sell; cemetery lots excepted. Subject to the foregoing provisions, City of Fort Lauderdale is hereby empowered to sell and dispose of any lands, improvements, public buildings, recreational parks and other lands now owned or hereafter acquired by said city, and in the deed of conveyance may place such conditions, limitations and restrictions on the use of such property by the purchasers as to the city commission shall seem proper. The above restrictions as to sale of public property shall not apply to sale of municipal cemetery lots, which are subject to rules and regulations governing same.~~

- (e) ~~Resolution accepting offer and authorizing conveyance. At any regular meeting after publication of the resolution as heretofore provided in paragraph (b), the city commission may adopt a resolution accepting the best offer and authorizing the execution of a deed of conveyance; provided that if such property is encumbered by any bonds or obligations for which such property or the revenue derived therefrom is specially pledged, the purchase price must be sufficient to pay and discharge such bonds or obligations according to the terms thereof.~~
- (f) ~~Notwithstanding the provisions of this section or other provisions of this article City of Fort Lauderdale shall have the right to exchange, deed or convey portions of publicly owned lands, or grant concessions, leases or rights therein to private persons, in consummating a transaction whereby City of Fort Lauderdale acquires property needed in connection with a public improvement or a public use.~~
- (g**b**) The City of Fort Lauderdale is hereby authorized to pay a real estate commission to any registered real estate broker, licensed to do business in the State of Florida, who negotiates and procures a purchaser or tenant for any real estate sold or leased by the City of Fort Lauderdale. Such real estate commission shall only be paid, however, on the consummation of such sale or lease, and the commission paid shall in each instance be determined by the city commission based upon what it believes to be a fair and equitable commission for the service to be rendered.

Sec. 8.04. - Sale of real property to private parties.

Except as provided in Section 8.21, the City is hereby authorized and empowered to sell any real property owned by the City to any private party, or exchange, deed, or convey any real property owned by the City in consummating a transaction whereby the City acquires property needed in connection with a public improvement or a public use, as provided by ordinance and consistent with applicable law, subject to the following, to-wit:

- (a) The approval of any sale, exchange, or conveyance of improved or unimproved real property shall be pursuant to a resolution containing a finding that such sale, exchange, or conveyance would be in the City's best interest adopted by the affirmative vote of at least four commissioners.
- (b) The City is hereby authorized to pay a real estate commission to any registered real estate broker, licensed to do business in the State of Florida, who negotiates and procures a purchaser or tenant for any real estate sold or leased by the City. Such real estate commission shall only be paid, however, on the consummation of such sale or lease, and the commission paid shall in each instance be determined by the city commission based

upon what it believes to be a fair and equitable commission for the service to be rendered.

Sec. 8.09. – Leases, licenses, concessions, and use agreements for more than one year and not more than fifty years.

The City is hereby empowered to lease enter into lease agreements, license agreements, or concession agreements, facility use agreements, or other types of use agreements, (each is an "Agreement"), with to private parties persons, firms or corporations, for a period of not more than fifty (50) years, including any renewals or extensions, for the nonpublic use of purposes, any improved or unimproved real lands, improvements, public buildings, recreational parks or facilities, golf courses, public beaches, public utility plants, or any public works or public property, of any kind including air space over such real public property, owned or operated by the City of Fort Lauderdale, and not needed for governmental City purposes, or in consummating a transaction whereby the City acquires property needed in connection with a public improvement or a public use, whether used in a governmental or in a proprietary capacity, for a period of not more than fifty (50) years, plus such length of time, not to exceed five (5) years, determined by the city commission to be reasonably necessary to complete construction of the improvements proposed for the demised premises by such Agreements having a duration exceeding one year shall be pursuant to a resolution adopted by the affirmative vote of at least four commissioners containing a finding, based on a fair market value analysis of the property and an evaluation of the qualifications of the private party prepared by a qualified independent consultant hired by the City at the private party's expense, that such use of the property would be in the City's best interest persons, firms or corporations. In addition, included in the city commission's consideration of any Agreement that has a duration exceeding ten years, including any optional renewals or extensions, shall be the consideration of an accompanying business viability report prepared by a qualified independent consultant hired by the City at the private party's expense. Each Agreement shall contain a provision that the Agreement may not be assigned except upon the affirmative vote of at least four commissioners. Each lease shall be authorized only after public hearing, under authority of a resolution duly adopted at a meeting duly held at a designated adjourned meeting, under the following conditions, to wit:

- (a) One (1) of the conditions for leasing such public property may be obligations of the lessee to construct thereon buildings or improvements to be used in connection with an existing facility, or to construct improvements on said property, if same is vacant, and in a manner not detrimental or harmful to the operation of the proposed facility. In no event shall the fee title of the city be subordinated except upon terms and conditions as approved by the city commission.
- (b) The city commission shall adopt a resolution at a regular meeting of the city commission specifying the facility to be leased, described by metes and

~~bounds, or by reference to a recorded plat, if any, and giving its location by street number, if any, and a description of all improvements located upon the land, and shall declare how said land and improvements have been used since same have belonged to the city and the reasons for offering such land and improvements for lease.~~

- ~~(c) At any time, not less than thirty (30) days nor more than sixty (60) days, after the adoption of such resolution the land and improvements shall be offered upon competitive conditions for lease as desired and a notice shall be published by the city in the official newspaper for two (2) issues prior to the date set for receiving such bids for lease, with the first publication not less than ten (10) days before said date of receiving bids and the second publication one (1) week after the first, on which date sealed bids shall be received by the city commission for the lease of said publicly owned lands and facilities. The sealed bids must be accompanied by cash, cashier's check or certified check payable to the city in an amount equal to at least ten (10) percent of the first year's rental. The city commission, in offering such public property or public owned facility for lease, shall set out in said resolution and notice such terms and conditions as deemed pertinent under which said facility will be leased and the number of years for which said facility shall be leased. The city commission shall consider any and all proposals and accept the proposal which, in its judgment, shall be the most advantageous lease for the city; but the city commission may reject any and all bids. Upon the city commission approving any proposal submitted as provided herein, said proposal shall be accepted by resolution duly adopted, authorizing preparation of the lease, provided a valid referendum petition has not been filed. If before the day advertised for receiving bids for lease of such property, a referendum petition is filed with the city clerk signed by fifteen (15) percent of the registered voters, demanding a referendum election upon the question of leasing such property, no lease shall be executed by the officials of the city until after approved by a majority of the voters participating in such referendum election. Such referendum election shall be called and held as provided in this charter.~~
- ~~(d) The resolution accepting the bid shall require the preparation of a form of lease for execution, embodying the terms and conditions of the bid and other legal requirements, for submission to the commission at its next regular meeting or at a designated meeting. At least three (3) days before the meeting date, the lease shall be posted on a public bulletin board by the city clerk and each commissioner shall be given a copy of the lease with a covering summary letter, providing, however, that in case of emergency, such procedure may be waived by the affirmative vote of three (3) of the commissioners. The city attorney or city manager shall be required to give a summary of the lease to the public at such meeting which shall be open to the public. Citizens and taxpayers shall have an opportunity to object to the terms and conditions of such lease. If the commission is satisfied with the terms and conditions of such lease, it shall pass a resolution authorizing~~

~~execution of such lease by the proper officials of the city, upon compliance upon the part of the lessee. Amendment to such lease may be made from time to time by mutual consent, observing the same formality as in the original lease.~~

Sec. 8.09. – Leases, licenses, concessions, and use agreements for more than one year and not more than fifty years.

The City is hereby empowered to enter into lease agreements, license agreements, concession agreements, facility use agreements, or other types of use agreements, (each is an “Agreement”), with private parties, for a period of not more than fifty (50) years, including any renewals or extensions, for the use of any improved or unimproved real property, including air space over such real property, owned by the City, and not needed for City purposes, or in consummating a transaction whereby the City acquires property needed in connection with a public improvement or a public use. Agreements having a duration exceeding one year shall be pursuant to a resolution adopted by the affirmative vote of at least four commissioners containing a finding, based on a fair market value analysis of the property and an evaluation of the qualifications of the private party prepared by a qualified independent consultant hired by the City at the private party’s expense, that such use of the property would be in the City’s best interest. In addition, included in the city commission’s consideration of any Agreement that has a duration exceeding ten years, including any optional renewals or extensions, shall be the consideration of an accompanying business viability report prepared by a qualified independent consultant hired by the City at the private party’s expense. Each Agreement shall contain a provision that the Agreement may not be assigned except upon the affirmative vote of at least four commissioners.



CITY OF FORT LAUDERDALE

1st DRAFT
MEETING MINUTES
CITY OF FORT LAUDERDALE
CHARTER REVISION BOARD
101 NE 3RD AVENUE, TOWER 101
SUITE 1100 – 11TH FLOOR CONFERENCE ROOM
FORT LAUDERDALE, FLORIDA 33301
THURSDAY, May 1, 2025 – 5:30 P.M.

Cumulative Attendance
January-December 2025

Richard Weiss, Chair	P	5	0
Mary Peloquin, Vice Chair	P	5	0
Daniel McCawley	P	4	1
Nadine Hankerson	P	3	0
Michael Albetta	P	5	0

Staff

- Patrick Reilly, City Auditor
- Anthony Fajardo, Assistant City Manager
- Paul Bangel, Senior Assistant City Attorney
- Gabriel Bush, Senior Assistant City Attorney
- Ashley Doussard, Director, Strategic Communications
- Junia Robinson, Asst Neighbor Support Mgr., Charter Board Liaison
- Karen Cruitt, Prototype, Recording Secretary

Guests

- Jim Concannon, CFLCA
- Marilyn Mammano, Fort Lauderdale Tomorrow

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

The meeting was called to order at 5:30 p.m.

The Pledge of Allegiance was then recited.

II. ROLL CALL/DETERMINATION OF QUORUM

Attendance was noted as listed above. A quorum was confirmed.

III. APPROVAL OF APRIL 3RD MEETING MINUTES

Motion made by Vice Chair Peloquin, seconded by Mr. Albetta, to approve the minutes of the April 3, 2025 meeting. In a voice vote, the motion passed unanimously.

IV. UPDATE CHARTER REVIEW BOARD PUBLIC OUTREACH - ASHLEY DOUSSARD, DIRECTOR STRATEGIC COMMUNICATIONS

Ms. Doussard initiated a discussion concerning the Board's approach to identifying and addressing potential Charter revisions contrasting the current Board's situation with that of the previous Board, and observing that prior members frequently arrived with specific agendas or concerns stemming from past events, which propelled the changes previously submitted to the City Commission. The question arose regarding how to identify areas requiring review or modification when members might lack specific issues they aim to resolve, beyond general improvement objectives or directives from the City Commission to examine certain sections.

The possibility of having City Attorney's staff review past controversial land sale votes was suggested, with the YMCA transaction cited as an instance, to comprehend their structure and consequences, noting that excessive, substantial Charter changes could impede beneficial projects. A preference for the current Board's operational style was noted.

Proactive community outreach was advocated for with a proposal that the Board should engage directly with residents within their districts, rather than solely relying on residents attending Board meetings. A recommendation was made to organize public forums across different districts to collect input directly.

The outreach concept was endorsed stressing the importance of educating the community about the Charter, particularly concerning recent changes specifically within the last five years which impacted issues such as land use.

A hybrid strategy was then introduced, i.e., deploying the survey, conducting outreach to amass broader feedback as suggested, continuing the Board's "heavy lifting" of reviewing Charter sections facilitating better explanation, and evaluating the political viability of proposed changes for City Commission approval.

Chair Weiss then invited public comment on the current discussion.

Marilyn Mammano, Fort Lauderdale Tomorrow stated her organization champions "public lands for public purpose" and expressed satisfaction with the previous Board's efforts in defining public purpose and addressing loopholes related to leases, licenses, and concessions. She pledged strong community backing for discussions on public land, citing the ongoing YMCA lease agreement before the City Commission as an example of effectively alienating public land, further underscoring the significance of process and proposing that sales should necessitate a unanimous Commission vote.

Jim Concannon suggested utilizing the prior Board's work as a foundational baseline for community outreach efforts, presenting it to the public for feedback.

A consensus developed in favor of direct community outreach. Ms. Doussard confirmed that direct outreach is effective and offered staff assistance in developing simplified informational handouts derived from Charter language for Board members' use. The Board then resolved to pilot this outreach method, commencing with the topic of public lands, and including a strategy for coordinating with the Council of Fort Lauderdale Civic Associations and its district representatives to arrange meetings. A proposal was made to leverage the Council of Civic Associations' website and meetings as well as inviting the Council of Civic Association President, Bill Brown, to a subsequent Charter Review Board meeting.

Discussion continued regarding experiences from past district meetings, as well as consultant involvement and the requirement for staff support for logistical arrangements. It was noted that staff could provide assistance, contingent upon City Manager approval. The intended approach for the outreach will be to function as listening sessions, presenting information neutrally and gathering public input.

Specific feedback received on the draft survey was then reviewed. The Board agreed to incorporate introductory text explaining the current City Commission structure adding that the term "Commission Manager" will be employed, consistent with the Charter, rather than the generic "Council Manager." A question will be added soliciting residents' preferred public outreach methods and desired information.

Concerning the City Manager residency question, a proposal was made to offer options instead of an open-ended format, which the Board accepted. Options discussed and agreed upon for inclusion were: must live within city limits, must live within Broward County, and residency requirements are not needed.

The Board deferred discussion on the topic of residency requirements for department directors, which HR had requested be considered, to a future meeting.

It was agreed to include links to the City Charter and the CRB webpage on the survey/spotlight page. The CRB email address is listed on the webpage and is monitored ensuring that public comments received would be distributed to the Board.

Discussion briefly addressed the timing of outreach activities, including the potential to attend the Council of Civic Associations meeting scheduled for May 13th, dependent on coordination with its President, with a highlight on the importance of adopting a respectful approach primarily focused on listening and delivering brief presentations of 5 to 10 minutes.

**V. DISCUSSION ON REVISED LANGUAGE RELATED TO CITY PROPERTY –
SECTIONS 8.02, 8.04 AND 8.09
PAUL BANGEL, SENIOR ASSISTANT ATTORNEY**

The Board discussed and agreed that the City Attorney's Office would compile a list of technical Charter issues, such as provisions superseded by state law or internal

inconsistencies, along with proposed revisions for review at the next meeting which will allow the Board to advance necessary cleanups concurrently with broader policy deliberations.

Section 8.02

Proposed language for Section 8.02 were presented, noting a modification that referenced Section 8.04A, which mandates a resolution finding the transaction is in the City's best interest, adopted by four Commissioners. The use of cross-referencing was questioned with a suggestion made for incorporating the requirements directly within Section 8.02.

Discussion followed regarding the appropriate standard for transactions involving public bodies: "paramount public purpose," "public purpose," or "City's best interest." Clarification was made that "paramount public purpose" permits incidental private benefit provided the public benefit is predominant. The Board deliberated on desiring a standard that ensures the use remains primarily public.

The previous draft had also referenced Section 8.09 (Leases) as Section 8.02 contains language permitting public bodies to "make improvements on any property owned by the City," implying arrangements beyond outright sales. It was confirmed that both Section 8.04A (governing sales) and Section 8.09 (governing leases exceeding one year) necessitate four Commissioner votes. The central question emerged as whether the supplementary criteria outlined in Section 8.09 (including fair market value analysis, evaluation of private party qualifications, and business viability reports for leases longer than 10 years) should be applicable when the transaction involves another public entity.

Discussion continued regarding:

- whether sales or leases to public bodies had historically posed problems;
- the issue of potential land swaps considered with the School Board or County (e.g., for affordable housing purposes);
- whether transactions between governmental entities, mandating four Commissioner votes along with a finding related to public purpose should be adequate, without necessitating the additional analyses typically designed for private transactions; and
- the value of maintaining checks and balances.

A consensus was reached to revise Section 8.02 to mandate four affirmative votes from the City Commission and a resolution incorporating a finding pertinent to public purpose, the specific standard of which to be determined, for any sale, lease, grant, conveyance, or authorization of improvements involving another public body. The additional criteria stipulated in Section 8.09 concerning market analysis and viability reports would be excluded from Section 8.02. A draft will be provided of this revised language.

Section 8.04

The proposed language for Section 8.04, addressing sales or exchanges of City property to private parties was then detailed. This language necessitates a resolution finding that such a transaction would be in the "City's best interest," adopted by four Commissioners. The differing standard of "best interest" compared to the "public purpose" standard was pointed out. It was clarified that Section 8.04 pertains to real estate transactions where the City's business interest (e.g., price, consideration) is the primary concern, whereas Section 8.02 involves dispositions to other governments where a public purpose justification is required, potentially even without monetary exchange.

An example involving the potential sale or development of the City fleet site adjacent to the police department was offered, where analyzing impacts such as fleet relocation costs, would be pertinent to determining the "best interest," with a referred made to a recent transaction involving property near the Performing Arts Center which was exchanged for a commitment to the Performing Arts Center, highlighting the importance of appraisals.

The question of whether any specific criteria were necessary beyond the Commission determining the transaction to be in the City's best interest was raised.

Motion by Vice Chair Peloquin, seconded by Ms. Hankerson, to use whatever term Mr. Bangel suggests would be mostly public purpose, primarily public purpose, leaving some room for some non-public purpose. In a voice vote, the motion passed unanimous.

Subsequent to an inquiry about adopting the language prior to receiving public feedback, it was clarified that the adoption was tentative and subject to revision based on input gathered during outreach.

Section 8.09

The proposed text for Section 8.09 was then presented covering leases, licenses, concessions, and similar agreements for the use of City property with a comment made on the sentence structure's length and potential lack of clarity regarding the application of various thresholds. The section delineates requirements based on duration as follows:

- Agreements exceeding one year necessitate a resolution adopted by four Commissioners containing specific findings for fair market value, qualifications, and best interest; agreements surpassing ten years additionally require a business viability report; and
- agreements cannot exceed fifty years without needing four votes with an implication that shorter leases might require fewer votes, which appeared inconsistent with the threshold for leases exceeding one year.

It was pointed out that the drafting introduced ambiguity, making it uncertain whether short-term uses fell under the four-vote requirement; however, the intended interpretation is that leases under one year do not mandate the resolution or findings, but any lease exceeding one year necessitates four votes. The Board collectively agreed that the language required revision to enhance clarity concerning the application of the distinct thresholds of 1 year, 10 years, and 50 years and their corresponding requirements of four votes, findings, and viability report. A request was made of the City Attorney's office to review and redraft the section for improved clarity.

Motion made by Mr. Albetta, seconded by Vice Chair Peloquin, to adopt Section 8.04 as-is. In a voice vote, the motion passed unanimously.

Motion made by Ms. Hankerson, seconded by Mr. McCawley, to adopt Section 8.09 as-is. In a voice vote, the motion passed unanimously.

VI. CHARTER REVISION BOARD DISCUSSION

Discussion continued regarding a review of Section 8.01 regarding the City's authority to lease or exchange property in connection with public use or employment. The primary focus included:

- Language and intent clarification within the revised draft to ensure the text clarifies that the City may acquire property needed for public improvements by leasing or exchanging other property, aligned with previous discussions and intent to broaden the mechanisms for securing property in support of public objectives.
- Concern was voiced regarding the placement of the "50 years" clause, which appears at the end of a lengthy sentence as the current structure could lead to misinterpretation, implying the term limit applies only to a portion of the clause rather than all relevant agreements with a recommendation made to reposition the 50-year term reference earlier in the sentence for clarity.
- All agreements exceeding one year in duration to be approved by a resolution supported by at least four votes of the governing body; short-term agreements of less than one year are exempt from this requirement.
- Agreements with terms exceeding one year must include a fair market value analysis.
- Agreements exceeding ten years must additionally be supported by a business viability report prepared by a qualified independent expert.

The committee noted that the draft should be revised to clearly state that any agreement exceeding one year triggers the voting and documentation requirements, regardless of property use type.

VIII. PUBLIC INPUT – none.

IX. ADJOURN

There being no further business, the meeting was adjourned at 7:20 p.m.

[Minutes prepared by L. Tayar, Prototype, Inc.]