

**Summary of Discussion**  
**Broward County Charter Review Commission**  
**Administrative Issues/Governance Subcommittee Meeting**  
**Thursday, August 23, 2007**  
**Governmental Center, Room 430**  
**3:00 PM – 5:00 PM**

**Members Present:**

Dr. Irv Rosenbaum, Chair  
Burnadette Norris-Weeks, Esq. Vice Chair  
Michael Buckner, Esq.  
Mayor Debby Eisinger  
Ms. Patricia Good

**Members Absent:**

Bruce Rogow, Esq.  
Richard Weiss, Esq.

**Others Attending:**

Devin Avery, Broward County Office of Economic Development  
Bud Bentley, Assistant County Administrator  
Kareen Boutros, Executive Director, Broward Workshop  
Chedley Etienne, Administrative Assistant, CRC  
Samuel S. Goren, Esq.  
Yolanda Grooms, Administrative Specialist, CRC  
Maria Gross, Assistant Director, CRC  
Commissioner Sue Gunzburger, Broward County Commissioner, District 6  
H.K. "Petty" Kaletta, Member, CRC  
Alfreda S. King, Transcriber, PKING Consulting  
Pamela Landi, Broward County Senior Legislative Coordinator  
Mayor Lori Moseley, CRC Chair  
Norm Ostrau, Esq., Chair, Florida Commission on Ethics  
Commissioner Hazelle Rogers, CRC, Vice Chair

Robin Rorapaugh, Hollywood, FL  
Wil Trower, CRC  
Commissioner Diana Wasserman-Rubin, Broward County Board of County  
Commissioner, District 8  
Patricia G. West, Executive Director, CRC

(A copy of the sign-in sheets identifying those present is filed with the supplemental papers to the summary of this Subcommittee Meeting.)

A meeting of the Broward County Charter Review Administrative Issues / Governance Subcommittee "Committee," "Subcommittee," or "AGSC" was held at 3:00 p.m. on Thursday, August 23, 2007 at the Broward County Governmental Center Room 430, 115 S. Andrews Avenue Fort Lauderdale, FL.

**I Call to Order/Roll Call**

Vice-Chair Burnadette Norris-Weeks called the meeting to order at 3:10 p.m. She requested the roll call by Alfreda S. King, PKING Consulting, Inc. Upon completion of the roll the Vice-Chair recognized the presence of a quorum.

**II. Approval of 5/31/2007, 6/13/2007, and 8/15/2007 Summaries of Discussion**

**Ms. Good MOTIONED, Mr. Buckner SECONDED and the MOTION carried unanimously to approve the Administrative Issues / Governance Subcommittee 5/31/2007, 6/13/2007, and 8/15/2007 Summaries of Discussion.**

**III. Review of Subcommittees Issues**

- a. Ethics – (Review of Resolution #2008-03- Voting Conflict Recusal, City of Los Angeles Conflict of Interest Code, Broward County Ethics Ordinance – 2007-002, CS/HB 1391 (Code of Conduct & Ethics – North Broward Hospital District))**

Ms. Weeks advised the Committee of the background information located in their Committee folders. She recognized the presence of County Commissioner Sue Gunzburger. Ms. Weeks stated that General Counsel did a good job of capturing the general intent of what the subcommittee discussed in previous meetings. She then referred to Resolutions 2008-002 and 2008-003.

**Mr. Goren:** Madam Chair, if I could help you with one quick item to help the subcommittee. The form of the Resolutions that you see before you is a form that we have adopted and have adapted to your future action to be taken by the full Commission. These are proposals which are just that, they are draft, and they are conceptual in nature. Although the actual structure of a Resolution, the context, and the delivery to the County Commission is by June 1<sup>st</sup> of 2008, there's a form that we subscribe to and would be the principle form we will work from. You will note, however, in these two resolutions in particular, that we track State Law requirements in the context of the ballot title which cannot exceed 15 words and a ballot question which cannot exceed 75 words. Then attached to each Resolution is a copy of the exact Charter proposal with a black line suggested set of changes, whether there be additions, or deletions. You will come later in the agenda to several proposals on redistricting and other aspects of governance which was requested that we prepared for you and that will follow this discussion, of course. If it be the wish of the Chair, I can walk you through some of the concepts in either 02 or 03, I will be happy to respond to questions as needed, as well, of the subcommittee.

Ms. Weeks stated that it would be great if Mr. Goren walked the subcommittee through each Resolution starting with item 002.

**Mr. Goren:** 002 is the issue that was discussed by the subcommittee, the rules that govern the Charter Review Commission dictate that it takes 10 votes to fully discuss an item, and at the full board level. It takes 13 votes by Charter to actually place an item on the ballot, and those are not being compromised by this conversation today; this is simply conversation by subcommittee as a potential recommendation to the full board. You have been charged with that responsibility by the Chair and by your colleagues; the work product that comes from here is your proposed work product. 2007-002 relates to non-interference and essentially it takes the ballot titles suggesting that, providing for the non-interference of the County Commission and matters which run into County Administration, and tracks the concepts that were discussed by this board. As you can see from the black line version, it provides a very stringent requirement in the context of intervention with the County Administrator, providing orders and direction that might affect employees of Broward County. We have taken this language from various resources and have tailored it consistent with what we believe to be your direction.

Ms. Weeks asked Mr. Goren to walk through the language of resolutions.

**Mr. Goren:** The titles on all of the resolutions seem to reflect the direction of the board – but in each instance there is a specific topic being discussed; it's referred to in each of the titles, the true purpose is discussed specifically. The true purpose of 2008-002 is the Non-interference provision that we just discussed. The actual ballot question would be that the current Charter authorizes the County

Commission to adopt an ordinance prohibiting the interference of the County Commission in matters relating to County Administration. Then the question being, "Shall the Charter be amended to specifically prohibit the County Commission from interfering directly with County employees and provide that all recommendations to the County Administration be made through the County Administrator except for the purposes of inquiries and investigations," that would go to the ballot, hypothetically. The bold- face which is the title and the question, and the "yes" for approval, or the "no" for rejection would be on the ballot itself. However, the actual suggested substantive changes that occurs –as you know on the page that follows exhibit A. It is taken directly from section 2.07 of the Charter itself that which we believe to be your proposed suggested change. I can read into the record if you like, but the language clearly describes what was intended by this subcommittee in describing your apparent intention giving the nature of that discussion.

Mr. Buckner asked Mr. Goren, with regard to the proposed Charter language did his office contemplate penalties if any County Commissioner was found to have violated section 2.07 of the resolution.

**Mr. Goren:** We did not research that question directly, it is a question which does come up on a periodic basis and the frame is how you penalize; that can be the topic that you can describe later perhaps. There are many different options available as such.

Mr. Buckner asked Mr. Goren based upon his legal research what were some of the penalties that may have been attached through similar provisions.

**Mr. Goren:** Censure is one of them; censure which is a public reprimand of a colleague by collegial body, which is referred to both in Robert's Rules and as well as suggested in the treatises that relate to a situation where a member of a collegial body has acted inconsistently with required obligations which are in the Charter, which is the Constitution of a City or a County. It does require a document of charges; it requires a response, and it can even have a sort of trial in the context of the activities in question and could then relate to a public statement adverse to the offending member, if found to be in violation by his or her colleagues.

Ms. Good asked if the current language in the proposed Charter has been in the Charter since it was adopted.

**Mr. Goren:** I don't have an answer for that question, because the Charter is not annotated to suggest that. I have some vague recollection that it might have been a suggested change that came in the last Charter Review Commission, but I'm not sure about it. You can check the history to verify that.

Ms. Good stated that she was asking only to find out how it pertained to the current meeting, when Mr. Buckner interjected, asking if Mr. Goren could specify the date of the Charter he was referring to in his last response.

**Mr. Goren:** Again, the way the Charter is now drafted in the version that exists with this particular document reflects all changes that were made in the '02 election or 13 valid questions or some number, I think about 13 questions. I just don't recall, but I'll look in my notes, whether or not that was actually in the amendment in '02.

Mr. Buckner then read verbatim the note from the amendment in 2002, sec. 2.07.

**Mr. Goren:** And when we did it that was actually one of the 13 questions.

Ms. Eisinger stated that this meeting is more like housekeeping, in that the intent has not changed in relation to the Non-interference Clause; they just want more clarification.

***[Commissioner Roger entered at this time, 3:21pm.]***

**Mr. Goren:** Just to respond, this...the subcommittee had suggested, actually, placing language in the Charter itself versus an ordinance. Ordinances can be changed on two readings, as you all know from your experience. Under State law, this is a more permanent statement that the subcommittee had suggested on a more significant basis.

Ms. Weeks commented if this discussion was contrary to their last meeting, speaking on a Strong Mayor. Mayor Eisinger interjected, stating that based on the last meeting, we were to continue with a County Administrator condition form of government so we would not change the structures of those who are not looking to go with the concept of a Strong Mayor, at least for now. The Mayor then stated, that unless a clause of censure is added and some sort of accountability, is there a change.

Mr. Buckner explained how they have had other provisions to charters that have no accountability, and agreed with Mayor Eisinger that it serves no purpose for the Committee to add anything to the Charter if there is no accountability. He stated that proof of this is evident from past Charter amendments they have made, and how the County Commission has been inconsistent in their actions and decisions as a result. He also added that some on the Commission may not be comfortable censuring their own, and without any type of penalty or sanction, this Charter amendment would have no teeth and no one on the Commission would be held accountable.

Ms. Weeks agreed with Mr. Buckner, and then added the question of how this whole issue came about.

Ms. West stated that she isn't sure how the issue came about, but it is necessary and should be addressed.

Ms. Rogers asked the Chair if they recalled a Commissioner coming to one of the public hearings, presumably from West Park, and stated how in one of the previous meetings, the question was raised in regards to conflict and one's body language.

Ms. Good stated that was another issue during one of the previous meetings, where it was asked should there be an interference ordinance and is there one.

**Mr. Goren:** indicated he would research and find out. At a subsequent meeting there was not, so more discussion was done. The meeting concluded that Mr. Goren and his associates would draft one, per her recollection.

Ms. Eisinger asked Mr. Goren if the verbiage in the Charter is simply, 'the County shall adopt a Non-interference Clause?'

**Mr. Goren:** That is correct

Ms. Eisinger went on to comment about the topic of censorship and how there are pros and cons to this idea. Especially, with members who may have personal issues with another and how that can catapult into something else with this amendment.

***[Mr. Spitzer joined the meeting via telephone at this time- 3:29pm]***

Mr. Goren introduced Mr. Spitzer to the meeting.

Ms. Moseley asked if you're an elected official, and you violate the charter, would that be an ethics violation as well.

Mr. Goren: It could be but understand that there has to be a violation of Chapter 112 to have an actual State ethics case pending before that is commissioned.

Ms. Moseley and Ms. Eisinger continued to discuss whether interference was an ethics issue.

Mr. Buckner asked Mr. Goren if there are any other sanctions that you found that governments have used for possible alleged violations of non-interference or instance of provisions, besides censorship.

**Mr. Goren:** One would think that one of the more severe penalties, of course, is removal or forfeiture of office, which of course, is a very serious issue. There are other statutes that govern removal from office that are not...pre-empted by this kind of conversation. I'm not convinced that non-interference as a violation per say, would rise to that occasion. I would give it a legal premise upon which to remove someone from office because they did that. Municipal charters have language that affect that violation and there was a change in State election code some years ago, that essentially provides that charters are pre-empted by State election code governing removal from office for city officials, which are only through the recall process. There's a set of characteristics that could be the premise on which someone could be removed. This does not rise to that specific occasion, but then again...we have not...that is an ancillary issue to the conversation. We did not provide for a penalty in the language.

**Mr. Spitzer:** It's not uncommon to see a penalty clause included in a non-interference paragraph. It's common for violations of the Non-interference Clause to constitute either malfeasance or misfeasance in office, which are grounds for one of two things. One is for suspension, or is a subject that someone can be recalled from office, or using the recall petition process.

The Chair asked Mr. Spitzer if Non-interference Clauses are more common in cities than in counties.

**Mr. Spitzer:** I don't know if they are more common in cities or in counties. I would say that in most of the County charters that they, almost all of them have Non-interference Clauses if not all of them. I would say most of them, the clear majority of them, contain a reference to a penalty, and most usually misfeasance or malfeasance....in the County Charters, I don't know about the City Charters.

Ms. Moseley asked Mr. Spitzer what would be the end result, or penalty usually be in these Charters.

**Mr. Spitzer:** Well, I mean clearly it has to be a chronic problem that someone attempts to give instructions or directions to the head of the Department of Public Works or something like that. If it's done just once or if it's done in a casual manner, nothing is going to happen. If it's a chronic thing, then you try -- someone tries to go into court and either seek something to get the Commissioner to cease this process; or if you know it is malfeasance or misfeasance, it is something you could mount a recall petition. It's a cumbersome process, but it is there.

The Chair suggested moving along with the issues.

Mr. Buckner requested General Counsel to research possible fill in provisions for the Non-interference Clause. He wants to ensure that if it's done properly and it has teeth.

The Chair stated that issue will be tabled.

Ms. Good asked if a County employee felt they were being 'interfered' with, are there any provisions in place in which the employee can seek to remedy the situation. She stressed the importance of having some sort of reference for employees to have, and that she's in support of Mr. Buckner's statement.

Mr. Buckner advised of a typo located in the last line on page 2 of the Charter.

**A MOTION was made by Ms. Eisinger to table the discussion on possible provisions until after General Counsel has finished their research, SECONDED by the Chair. MOTION passed unanimously.**

**Mr. Goren:** Again, the format of the Resolution is the same. You'll note on page 2 of the proposal the specific ballot title, which in this situation is "**Requiring County Commissioners with a voting conflict NOT to participate in discussions on that matter,**" and in the ballot question which follows on page 3, specifically says the State law currently allows County Commissioners who recuse themselves from voting on matters being considered by the County Commission to participate in the discussion on that matter. Shall the Charter be amended to require County Commissioners who recuse themselves from a voting conflict to leave the dais and not participate in discussions on that matter at the time of the vote, and yes or no for approval. On the back exhibit, you will note, he recited the section 2.07 of the County Charter, and added the language which is at 2.05 subsection E, which specifically embraces the language that's provided for in the question. Suggesting that any County Commissioner who recuses themselves from voting on a matter being considered by the County Commission, due to a voting conflict, pursuant to the Chapter 112 FS, as amended from time to time, shall leave the dais and not participate in the discussion relating to that matter at the time of the vote. We tried to capture the discussion of the subcommittee in the context of embracing a specific provision. Regarding that specific item in the ballot question, in the ballot title, placing it specifically as a condition in 2.05 of the Charter.

Ms. Weeks stated that one leaving the dais in a situation as mentioned by Mr. Goren, would do nothing to ease tension or change anything. She recommended having those individuals leave the room all together or something more concrete.

Ms. Good agreed with Ms. Weeks comments.

**Ms. Eisinger MOTIONED and Ms. Good SECONDED to make an amendment to have recused members leave the room where the voting is taking place and not have any form of communication with the Board during this period.**

**Mr. Goren:** The objective, if I may Mr. Chair, is for us to come back with some figurative language in the ballot question that reflects the definition of participation in, leaving the dais, and leaving the room concept, which we appear to have some concern about changing, so we can work on that.

The Chair called for roll call on the MOTION as amended.

**MOTION passed unanimously on a roll call vote of 9:0.**

Ms. West advised the subcommittee that staff had completed their research on the strict Code of Ethics in the country. She asked if they wished to discuss the findings, or if they wanted to drop the issue.

Mr. Buckner advised that after reviewing the data he liked the Los Angeles County Code of Ethics in particular. He asked Ms. West whether there had been any mention of problems in implementing the provisions they have outlined.

Ms. West replied that the only thing that stood out in her research with Los Angeles County, is that there was a 20 year period between the adoption and the amendment of the code, other than that, she had no idea.

Ms. Weeks proposed revisiting the idea in the future with the full Commission, of how various places deal with lobbyist. She then asked Mr. Spitzer what provisions are out there that could address this issue.

**Mr. Spitzer:** I am not familiar with provisions on lobbyist embedded in a particular Charter itself. I know that several counties have, by ordinance, resolutions... you know policies, governing disclosure and things like that, locally. But I don't know any that are embedded in a Charter itself. Having said that, I don't know why you could not do that if you wanted to.

The Chair suggested that if they want to suggest this at a subsequent meeting, staff could do some research on it. He asked how each person feels in regard to the code.

Referring to the LA County Code of Ethics, Ms. Moseley questioned how members could be allowed to recuse themselves. She pointed out if they do, they can't earn an income,,she doesn't see how this would be helpful

Mr. Buckner stated he was referring to a different code than the one Ms. Moseley was speaking of.

Ms. Weeks questioned how the current discussion relates to the current issue. She asked if this just for sake of knowledge, or if it relates directly to our state's Charter and our ethics laws.

The Chair responded that this is relevant because they are deciding on whether to put a Code of Ethics in the Charter.

Ms. Eisinger questioned whether or not doing this would be redundant to the State Statutes already in place.

The Chair reminded the Committee that Mr. Ostrau was present. He then opened the floor for Mr. Ostrau to respond to Ms. Eisinger's comment.

**Mr. Ostrau:** The State, there are holes in the State's ethic...what you did on the Resolution just now was one that we tried to get passed through the legislature this past year, and we were unsuccessful, so that was a strengthening of your code.

Ms. Good interjected and asked Mr. Ostrau which code he is referring to.

**Mr. Ostrau:** The one that you did with the non-participation. That has been brought to the Commission several times where people have participated; recused themselves from voting, but participated in the discussion and in effect lobbied the thing. That was a hole that the Commission found and tried to get it passed through legislature this year. There are places that, when we discussed this, there are places in the legislation, in the 112 that have some holes that the Commission knows and local governments all through the State...Duval County, Orange County, are proposing more stringent regulations. I think the issue on L.A., L.A. is a Commission, and I guess if that's what you wanted to do, like Miami-Dade, set up an Ethics Commission. It would be a Charter adopted Commission, which would create your own Commission and your own Code of Ethics. That's what L.A. did, Seattle, Chicago does that; you know there are several other places that have done that. That's one of the resources for the L.A. thing. It is not unheard of to do that type of thing and create a Charter type Amendment to do that.

Ms. Weeks asked Mr. Ostrau, in regards to Miami-Dade's Ethics Commission, if he feels like the Commission is working for them, considering the County's prior deplorable ethics situation.

**Mr. Ostrau:** I think it has changed for the better. The other thing that they did; Miami-Dade created an Inspector General who was a former FBI agent; who has been exceptional, just an exceptional type of regime. That was some of the suggested – Orange County had looked at something like that, but that has been very good, and they have, their Commission has been functioning. They tried to do both, both elections and ethics in the same Commission. The elections have run into more problems because that becomes much more problematic on the election side and they had contribution limitations which they withdrew. The ethics side has been a benefit to Miami-Dade, I think.

Ms. Eisinger stated that she thinks the system of checks and balances is great to have, but her fear with having a system like the one Miami-Dade has is the financial impact it would have on the public. She suggested caution when considering the implementation of any amendment that would require funding, because of the lack of current available funding sources.

**Mr. Ostrau:** I'm not advocating either way...it's just historically that's what happened in Miami-Dade. On the question that you raised Mayor, about the recusal...there are provisions in the code under 7 that says there are positions where you can't recuse yourself. If you have a contractual relationship with someone doing business with your agency, you are in a position where you have violated the code as opposed to being able to mitigate and recuse yourself to get out of that. So, what L.A. did was provide that any compensation from anybody is a position that puts you in a place where you cannot recuse yourself. It's an expansion.

Mr. Buckner stated his sensitivity to the funding issue; he explained that the general public has a major distrust for government and their officials. As a result of that distrust, the public would like to have some sort of accountability for the officials, as he has had to abide by the provisions set forth by the Florida Bar, as a Barred attorney.

**Mr. Ostrau:** Well, the only - and we talked about this before - the only caveat in creating your own Charter provision is the enforcement. Like you said, on the enforcement end. That becomes difficult, and I don't even know where enforcement for the Charter goes. If it's an ordinance, you know it goes to the State's Attorney and you can enforce it that way; for the Charter provision, I'm not sure what you would do. That's why the creation of the Commission provided the enforcement level. As I mentioned before, Florida Ethics is looking into provisions to contract with local governments to be able to set up a mechanism to enforce a more stringent code than what is. But, that's not in effect right now.

The Chair asked Mr. Ostrau if he feels the best short course of action is to function in the State as they have been.

**Mr. Ostrau:** Certainly, tying down, if we can't get it done in the State...you got it, it's certainly beneficial. I don't see what's wrong with that.

Ms. Good stated that extensive information was given by Mr. Ostrau in the last meeting and given the issues raised, they realized there were some loopholes in the Charter that have to be addressed. She went on to say how the statutes certainly address the Code of Ethics, and the Commission is doing a great job. She reiterated her concern over a possible financial impact by adding an Inspector General. Ms. Good advised that she feels there are more issues to address in regards to loopholes in the legislation itself.

Ms. Weeks asked if there is someone currently in the County government who can serve the same function as an Inspector General.

**Mr. Ostrau:** I have tremendous respect for Evan Lukic; I think he does a tremendous job at what he does, he is certainly ethics related. – The Chair invited Commissioner Gunzburger to speak.

**Commissioner Gunzburger:** I wasn't planning on talking; I was planning on listening and it's been hard holding my tongue, but I want to say that we are of the same mind. If anyone could do that task it is Evan Lukic. He is our Auditor, but he has uncovered an awful lot of things that aren't right – let's call it "irregular." If anyone in our entire building could do the job it is Mr. Lukic. Without any additional cost, except for whatever raise we decide to give him at the end of September when he is under review, but he is the one. I want to thank you for your previous votes. I was a very frustrated Ethics Chair person, who could get not much of what you are getting through --through. The State Legislature put themselves under much more stringent ethics rules than the Broward County Commission's office.

**Comment [PAK1]:** FREDA THIS MAKES ABSOLUTELY NO SENSE! PLEASE RETYPE

Ms. Weeks thanked the Commissioner for her comments.

Ms. Eisinger expressed concern with the term length of the proposed Inspector General.

Ms. Weeks stated that it would be the responsibility of the office itself, and their salary would be commensurate to their functions. She stated that the financial impact overall would be minimal.

Ms. Moseley again expressed concern about the conflict of the recusal and interference clauses; she added that she feels that the two clauses go a long way in addressing the issues that were areas of concern.

**Commissioner Gunzburger:** The other issue that I had a problem with was that I felt that our Gift Law was too lenient as well, and I don't know if you looked at gifts.

Ms. West advised that she was provided with a copy of the proposed extension of the Gift Ordinance that was discussed previously. She added that a copy of the proposed ordinance is provided in the subcommittee member's folders.

**Ms. Weeks MOTIONED, Ms. Good SECONDED and the MOTION passed unanimously to review the 'Gift' ordinance at the next meeting.**

The Chair requested that General Counsel research and provide information regarding the Gift Ordinance.

Ms. Weeks also requested General Counsel to provide information on how issues regarding lobbyist are handled.

Ms. Moseley expressed concern, which is that the AGSC Subcommittee's scope seems to be expanding. She respectfully suggested that the AGSC try to pull everything together by September 1<sup>st</sup> to meet the deadline.

The Chair suggested having another AGSC meeting.

#### **Next Meeting**

After a brief discussion the meeting date and time was determined – August 30<sup>th</sup>, 2007 at 3:00 p.m.

#### **b. Redistricting – (Review of Population Density Information by Race and Ethnicity by Census Block, Broward County, 2000)**

The Chair advised that the issue of redistricting was brought back to the subcommittee; stated there was a discussion regarding the Review of Population and Commission districts midterm.

**Mr. Goren:** Allow me a couple minutes of your time, if I may indulge you for a moment. If you look in the back up, there is a memorandum which we prepared 2007-15 located behind the pink form. It is a

two page memo and what it intends to do is to embrace in succinct form and fashion what the next 3 proposals try to embrace further in the context of your last set of discussions on the issue of redistricting. There are several structural components that are the same in each – and allow me just to elaborate briefly on what those components are and how we have attempted to capture the concepts. Let it be known clearly, that in the context of changing the governance format in Broward County from a 9 Single-member district elected body to an 8 member elected body, creates certain operational and transitional challenges in connection with compression with members. Converting a member from a District Commissioner to an At Large Mayor creates certain operational and transitional challenges for that issue. What we did at your direction was prepare 3 proposals, essentially transitioning from a 9 Single member district group to an 8 Single member district group with 1 Mayor At Large. There are still 9 members, but 1 would be as you directed, an At Large with a 4 year term.

The 3 alternates, try as best they can to indicate the when part and how you implement an implementation, being a very key issue in the issue of this proposal. In one instance, you'll note for the alternate number 1 – inevitably there has to be a compression of 1 member and how that effects what we purposed in the language, to get you there. It also looks at an election date for a Mayor At Large in the year 2012. We can go through the details in each one individually, but I just want to give a broad bluish description.

The second alternate also reflects the fact that the election for the Mayor would be 2012. There would be some issues relating to staggering, which we currently have on the current County Commission; staggered elections so that everyone isn't running at the same time. That has to be a concept that needs to be considered throughout the entire process, which is, if you have staggered elections in some respects by changing from 9 to 8 you would thereby create a challenge in the context of terms of office and providing full protection of current terms of office looking at the future for terms of office. We made many attempts in these alternates to suggest in some respect, for example, different terms whether it is 2 years or 4 years to get onto track, where you would have successive 4 year terms thereafter. Alternate 2 then talks about those issues specifically.

Alternate 3 is a hybrid, again we are in unchartered waters. We have taken your general concepts of trying to overlay the 9 to 8 concept with a Mayor At Large concept and a number of different options. The 3<sup>rd</sup> option is actually kind of unique in the context of providing for access to the ballot like in L.A. to which is the object course of this panel and ultimately the CRC. In providing a situation, where depending upon what the results are of a Charter amendment, but actually impacts people running at the time of election in L.A., that has been done before by the way – it's not the first time. So that when

you are running for office, you all notice that if that Charter amendment would have passed, you might be having a 4 year term or a 2 year term. You would have a lesser term which creates automatic excess point to staggering.

The 3<sup>rd</sup> option also provides for the ascendancy so to speak, of a Mayor At Large in 2010 as opposed to later which was 2012 and following. You will note also in each of the proposed resolutions at the end of each, there's a chart – it looks kind of like this on each instance. It does not have any names on it; it only has district representation 1 thru 9, and frankly our drafting had nothing to do with names or people. It had more to do with the district seats themselves. They express for you as to how each of the alternatives lay out for each district Commissioner when they're elected, and when they are up for re-election, and how the impact of that proposal would impact them now and in the future.

They are not shown in each of the brackets of the chart in alternates 1, 2, and 3. We have given you 3 proposals. There can be 3, there can be 30 more, and there can be any number of modifications to these that we provide to you. But from the standpoint of trying to embrace your directions, we have taken the principals of the following: That you would have 9 district members down to 8. A Mayor elected At Large on a County-wide basis by all voters in Broward County. Staggered voting which would provide for mechanism of not having everyone vote the day of election at the same time, and maintaining the position of the Mayor with the current duties and responsibilities of the current Charter.

We did not modify or change anything with regard to the Mayor's role and responsibility, except that the person who would become the Mayor in the proposals, would be elected by the people and not by the Commission as it currently states in the current Charter. Those are givens that we have provided for you to work from, and allow me to elaborate further to suggest that we have made every attempt to be objective in the drafting. It's not personal or any one Commissioner or Commission issue. It just simply tries to reflect your general concept, which certainly – but there is relevance this afternoon and is open to comment and future conversation.

Mr. Buckner referred to a proposed Resolution draft located in subcommittee folders which he advised the subcommittee that he drafted proposing an elected County-wide Mayor that does not sit with the County Commission, and has a 9 member County Commission, 6 Single member districts, 3 At Large, and has an independent entity to re-district. The Officers of the County Commission names would change to Commission President and Commission Vice President. He added that this elected Mayor would be accountable not only to the voters, but also be accountable to the County Commission. Mr. Buckner suggested that one of the requirements for his proposal of Mayor would be to attend a "questions to the Mayor period." This is that once a month; the Mayor would have to answer questions

from the County Commission. He then explained to the subcommittee why he feels his Resolution is important and should be recommended to the Full CRC.

Ms. Weeks thanked Mr. Buckner for his draft Resolution and advised him that she had not had a chance to review it. She asked if the Mayor he is proposing would have a vote or sit with the rest of the Commissioners.

Mr. Buckner replied that the proposed Mayor would be the head of the Executive Branch and would be a member of the County Commission.

Ms. Weeks asked Mr. Buckner what is the difference between the Mayor he is proposing and a County Administrator.

Mr. Buckner stated that under his proposal the County Mayor would appoint a County Administrator to be the Chief Administrative Officer of the County, subject to confirmation by the County Commission. He added that all the department heads would be selected by the County Mayor with the consent of the County Commission.

Ms. Moseley referred to a previous discussion regarding the County Administrator, and added that there is a detachment from what is happening and from the constituency that they are elected to serve. She advised that Mr. Buckner's proposal has a separate entity from an elected Mayor; Ms. Moseley stated that she does not see a need for this proposal.

Ms. Good advised that she appreciated Mr. Buckner's effort, but is concerned about one individual having so much power over what happens in the County Government.

Ms. Eisinger agreed with Ms. Good, and added that she is not sure a Strong Mayor is the right way to go.

Mr. Buckner asked the subcommittee members under the current system, as well as under the other proposed resolutions at the end of the day who is accountable if something happens in this government.

Ms. Eisinger replied, the entire Commission.

Mr. Buckner stated that the problem with that is there are 9 individuals who are all capable leaders among themselves, and you can have 9 individual viewpoints and visions about what is going to

happen on any particular issue. He stated that there needs to be one person that can lead this County in terms of a certain direction, which has not been done in previous years.

Ms. Moseley advised the there were Non-interference Clauses put in place and explained the current form of government.

Ms. Rogers stated that she agreed with Ms. Moseley and stated that everything her district does is by consensus; whatever that consensus is, that is what the Administrator is expected to do, and we monitor whether or not that Administrator is doing what the body agreed to do. She added that the government structure is not as dysfunctional as it seems; there is a process that we all go through. She advised that County and City government is nothing like the Federal government and the State Legislature and added that all the Federal and State government does is throw money at things and it is for the County and the City to make those dollars work. Ms. Rogers advised that she believes that the Mayor for Broward County should be elected.

Mr. Buckner used the Presidential structure as an example.

The Chair called for any public comment.

**Public Comment - Kareen Boutros:** I want to thank all of you for your time and effort on this Commission, but I would like to agree with Mr. Buckner and ask you to consider – people in this community are really looking for leadership and somebody to take accountability. I know many of you are elected officials but we have to – the community is looking for that accountability. We would like you to consider adding two At Large Commissioners to what you currently have, possibly one of them running as Mayor, the other one as Vice Mayor. We would also like you to consider banning lobbying of County officials, from County Commissioners to other elected officials within the County including municipal officials. We'd like to see that added to the Ethics Code if that's possible for you to talk about that. I am just asking you to please consider the other citizens in the community; they're looking for leadership, Thank you very much.

Ms. Good asked Ms. Boutros what organization she represents.

**Ms. Boutros:** Well, I am here speaking today on my behalf as a citizen.

Ms. Good asked Ms. Boutros if she personally would like to see this happen.

**Ms. Boutros:** Yes, and many people that I deal with in the community.

The Chair stated that his point of view might be perhaps a little bit different, because he is looking at the County government and where the County government should be. He added that he agreed with Mr. Buckner on this issue because he feels that the County government needs to be different than the Cities; the County government shouldn't be another City. He advised that the County has made a very nice transition away from that over the years, getting away from the unincorporated areas going back to that vision of the first Charter in 1975.

Ms. Weeks referred to Mr. Goren's proposed Resolution alternate 3, and stated that she would like to see re-districting start earlier such as in 2010 as opposed to a couple years later. She would like to see staggered terms, because she does not feel comfortable with everyone leaving at the same time.

Ms. Eisinger asked the subcommittee if there needs to be a vote on Resolution 4 before there is a debate on the alternates.

**Mr. Goren:** If I may, Mr. Chair just quickly, the objectives in all 3 are generally the same as I mentioned earlier – structure is the same. The issues relates to having a Mayor elected At Large for a 4 year term. It provides for 8 Single-member districts and with the compression at some future time from 9 to 8. It provides the same level of authority that the Mayor had or – he/she has under the current Charter. On the back of the Charter exhibits that we have, each exhibit does show the transition schedule and that's probably the key in the conversation. Both alternate 1 and 2 is reserved for 4 year terms over a period of time. It creates the Mayor's position in 2012, whereas alternate 3 is a hybrid of both 1 and 2 in attempts to advance the election of a Mayor in 2010. Depending on what the ultimate results are in the 2008 election it would impact certain district members in certain ways for providing two year terms. You would continue having the start staggered vote. Whatever you may consider, these alternates are just that – they are proposals only. The structure of all 3 is the same, so if it be the wish of the subcommittee to approve a concept of the 3, there was no different than anyone of the 3 today. We should just send you the transition schedule and the when part, as to the time you would propose to have a Mayor elected and how you would choose to effectuate transition in the terms of office, of the sitting Commissioners and future sitting Commissioners, as the matrix describes.

**Comment [PAK2]:** What?

**Ms Spitzer:** Sam wouldn't alternate 3 details be better with the normal re-districting task, that would begin to occur in 2011?

**Mr. Goren:** Yes and we provide for that in the amendment as well.

**Comment [PAK3]:** Freda please continue review here and be sure to address the items above. I did not highlight where you will add Michael Buckner's section but I saw it somewhere around page 10 or 12 I think.

Ms. Eisinger asked the subcommittee if a vote is needed to pass Resolution 3 to the full Charter Review Commission.

Ms. Good referred to a discussion regarding changing the Charter to allow the Mayor's term to be extended to 2 years.

**Commissioner Gunzburger:** I would like to make one little remark, I think the most logical year – although I know that once we vote on change we like change to happen. But 2010 is the census and to change the districts etc, prior to the results that we get from the census seems premature. I think the real year for transition should be 2012, because you don't get the data right away when the information is gathered, it takes at least a year. All of us who have been through the census before, know you must really do a job where the districts are equal, as they should be in terms of population. I don't see how it's really reasonable or possible to do this transition until 2012.

The Chair asked if compression causes Broward County any problems with minority access or any other legal problems.

Comment [PAK4]: What?

**Mr. Goren:** Let me best answer by saying possibly – and I say that open and honestly because what happens is the way that the current proposal is on the table. 2008-04 is the general concept that is on the table, the alternates are really mostly with the issue of transition. Under any scenario you've got to pick and choose as to which member of the 9 becomes the Mayor, and that's going to eliminate one of the positions. It is not our intent to designate who that person might be, but there is a provision made for transition in the matrix that gets you there. At some point in time, that's going to happen and you basically take the County and divide it into 9 Single-member districts, which must be legally constitutionally compact proportionally to represent the one person - one vote and functional etc., and make that into 8. By virtue of that decision, you are increasing the size and scope of each of the districts, and I am not pre-judging the answer, but when you expand size, you also potentially open up doors for pollution or arguments and pollution.

Comment [PAK5]: What?

The Chair asked if 10 seats, 1 Mayor would eliminate the problem.

**Mr. Goren:** Yes.

The Chair asked Mr. Spitzer for his comments.

**Mr. Spitzer:** Well, I think with any of the 3 plans in front of you, you are going to have this question at some point in time of changing district number X with the boundaries of that district. I would say

though, that I think that the concerns about re-districting after 2010 – I am sure I see that point, because I think that you have terms that end and some that will begin in 2010. You look at the schedule on alternative 3 and then the normal re-districting process; you get the data in – you start that process and it is done. I think the law requires it to be done by the end of the 2011 calendar year to be implemented beginning 2012 election. I think Sam's answer on dilution was accurate in that was a maybe; I think again it depends on how these districts are drawn whether they're 8 or 10 Single-member districts. Looking at the map of the current districts and the different populations within the County, I think there's a lot of room for flexibility there and I think whoever does this re-districting, would need to be mindful of the dilution question. I think you could work around that; I think it is perhaps is less of the problem if you went to 10 instead of 8 district.

**Mr. Goren:** Kurt, just for the record you have seen the proposal; we have also added language given your recent presences with the subcommittee and the full board. Language regarding the place where the County would turn to seek assistance, and actually defining the districts which would be a 4 year College University of the State of Florida.

**Mr. Spitzer:** I am sorry to see that part of it.

**Mr. Goren:** It was the recommendation of a Committee to actually provide a mechanism to do so that was an outside source that would bind the Commission to several alternate possibilities, but that it will be done by an outside source who would be otherwise legally qualified to perform.

**Mr. Spitzer:** They will present a couple of options to the County Commission, which would accept or reject them, but could not modify them.

**Mr. Goren:** Correct.

Ms. Eisinger advised that the biggest concern is, it is not a fiscally responsible move to increase the members of the Commission. She added that she is comfortable with keeping to the number 9 and not increasing the number of the County Commission.

Ms. Weeks stated that there is not fair representation across the board and that was an issue that the Committee agreed to look at. She advised that she would be in favor of having 11 seats; she added that her goal would be not to upset the system of the government.

Ms. Moseley advised that Broward County is growing and that is why she is not adverse to increasing the numbers.

Ms. Rogers asked how we determine what the salaries are.

**Mr. Goren:** Under the current terms of the revision it tracks the current language in the Charter which essentially compensates County Commissioners based on being non-Charter Counties, which is an automatic reflection by State Statute, but provides a mechanism for payment each year based on population. So at the current time, the Charter says that they are paid based upon a non- Charter County status and the transition was the same in the Charter with the votes.

**Mr. Spitzer:** Your options are unlimited in terms of how you can change that. In salaries, that is one part of the cost, the other part of cost is support staff and office space and other kinds of operational expenses.

Ms. Weeks stated that she feels it is a low cost when you consider wanting to make sure that all of these other things are equal.

Ms. Eisinger stated that there was a motion on the floor for the 9 person structure of government.

Ms. Weeks MOTIONED, to consider 10 districts with one Mayor to be included.

**Mr. Goren:** The motion is to modify the purposed 2008-004 to reflect the structural change.

A brief discussion ensued clarifying the motion on the floor.

**Commissioner Wasserman-Rubin:** I just wanted to ask a couple of questions for my edification here. What you are proposing? What is the motion that is on the table? Is it to have an additional Commissioner so it would be 10, or that an additional Commissioner would be elected County-wide?

Ms. Weeks advised that the Commissioner from her motion would have been elected County-wide.

**Commissioner Wasserman-Rubin:** My question then to the maker of the motion is; what is your rationale for having 8 Commissioners districted out and 1 Commissioner County-wide and then the Mayor County-wide?

Ms. Weeks advised that there was a long discussion in a previous meeting and the rationale for having the Mayor County-wide was that you would have someone that has more power and control. She added that there are issues, and the biggest issue for her is that she does not want to dilute voting power for minorities.

**Commissioner Wasserman-Rubin:** Let me just explain to you where I come from. I've run County-wide 3 times and I see a great value in having that experience only because if my colleague who represents Deerfield Beach for instance, has an issue on the table and she needs the majority of us to vote for that issue. I have personal experience with Deerfield Beach. I know what Deerfield Beach needs, and I am more likely to support her issues than to say, "What do I care about Deerfield those people don't vote for me?" I understand that part. I also understand that in terms of a minority population in Broward County we have come a long way. The pockets that we use to see before are no longer that compact, there are more throughout the County. I believe that a County Commissioner should have the privilege of representing a district. Every one of our 9 districts or however many districts there are – that they be diverse, not only by race, ethnicity etc, but also by economics and all that. I wish there was a way to cut out the districts, so that everybody gets a piece of everything, is familiar with the poorest and the richest, and have a little bit of everything. I think we have done that right now, my district clearly is the most overcrowded, the most diverse also of all the districts; there needs to be some relief there. My concern with having one At Large and the rest districted out is that there is a perception that – that one At Large person has more power and all they would have is one vote like anybody else. That is not what I envision to be in the best interest of the County. I think if you are districted out, we have a diverse County Commission right now; probably the most diverse we have ever had; and we are not under any Court Order to – we have a Black, Hispanic, an openly gay person all on the Commission, we have men, we have women. I am proud of the diversity that is represented there. Now I agree with you Burnadette that we should not in any way shape or form undermine that which allows us to have equal representation for everybody in Broward County, and I do not want to dilute any of the minorities' opportunities that exist. I am a minority myself (I remind everybody of that) and I think that you and I agree on that one. I still have concern about the At Large person – quite frankly I have a concern about the Strong Mayor issue all together.

Ms. West advised Commissioner Wasserman-Rubin that it is an Elected Mayor.

**Commissioner Wasserman-Rubin:** Have you already considered the powers that you are giving this person? Again, if you think that there are too many people and want to add another seat – districted, I think would be – I mean, is it working in the School Board, with the 2 At Large people?

Ms. West stated that people want to have more than one Commissioner that they can go to.

**Commissioner Wasserman-Rubin:** To me, the best system ever was the system where you had to live in a district, but you were elected County-wide by everybody. To me that was the best.

Ms. Eisinger stated that is the form of government we have in Cooper City.

**Ms. Weeks MOTIONED, Ms. Good SECONDED, and the motion carried unanimously to extend the AGSC meeting.**

**Commissioner Wasserman-Rubin:** That is something that I believe in too – it should be reform available so that everybody – it doesn't favor the incumbent or the people with the connections, I agree with you there.

Ms. Weeks stated that she feels the subcommittee has balanced thing out by not given anymore power than is already in the Charter, but give that person a longer term to serve.

**Commissioner Wasserman-Rubin:** It would be then up to whatever that Mayor's inclination would be. The Mayor would actually structure the power – we have each in our way and own different styles of leadership have provided to this County in our way – but it's not anything extra or anything less, except this person would be elected County-wide.

The Chair advised that there was a motion on the floor to recommend 10 districts and 1 County-wide elected Mayor, an 11 member County Commission.

Ms. Moseley MOTIONED to create 9 Single-member districts without touching them, and 1 At Large and 1 Mayor At Large.

Ms. West suggested having a vote up and down.

**Mr. Buckner – No**

**Ms. Eisinger – No**

**Ms. Good – No**

**Ms. Moseley – No**

**Ms. Rogers – Yes**

**Mr. Rogow - Absent**

**Dr. Rosenbaum – No**

**Ms. Weeks – Yes**

Richard Weiss - Absent

**Mr. Goren:** Mayor Moseley although we love her dearly, she's not able to vote today; she's not a member of the subcommittee.

Mr. Buckner advised that the CRC Chair can not vote but the Vice Chair can.

**The MOTION FAILED WITH THE VOTE OF 2:5 and subsequent cancellation by Legal Counsel.**

**Ms. Weeks MOTIONED to create 9 Single member districts, 1 At Large, 1 Mayor At Large, SECONDED by Ms. Rogers.**

Ms. Weeks stated that it is important to not dilute the minority representation.

Ms. Eisinger stated that she stands firm on not increasing anything that has a fiscal impact, she added that she understands and supports the sensitivity to minority representation.

**Mr. Spitzer:** Since I asked for this at the last conference call meeting that I participated in, I did get a map of the districts and some 2000 population information. Now this is 2000 information, but it is the best we have right now and in terms of re-districting, you look at people not at voters that the Supervisor of election has. Given the current system you could – re-districting is a little bit of an art in addition to a science but – I could easily draw 3 minorities – almost minority majority districts with the current system. I just pointed that out. I mean you have 2 districts with 25% or 29% African American and (and this was back in 2000) one with over 65%; just looking at the map you could move those lines around and have a different result with the current system.

Ms. Good agreed with Ms. Eisinger.

Ms. Weeks stated there is a consensus in the idea of having an Inspector General role played. She mentioned in relation to the number of Hispanic residents, there should be more than one Hispanic on the Commission.

Ms. Good interjected that there should be more Hispanics on ALL the boards in Broward County, but that isn't the case and she felt like the independent body, that was proposed, could deal with all of that, and that should be handled by professionals at Universities.

Ms. Weeks corrected her that she wasn't proposing otherwise, there is the likelihood of increasing ethnic presence on the Committee, with the increase of more districts.

The Chair stated that there are mechanisms in motion to resolve these issues in the future, and to view these concerns in a more general nature.

Ms. Eisinger stated that she doesn't agree that having more districts with more members will do anything, but impede the process more than it has already. The effectiveness of the Commission could be compromised.

Ms. West posed the question to Mr. Spitzer, 'Is there any relation to the population of a County as to the number of representatives you have on a Commission?'

**Mr. Spitzer:** No...no, there is generally speaking, very generally, the larger the jurisdiction, the higher the number. But you know, you can find exceptions to that practice, and there's nothing that requires a certain number. Let me say again, salaries are but one part, and I think it's the smallest part, of the increasing cost. I mean, if you support staff, office space all that stuff will be the biggest increase in cost.

Ms. Rogers and Ms. West commented amongst themselves regarding the support staff and office space comment of Mr. Spitzer.

**Mr. Spitzer:** You have to look at it long term.

Ms. Rogers commented on the constant growth of Broward County, and how there is no land in the Everglades we can use and the ocean isn't an option, which only leaves room for vertical growth. She proposed that when drawing the boundaries, those are they types of projections they would have to include. She wants to put on record, that whether it's done in 2010 or in 2012 as suggested, good planning and good demographics are needed.

Ms. West added that that was one of the possibilities that Mr. Spitzer mentioned, they could under populate districts, in anticipating where the growth could be.

**Mr. Spitzer:** That's right, as long as you base it on sound planning practices and information, within the normal boundaries. I mean you can under populate certain districts in anticipation of future growth.

Ms. West added that the information they were referring to came from the County Office of Urban Planning and Redevelopment.

Ms. Good asked the Commission where 'White Hispanic' was on the document, and stated that her race classification was no where on the chart. The chart only list White non-Hispanic or Black Hispanic.

Ms. West replied that they will have that taken care of.

Ms. Good suggested that there should be an option of just 'Hispanic'.

Ms. West stated there is a motion on the floor.

**The Chair called the vote by roll call...**

**Mr. Buckner - No**

**Ms. Eisinger - No**

**Ms. Good - No**

**Ms. Rogers - - Yes**

**Mr. Rogow - Absent**

**Dr. Rosenbaum - Yes**

**Ms. Weeks - Yes**

**Richard Weiss - Absent**

MOTION tied on a roll call vote of 3:3

The Chair acknowledged a tie and stated that a recommendation is needed.

Ms. West suggested going with the original proposal.

**Mr. Goren:** The base Resolution has the same premise for each, in each, which is basically 8 districts and a Mayor at large. It just gets you there different ways through the matrix, which basically is the wind part. Whether it's in 2010, 2012 or some other time in between or after, but the basic premise is

what you described at the last meeting, which is 8 districts single member, and one at large, which is the Mayor.

Ms. West stated that it was approved last meeting, so there is no need to approve again.

**Mr. Goren:** To the extent you have not actually seen the formal document; you have 2004, 2008-004, that's the principle document. We just gave you three papers to the same document, because we can't know what you're thinking without you taking some action on them eventually. But if it would be appropriate to take action on the basic Resolution and, so to speak, serve up the 3 options.

**Ms. West MOTIONED to accept Charter Review Resolution No. 4 A recommendation by Legal Counsel, SECONDED by the Chair.**

The Chair stated he favors the 10 single member districts and the Mayor, which Ms. Weeks agreed.

**The Chair requested a roll call vote.**

**Mr. Buckner - No**

**Ms. Eisinger - Yes**

**Ms. Good - No**

**Ms. Rogers - No**

**The Chair - No**

**Ms. Weeks - No**

**The MOTION failed 5 opposed to 1 in favor**

The Chair **MOTIONED** for 10 single member districts and 1 at large County elected Mayor, **SECONDED** by Ms. Weeks.

The subject of Ms. Good not having her race listed on the chart was mentioned again, that it would be taken care of in the next meeting on August 30<sup>th</sup>. Ms. Good reiterated her concern for the dilution of races, with issues such as the one she is speaking on.

Ms. Eisinger requested that the issues regarding the chart and the financial impact of the research be tabled until the next meeting.

Ms. West informed Ms. Eisinger that they must first vote on tabling the issue.

**Ms. Eisinger MOTIONED and Ms. Good SECONDED the motion to table the discussion until the next meeting.**

**The MOTION was passed unanimously.**

The Chair suggested someone motion to adjourn the meeting.

Ms. West **MOTIONED** for the adjournment of the meeting, **SECONDED** by Ms. Weeks.

**c. Resolution from General Counsel regarding Structure/Form of Government**

Discussion Tabled.

**d. Regionalism**

Discussion Tabled

**e. Economic Development**

Discussion Tabled

**IV. Public Comment**

Public Speaker Ms. Kareen Boutros spoke in the body of these minutes.

**V. Adjournment**

There being no further business or public comment the meeting was adjourned at 5:39 p.m. The minutes of this meeting are recorded on CRC-AGSC CD # 8.23.07 (BCGV CTR).