



Life's Just Better Here

**CHARTER REVIEW BOARD
2020 WILTON DRIVE
WILTON MANORS, FLORIDA 33305
MONDAY, JUNE 17, 2019 – 6:30 P.M.**

<u>MEMBERS</u>	<u>ATTENDANCE</u>
Michael Rajner, Chair	P
Scott Newton, Vice Chair	P
Salvatore Torre	P
Christopher Ryan (arr. at 6:33 p.m.)	P
Doug Blevins	P

Staff

Leigh Ann Henderson, City Manager
Michael Cirullo, City Attorney
Lisa Tayar, Prototype, Inc.

I. Call to Order

Chair Rajner called the meeting to order at 6:33 p.m.

II. Roll Call

Roll was called by Ms. Tayar, and a quorum was present.

III. Pledge of Allegiance - Recited

IV. Public Comment - None

V. Review of Public Comments Received by Email – None received.

Per Chair Rajner's request, future non-spam email communications will be attached as part of the backup.

VI. Additions/Changes/Deletions

Chair Rajner asked to change the agenda item "Chair's Report" to "Report," so it would cover the Chair, City Manager, and City Attorney.

VII. Approval of Minutes

- May 20, 2019

Motion made by Mr. Blevins, seconded by Mr. Torre, to approve the minutes of the May 20, 2019, meeting as presented. In a voice vote, the motion passed unanimously.

VIII. Report - None

IX. The Charter Amendment Process

- Memorandum from the City Attorney

Attorney Cirullo referred to the memorandum, noting it provides guidance about the Charter Review process.

[Mr. Ryan arrived at 6:39 p.m.]

X. Discussion of Articles I through VIII of the Charter

Mr. Cirullo commented that the first eight Articles include a lot of antiquated language and obsolete policies.

Regarding expanding the City's boundaries, Mr. Cirullo advised there is a Statute that covers voluntary and involuntary annexation; the Charter can be amended without referendum if boundary changes were to occur.

Nomenclature or editorial changes such as "Village" to "City" can be handled administratively through a housekeeping amendment.

It was noted that the reference to "Laws of Fla., Ch. 57-1955" referred to a "Session Law," which was enacted in 1957, and is different than the Florida Statutes.

Mr. Cirullo then led discussion of the Articles as follows (Items that the Board determined did not need addressing are not listed):

- ARTICLE 2: GENERAL MUNICIPAL POWERS

- **Section 1 - Enumeration of Powers**

- Flag as "obsolete" in light of home rule

- **Section 4 – Quarantine laws**

- Flag as "obsolete" or unnecessary

- **Sections 9 ,10, 15, 37, 39:** Extra-territorial authorities of the City.

- The ability to cover utilities (**9**) is covered by Statute.
 - Section (**10**) deals with fire department and may need revision – update language and perhaps move to another place in the Charter

- Lighting is now done through franchises **(11)**.
- Licensing of vehicles **(15)** may have obsolete language.
- Dumping of dirt in waterways **(37)** is covered by ordinances and County DEP regulations.
- **(39)** - offenses will not be covered outside the City's jurisdiction.

Chair Rajner asked the City Manager to keep a list of items to be reviewed.

Mr. Cirullo said that the matters in Item 15 regarding licenses is probably outdated; the authority to tax is based on State law. Most likely, this Section is obsolete, and could be handled by a housekeeping amendment to delete obsolete language. An exception would be if there were a clear legal precedent which is not present with obsolete language.

- ARTICLE #3(A) - LEGISLATIVE

- Look at each section to see what to flag for future discussion

- **Section 2 - Elections and Terms**

- Have open seats versus seats designated to a district
- If a Commissioner moved out of their district, they most likely would not be able to continue serving under a district system
- Current ballot process is confusing
 - We should move away from the current system that is unclear
- Have a presentation by someone who is familiar with the election? Mr. Cirullo will look to see if his firm has a consultant familiar with different types of elections to give a presentation
- There was Board consensus to have a presentation at a future meeting, and Mr. Cirullo will coordinate it

- Domicile laws

- Consider lengthening the time to longer than six months
 - This was seen as unnecessary considering the lengthy procedure for getting on the ballot

- Term limits

- Apply to the City Commission and Quasi-judicial boards like Planning and Zoning?
- Open opportunities to new people
- Eight to 12 years maximum – sit out for two years before running again
- Term limits create a problem for long-term planning
- Residents can determine the terms of the elected officials by voting
- Not having term limits creates good continuity and knowledge
- Would not limit it to eight years (too short)
 - People might be motivated to “get something done” as a legacy item during eight years, not looking into the future

- Obtain input from the public as to terms
- Not in favor of term limits – newcomers need more time to adjust to the position
- Requested the City Manager to research cities of similar size for future discussion
- Incumbents have the favor of contractors and vendors, and maybe the City should “clean house”
- Amenable with term limits on boards
- Oakland Park has term limits - there are pros and cons there
- Term limits will be brought back for future discussion

Section 3 – Mayor

- Two-year terms are too short – mayor has to get back out and campaign
- Opposed to having a commissioner have to forfeit their seat to run for mayor
- The City Attorney advised that resignations are irrevocable, and a person who resigns their seat to run for mayor cannot change their mind and return to the commission seat
- Reasons not to move to four-year term for the mayor:
 - City Manager/Commission type of government (not a strong mayoral city)
 - Might be additional costs to run a special election if two commissioners resigned to run for mayor
 - Two-year terms force mayor to be more in touch with the community
 - Voters can force a change every two years
 - Chair Rajner asked if the City Manager could research to see if that was a previous ballot item
- A four-year term would also have implications on the election for the two commissioners whose seats would be up for re-election

Section 4 – Compensation of City Commission

- “Compensation” covers health insurance; if not prohibited, health insurance could be covered by ordinance
- Is being vested into the Florida retirement system also a benefit by ordinance?
 - Mr. Cirullo will research
- Perhaps there is a need to be more transparent about the benefits of elected officials

Section 5 - Vacancies; forfeiture of office; filling of vacancies

- (d) – *Extraordinary vacancies*
- Allow the governor to appoint an interim commission under extraordinary circumstances?
 - Other cities have a succession plan in place

- Mr. Cirullo will look into other options
- Designate emergency interim successors?
- (c) (1) – *Filling of vacancies*
- Flag this section to address vacancies if they decide on the four-year term for mayor
- The City Attorney's office may review 5 (b)

Section 7 – Procedure

- (a) *Meetings*
- Should notice for a special meeting be 72 hours instead of 24 hours? That would give residents time to review the agenda, etc.
- Mr. Cirullo advised that “reasonable notice” is consistent with Florida law. Broward County Charter now provides for 48 hours’ notice for regular meetings.
- What do other cities do for special meetings?

- (c) *Voting*
- Could potentially have two commissioners pass an item by a “vote of the majority of a quorum present”
 - Should be at least a majority of the quorum of the commission (three)
- There may be a super majority required for certain items such as the budget (Mr. Cirullo)
- The requirement that a member cannot vote when participating by telephone is not regulated by State Statute. Cities have different ideas, but basically there should be a physical quorum in the room. (Mr. Cirullo)
- Some do not like call-ins because it is a nuisance and hard to hear
- Participation by phone would be best dealt with by ordinance in case Statutes evolve to that effect (Mr. Cirullo)
- Perhaps limit the number of times a person can call in
- Ms. Henderson will forward rules recently adopted by the Commission, but they do not address calling in to a Commission meeting

Section 8 - Offices, departments and divisions; city commission to fix salaries of officers and employees

- City Manager was asked to weigh in on things she considers to be an issue, and she suggested a future agenda item for recommendations from staff that is reviewing the Charter

Section 9 - (Reserved)

Section 10 - Enacting clause for ordinances and resolutions

- The language is standard, but Mr. Cirullo will ask Mr. Ezrol if he has any comments on it.

Section 14 - City treasurer; powers and duties

- Should look at it to see if the City Treasurer is the same as the Director of Finance (Mr. Cirullo)

Section 15 – City funds; emergency purchases; budgeted purchases

- Finance Director has notations on this section regarding purchasing thresholds and emergency purchases
- Discussion on whether “lowest bidder” should be changed to “most responsible bidder”
- If desired, the City can look into different verbiage. City has used the “lowest responsive and responsible bidder” (Mr. Cirullo)
- (d) Should allow the most senior commissioner to sign off on a purchase if the mayor and vice-mayor are both unavailable? Possibly have a succession plan.
- It would be rare to not be able to contact either, and the City Manager should be able to make the determination to purchase.

Section 16 – Audit of accounts; fiscal year

- Ms. Henderson reviewed the current auditing process
- Language pertaining to a report to the mayor and commission might be by Statute

Section 18 - Bonds of officers and employees; city commission to determine amount.

- The section does not require universal bonding of employees – it states that the commission shall determine by resolution who has to get bonded. The portion related to legal counsel is separate from bonding. Mr. Cirullo will research bonding requirements for city officials. (Mr. Cirullo)

Section 19 – (Reserved)

Section 23 – City boards

- Existing boards are created by ordinance; ordinances do not speak to diversity, but may require certain skill sets
- There was a problem with the appointment process for this Board in that the Commissioners could not communicate with other Commissioners about their choices
- Ms. Henderson reviewed the discussion at the last City Commission meeting related to board appointments. Staff was directed to provide standard operating guidelines for boards and committees.
- Will revisit term limits and guidelines

• ARTICLE III(B): ADMINISTRATIVE

Section 1 - City Manager

- Address gender neutrality throughout the document
- ARTICLE IV: ELECTIONS

Section 1 - Registration books; polling places; use of voting hereby amended to read as follows

- Recommend to the City Commission to speak to the Supervisor of Elections about decreasing the number of polling locations due to early voting as a cost-saving measure?
- There is a move to expand locations and times.
- The City always has to coordinate with and follow the direction of the Supervisor of Elections (Mr. Cirullo)
- The City pays costs for special stand-alone elections and a portion of costs related to general elections; Ms. Henderson will provide those amounts to the Board as well as the number/location of polling places.
- Look into advising the Commission to advise the Supervisor of Elections regarding the number of polling places around St. Clement's.

Section 2 - Date of election; candidates qualifying fee and acceptance of candidacy.

- (b) Housekeeping matter - Need to clarify the qualifying date
- Chair Rajner asked the City Manager for a chart of items to be reviewed (in addition to the minutes)

Section 4 - City commission to prescribe form and manner of calling elections

- Housekeeping item – form of ballot to be used
- Previous misleading ballot wording regarding ethics (financial disclosure)
 - A Statute provides how referendums are put before the voters (Mr. Cirullo)
- Chair Rajner requested a list of Charter revisions amended by ballot in the last 10 years (see page 9 of 33 in the agenda backup provided by Kerry Ezrol)

- ARTICLE V: REVENUE AND TAXATION

Section 12 - City clerk to act as [assessor and] collector

- May need updating
- Look at wording of "City Treasurer"

- ARTICLE VI. - BONDS, NOTES AND INDEBTEDNESS

- The entire Article has been editorially deleted

- ARTICLE VII – (Reserved)

- ARTICLE VIII – RECALL PROVISIONS
 - Has been pre-empted by State Statute
 - If the Board wishes to put it back in the document, it would be a housekeeping matter

XI. Update on Outreach Activities

Ms. Henderson referred to her memo to the Board members of June 11, 2019, which outlined opportunities for outreach to the community. She also recounted the various activities already in process.

Chair Rajner mentioned he had spoken to the Eastside Neighborhood Association. He has only spoken about items that the City Commission has brought up. He also spoke before the City Commission and will make arrangements to speak to the Westside Neighborhood Association.

Chair Rajner recalled from the last meeting that Ms. Henderson was going to send the Board draft forms of possible communications to the public. He said he was the only one who saw the last communication and sent updates to the City Manager.

Ms. Henderson understood that the Board was comfortable with her drafting an article and Chair Rajner reviewing it and then providing the article to the Board. The actual article to be published in the upcoming *The Town Crier* was included in her June 11, 2019, memo.

Chair Rajner confirmed that the Board was amenable to that procedure.

XII. Items for next agenda

- Go back over the first eight sections?
 - Ms. Henderson desired time to review the requests for information and conduct research. She suggested the Board move on, and she will provide information when it is ready.
- Discuss civil service
- Review Articles 9-15

XIII. Public Comments (none)

IX. Adjournment

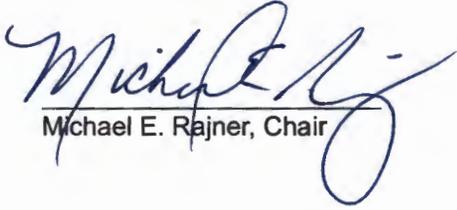
Hearing no further business, the meeting was adjourned at 8:23 p.m.

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Approved by the Charter Review Board on June 17, 2019

A handwritten signature in blue ink, appearing to read "Michael E. Rajner". The signature is stylized and cursive, with a large loop at the end.

Michael E. Rajner, Chair