

Summary of Discussion
Broward County Charter Review Commission
Administrative Issues/Governance Subcommittee Meeting
Tuesday, August 07, 2007
Governmental Center, Room 430
4:00 PM - 8:00 PM

Members Present:

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

Members Absent:

Bruce Rogow, Esq.

Others Attending:

Chedley Etienne, Administrative Assistant, CRC
Sara Feder, Project Coordinator, Broward Alliance
Justin Flippen, Commissioners Aide, County Commissioner District 3
Yolanda Grooms, Administrative Specialist, CRC
Maria Gross, Assistant Director, CRC
Sandy Harris, Executive Director, Broward County Legislative Delegation Office
Phyllis A. King, Transcriber, PKING Consulting
Alan Levy, Chair, Broward Workshop
Mayor Lori Moseley, CRC Chair
Commissioner Hazelle Rogers, CRC Vice-Chair
Priscilla Rogers, Administrative Coordinator, County Commissioners District 3
Robin Rorapaugh, Hollywood, FL
Kurt Spitzer, President Kurt Spitzer & Associates, Inc.

Bob Swindell, Senior Vice President, Broward Alliance, Business Development
Ms. Lisa Vondrak, News-Abstracts.com
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 4:00 p.m. on Tuesday, August 07, 2007 at the Governmental Center Room 430; 115 S. Andrews Avenue Fort Lauderdale, FL.

I Call to Order/Roll Call

The Chair Dr. Irv Rosenbaum called the meeting to order at 4:06 p.m. He requested the roll call by Phyllis A. King, PKING Consulting, Inc. Upon completion of the roll, the Chair recognized the presence of a quorum and advised that agenda items would be postponed until after the guest speaker's presentation. The Chair introduced Mr. Kurt Spitzer of Kurt Spitzer & Associates, Inc.

II. Approval of 5/31/2007 and 6/13/2007 Summaries of Discussion

Approval of the Summaries of Discussion was tabled until the next scheduled AGSC meeting.

III. Presentation By Kurt Spitzer, Consultant, Kurt Spitzer & Associates, Inc.

Mr. Spitzer: I am glad to be here today; a little bit about myself, I have been involved with County government for many years and was with the Florida Association of Counties for about 10 years back in the late 70's – from 1979 to 1989. Our company is a local government consulting firm which does a few different things. One of which is to provide advice and help facilitate the Charter Studies and Charter Review Commissions such as your Charter Review Commission. We have worked with a number of Counties over the past 18 years or so, and we are glad to be here today. I have a little PowerPoint presentation that I will go through with you and I suspect that it will generate questions that we can have a dialogue regarding some of these different issues.

Mr. Spitzer distributed a handout entitled: **Charter Practices – Elected Executive Forms**

I will start out by saying that the Charter is not a silver bullet for all the problems that each of you might perceive that exists in Broward County, but it can be used as a tool for innovative changes that may help facilitate some improvements in services and structure.

So it's always good to know where we've been before we talk about where we go, so I am going to give you a brief overview of County government. County government 101, because I think this is helpful to understand what you may or may not be able to do in terms of the Broward County structure.

You can trace the origins of Counties back to the 9th Century in Europe – both in France and Germany, and also in England where the national government – there were no State governments then. The national government was divided up into sub-units, in Germany they were called “Counts” and in England they were called “Shires”. But they were both sub-divisions of the federal government and also units of local government. The King would appoint his representative in those areas to keep order and collect taxes and everyone knows “Shireeff”, that's the Sheriff and that system was imported to the United States in the 1600s. Florida's territorial governor, Andrew Jackson issued the first ordinance of the State in 1821, and he divided the State into two Counties; the Suwannee River and Escambia County to the West and St. Johns County to the East that recognizes the existing Cities. He described the services and duties of these two Counties and they were governed by a collegial body of 5 Justices of the Peace; a collegial body that yields both Legislative and Administrative powers.

There have been several interesting changes to the Florida Constitution over the past many years. For quite a while though, County Commissioners were appointed. They were all appointed by the Governor. It wasn't until the 1900s that they were actually elected. We always had an understanding that Counties were political sub-divisions of the State of Florida, not in the State; but of the State. They were really units of the State government at the local area to keep records, conduct elections, keep order, and have a judicial system, those sorts of things. Until relatively recently, if you wanted a different structure or higher level of service, your option was to form a City. In many cases, they would go to the Legislature and ask for permission to have a special act or a Special Election, and incorporate as a City government.

All of that changed in 1968 when the voters of Florida adopted some very significant changes to our Constitution. At that time, what was known as a Dillon's Rule was replaced by Home

Rule. Dillon was the author of a paper that set out the duties, powers, and responsibilities of local government. That's how this came to be known as Dillon's Rule. ***Dillon's Rule says that a local government has only those powers that are specifically granted to it by the State.*** In contrast with that, ***Home Rule says that local governments have all powers that are not prohibited or preempted by the State.*** So, it's a polar opposite type of policy. With Dillon's Rule, if you don't have specific Authority, for those of you who are Elected Officials, City or otherwise, those things that you think are very routine now days, prior to Home Rule could not be accomplished without a Special Act. But with Home Rule, unless the State says you can't do it, you're presumed to be able to take action. Under Dillon's Rule you search for authorization, under Home Rule you look for a provision. For those of you who have worked with local governments, you know that shortly after Home Rule was granted, the Legislature started chipping away at it, but none- the- less that's still the same policy that we have today.

The 68th Constitution replaced Dillon's Rule with Home Rule for non- Chartered Counties. They had all powers of self-government as was provided by the Legislature. The Legislature came back in 1971 and 1972 and granted broad powers of Home Rule to all Counties including non-Chartered Counties in Florida.

Charter Counties like Broward, their powers of Home Rule were self executed. If the voters of the County adopted a Charter by referendum, they were presumed to have Home Rule powers the day that it was adopted. This was a very big difference prior to the passage of revisions of Chapter 125 in 1971 and 1972. Where non- Charter Counties had no powers of Home Rule there was no specific authorization on the part of Legislature, but there was this direct grant of Home Rule powers to those Counties where the voters had adopted the Charter.

So a couple of key provisions of this part of the Constitution; Charters are adopted, amended, and repealed only by a vote of the electorate. The County Commission can't amend the Charter; the CRC can't amend the Charter. Your Legislative Delegation can't amend the Charter, only the voters of Broward County can amend the Charter. The Charter may provide, it doesn't have to – but, may provide for different ways of picking the County Constitutional Officers, and they can transfer their duties to other positions. The Broward Charter does this with a couple of positions already. It has abolished the elected office of the Tax Collector and it has transferred the Clerks duties for Finance, both of those duties to a Department of Revenue and Finance underneath the County Manager. It has left the other offices untouched – basically, untouched by the Charter.

Of interest to you all, the Charter may provide for different ways of electing the County Commissioners, a different way of districting, partisan / non-partisan. They have a different way of electing the head of the Executive Branch. Again, Charter Counties have all powers of Home Rule that are not inconsistent with general law or special law that's approved by a vote of the electorate. One final thing, the Charter must specify which County ordinances, if any, prevail over those Cities. Most ordinances don't, but it is not uncommon now in many Charter Counties to see things like environmental protection, water quality standards. Things like that where the County is authorized to adopt minimal standards that apply County-wide. The Broward Charter has things like that in it. So, there are 19 Chartered Counties; 19 out of 67. These population figures are a little bit dated. But what's interesting now on a statewide basis is that Charter Counties are not exclusively composed of the very urban areas. There are some small and medium-size Charter Counties. In fact, if you look at Columbia County, it's very small; they adopted a Charter just a few years ago in their area. Although there are only 19 out of the 67 Counties, about 80% of Florida lives in a Charter County. The overwhelming majority of Floridians live in a Charter County.

In terms of some of the primary issues that you are interested in the Charter Review Commission at the present time, there are many sub-issues here, but in terms of a districting scheme of the County Commission and then the Executive Branch of the County government – the Executive or the Administrative Branch of the County government of a Charter County. The voters of Broward County have numerous options available to them in terms of how they could make changes to the Charter. It's the Charter Review Commission's job to study these alternatives and punch out to the ballot those options that you think are best public policy for the voters of Broward County, if any. But in terms of the districting scheme, Broward now has a system of 9 County Commissioners elected from a Single-member district. Only the voters within those districts elect the County Commissioners. There are many alternatives that could be considered to that particular system. Generally speaking, Single-member districts result in Commissioners being elected who are more reflective of and responsive to the voters who elected them. They are elected only by the people within that particular district. At the same time though, you may have seen this in Broward County, they are less responsive to some of the issues in other parts of the County. These are the considerations that people must wrestle with when thinking about Single-member districts or At-Large districts.

Sort of the default system in Florida, is a system of 5 County Commissioners who are required to reside in individual residence areas and those areas are as nearly equal in population as is

practical as the term. But they are elected by all of the voters on a County-wide basis. That system guarantees geographic dispersion throughout the County and you have the same thing with 7 or 9, or whatever number of County Commissioners. But it tends to bring a County-wide perspective to the County Commission. Many of the services that County government provides are regional in nature. Some will argue that it is important to have that regional perspective brought to the County Legislative body. However, it does result in a lessened ability to elect minority districts or create minority-majority districts or minority influenced districts, as opposed to Single-member districts.

Some Counties and this would be an option available to Broward, have mixed districting systems where there is a combination of Single-member and some At-Large representation. Both Hillsborough and Pinellas have 7 Commissioners, but 3 of those are elected on an At-Large basis and 4 are elected from Single-member districts. In Pinellas and in Hillsborough, it has allowed the County Commission to draw a minority influence district. There is an African American Commissioner in both jurisdictions. But at the same time, it allows each elector of the County to vote for a majority of the County Commission. So, it combines some of the features of both of those 2 systems. It doesn't have to be a system of 4 and 5. It could be 3 elected At-Large and 6 from districts and at the end of the day, the drawing of the district boundaries is a duty that is reserved to the County Commission, the County Legislative body. You could consider some sort of guiding language in the Charter, but it's the duty of the County Legislative body as to how those districts should be drawn.

Now in terms of the head of the Administrative Branch or the Executive Branch of the County, there are really 3 options to consider and Broward currently has a County Administrator form of government. The County Commission is the Legislative body for the County that sets policy, but is not involved individually in the day to day management of the County government. That duty is reserved for the County Manager or the County Administrator as he or she might be called. That person is retained on the basis of training, education, professional credentials. This system has now been around for, since the early 1800's when it was first started to be crafted by the National Civic League. Those who have seen the *Gangs of New York* – that's why this system was boxed. Really, the corruption in local government especially in the North East was rampant back then and you would have feuds – not just feuds, fights, riots between competing service providers and the attempt was to separate the Administrative duties from the policy or the Legislative making duties of the City Council. This system now is very common, probably the most common system in larger County's in the United States and Cities, also both

in Florida in other States. The County Commissioner or the City Council hires and fires the Manager – the Manager implements the policy. The Manager discharges duties based on decisions made a majority of the County Commission.

While this system has its basis in professional management – and keeping, the “politics” out of the Administrative side of the County government or the City government, as the case may be. Some argue it is difficult to tell who is really in charge of the County. Is it a County Commissioner? Well, an individual County Commissioner can’t respond with the full force and authority of the County government to a constituent complaint. Only the Manager or the Manager’s staff can do that. But is the Manager elected by the people of Broward County? No. Is the Manager on the same par with the Sheriff, Municipal Mayors, or other key leaders in the region? Some would say no. There are some jurisdictions in Florida and in other States where the interest in professional management has been out weighed by the desire to have a directly elected political leader from a jurisdiction.

In the larger jurisdictions, now both in Florida and in other parts of the Country, we do see various forms of elected leadership, and there are generally speaking, free options. But with all of these – and with that handout I gave you, there are numerous variations with each of these systems. One is an elected Chair, and this is a little bit of a misnomer, because although the voters directly select the Chairperson of the County Commission – you typically would still have the professional County Manager as head of the Administrative Branch of government. But the voters do have an opportunity to pick the Ceremonial head of the County depending on the personalities. The City of Tallahassee has an elected Chair form of government and people now look to the Mayor of Tallahassee as the head of the City government. The Manager is retained; the Manager is still hired and fired by the County Commission, the Manager prepares the budget and submits it to the County Legislative body.

Moving a step farther away from that is the Elected Mayor form of government. This is used in Orange County, Florida and in the City of Orlando, Florida. Here the Mayor is directly selected by the people of the County – it is a Ceremonial and Managerial head of County government. The Manager’s position is retained, but the Manager is nominated by the Mayor and confirmed by the Board of County Commissioners and typically is only dismissed by the County Mayor. One key difference between this system and the next system that I will discuss, is that in this system, the Mayor sits with and continues to Chair the meetings of the Board of County Commissioners. Big difference between this and the Elected Executive form – the Elected

Executive form is used in Tampa and in Jacksonville. It doesn't mean you have to consolidate like Jacksonville did, but here there is complete and total separation of powers between the Executive Branch and the Legislative Branch. The Mayor is not a member of the Board of County Commissioners – County Commission functions much like the Florida Legislature does at the State level. There is a Committee structure that's developed; they elected their own Chair person of the County Commission. Typically, the Charter does not specifically retain the position of the County Administrator or the County Chief Administrative Officer, but it might. The document that was prepared by your delegation a few years ago retained that particular position.

So the – sort of the policy questions are assuming – the first question is not here, but the first question is, ***Do we want to move away from the system that we have now, where the County Administrator is the head of the Executive Branch of government?*** If the answer to that question is yes, then the fundamental questions to sort of start wrestling with are a few and there are numerous permutations of these, but one is ***How do you divide the power and authority to a Legislative branch and the Executive Branch of the County?*** Is it a true elected Executive where there is complete and total separation of duties, or is like an elected chair or elected Mayor where you typically would retain a Professional Manager's position and the Mayor sits with and Chairs the meeting of the Board of County Commissioners. In either case, you could retain the Professional Manager's position. You don't have to abolish that particular position. Then, ***what districting scheme do you pair with either of these particular systems?*** In Orange County there is a system of 6 Single-member districts and then the County Mayor The County Mayor sits with the County Commission, Chairs the meetings, and is able to vote on matters coming in front of them. But you could do it differently, I think that the Legislation that was filed a few years ago kept basically as an elected Executive System, where the 9 Single-member district Commissioners – that system was retained, but they were purely a Legislative body and there was an Executive that was not a member of the Board of County Commissioners. So, those are three basic questions.

There are many other questions and some of these the answers to them don't become apparent until you start actually looking at language and different policy options. ***Do we keep a Chief Administrative Officer in the Charter? What are the duties of the position?*** The County Attorney, the County Attorney is hired by the Mayor; the County Attorney provides services to the County Commission in addition to the Mayor. The Commission Auditor, if Broward now has a Commissions Auditor, you would want to retain that position so the that position would

become the oversight arm of the County Legislative body over the departments of the Executive Branch.

How do you appoint department heads? Are they all appointed exclusively by the Mayor – the County Administrator? If there is one, does it require confirmation by the Board of County Commissioners? How frequently does it require confirmation by the Board of County Commissioners? The County Officers – the remaining 3 Officers that you have in Broward, if we really wanted a truly senior ceremonial and managerial head of Broward County, you still would have the independent constitutional officers that you have now.

What should the Salaries of the Mayor and the Commissioners be? In most not all situations where the Commission becomes truly a Legislative policy part-time body, the typical salaries are no longer held. It is either the prerogative of the County Commission to set salaries, or salaries are reduced by the Charter. But how do you do that? There are many different options, you can set the salaries in the Charter or you could allow the Charter to say that salaries will be set by ordinance at some point in the future. ***Is the County Commission full time or part time? What sort of veto power does the Mayor have?*** Is it on any particular ordinance including a bunch of items that the County Commission passes, and if the Mayor does have veto power, by what majority does the County Commission need to override the Mayor's veto? ***What are the specific duties of the Mayor and the Board?*** In most places you will see where the office of the Mayor, the duties of the County Manager becomes the duties of the Mayor and then the transition. These are technical things that the proposed amendment would have to provide for transition of both, in terms of the Executive Branch and also any changes to the districting scheme that you might want to consider.

Mr. Spitzer: Questions.

[End of Presentation]

The Chair asked Mr. Spitzer how structure relates to the focus of County government. He stated that we have some Counties being involved in regional issues, economic development, transportation, and taking the lead role on the regional issues. The other thing is being another local government, being another City, being another municipality; he asked Mr. Spitzer how he sees that fitting.

Mr. Spitzer: Well, I think on the first question – I think that by its nature, when you have an Elected Mayor or a directly elected Chairperson of the County Commission, I think you have that leadership position where you can marshal both the fiscal resources of the County and also the political resources and constituency. I think that kind of position is more apt to be able to be more responsive to these sorts of big picture concept issues.

The Chair advised that his concern was with regional issues and who will address them which was answered very well.

Mr. Spitzer: I think that your Charter does have a statement in it already concerning transportation, and it sort of elevates transportation in terms of the importance. You could insert other policy areas or programmatic areas like economic development as sort of a guiding policy to the County and to the Mayor also.

The Chair asked Mr. Spitzer if he thought it would be helpful to put that into the Charter as a primary focus of the County being that we are an Urban County with very little unincorporated areas remaining. He added that by getting the County out of the municipal service business would be the ideal setting for a regionally focused big picture. County government is something that is needed.

Mr. Spitzer: That's a policy question, but I think that to have a few focus areas in a Charter is appropriate. I would suggest not sort of limiting the power of the County or the County's Legislative body.

The Chair explained that he was thinking of their being inclusive and empowering the Counties primary function which should be focused on transportation, economic, and planning issues that are of a County-wide nature, rather than a municipal nature, differentiating the goals and responsibilities from what a municipality may do.

Mr. Spitzer: I think that you can do that, I would be careful not to limit some future government ability to respond to some unforeseen circumstance.

Mr. Buckner referred to the Charter Counties that have At-Large districts; he asked Mr. Spitzer if any Counties have adopted alternative voting schemes to protect minority voting.

Mr. Spitzer: No, they have not. I am not a lawyer; I don't know why they haven't. I don't know if there is some legal form between that or not, but they have not done that. We've re-districted a couple of places and that subject has come up, but it was never really investigated.

Mr. Buckner then asked Mr. Spitzer about other Counties in the Country that have switched from straight voting into other alternative voting schemes.

Mr. Spitzer: Not that I am familiar with right now. I am aware that there have been some places that have done that and that type of research can be done, but I am not familiar with it.

Mr. Buckner asked in terms of re-districting, if there have been any Florida Counties that have placed in their Charter, an independent districting Commission which takes it out of the hands of the Legislative body or the County Commission and places it into an impartial body.

Mr. Spitzer: Remember the Home Rule and the preemption. The Constitution and Statutes described that it's the Legislative body that at the end of the day that re-districts itself. However, Brevard County Florida, the Daytona Beach area does have embedded in their Charter a separate Commission much like this body that is appointed by the County Commission, but their duties every time the County is redistricted, is to come up with recommendations to the County Commission. At the end of the process is the County Commission that accepts or rejects these recommendations. So it's a system with law, but the actual process is supervised by this independent body.

Ms. Moseley asked Mr. Spitzer if he had encountered combining of Single-member districts with At-Large. She also explained that a discussion has been ongoing as to the frequency of census taking and whether a mid-decennial census should take place before the 10 year standard.

Mr. Spitzer: Pinellas went from, 5 At-Large living in residence areas to 7. The system of 7 is 3 At-Large, and 4 from Single-member districts. Each of those 4 Single-member districts is as nearly equal in population as the others, as is practicable. The residence areas of those 3 At-Large districts are as nearly equal in population as is practicable. Now are the boundaries contiguous? No and the At-Large districts, the residence areas were really created as a way to try to avoid a situation where you might have 3 or 4 Commissioners living in one neighborhood. But in Pinellas – Pinellas did create at the southern tip of Pinellas County, a minority influence district. But in each case, I think no matter what the district is – districts of similar types must be equal in population to each other whether they are Single-member or At-Large.

The other question was, can we re-district more frequently than 10 years? There are some places that have done them. It becomes that the farther you get away from the census the more difficult it is to have defensible data. But there are some places that have used the census that is maybe 6 years old, and have re-districted. There are other areas where we take the census from the past decade, and modify that by generally accepted planning principals and made some projections on your own. But I think you could do that.

You could also, when the districts are being drawn, you should be aware of where the high growth areas of the County are and to the extent that you can, you should under populate those areas with the anticipation that they are growing faster. They don't have to be precisely equal; there's a range over or under the average, and in high growth areas, one way to address that problem is to under populate that area.

Ms. Moseley asked if a different forum was decided upon than Broward currently has and there are County Commissioners that are already elected for their terms of office. She asked Mr. Spitzer in his experience if the Commissioners are to finish their terms, if they are transitioned rotationally or if they are transitioned by cut-off date.

Mr. Spitzer: You let them finish their terms.

Ms. Moseley clarified asking term limits or term?

Mr. Spitzer: *Term* and if they're in a new district, there is a question as to whether or not term limits would apply to that new district.

Ms. Moseley asked/stated that if there are already 12 year term limits and the Commissioner got into a new district, would you no longer count or would you start over considering they started over again already. She pointed out that you could have people in office 24 years, which whether you agree or disagree with terms limits, seems kind of ludicrous.

Mr. Spitzer: Well, I think that's a good question. I think there was an amendment that we had in Polk County that did not pass. The amendment was to go from 5 At-Large districts to 5 Single and 2 At-Large districts. The opinion of our Counsel in that situation, was that those districts would be different, so that term limits did not apply to people who currently held office if they were to seek re-election. Boards might have different themes, and it didn't pass anyway. So we really don't know.

Ms. Eisinger advised that she feels that this is something that the Charter would have to address if it becomes part of the ballot. She also explained that it is a big potential problem. It is that someone facing term limits is obviously going to buy in another part of the County, if they wanted to continue running. Ms. Moseley added, or goes from Single-member to At-Large.

Ms. Eisinger asked if it was the Broward County School Board that recently transitioned from the Districts to At-Large. She added that Broward County had also done this as well, and asked how the transition was done at that time.

Mr. Spitzer: You just have to spell it out in the Charter, and generally you would allow incumbents – current office holders to finish the term of office that the voters in the area picked them for. You'd have to have a staggered system whereby the County Commissioner would have to draw the new districts for the new system. You would have a system whereby some of the people stayed in office, and some of the newly elected people – which would be from the new districts. Then after 4 years or so everyone would be elected from the new districts.

Ms. Moseley clarified that the new slots would be filled immediately and the rest would have to be phased in.

Mr. Spitzer: I would assume that's what was done when you went to 9 districts.

Ms. Eisinger pointed out that obviously there is not right or wrong, but asked Mr. Spitzer for his opinion in terms of what works best, particularly looking at Broward County as one of the larger Counties.

Mr. Spitzer: I'm not supposed to have any opinion. (Laughter from the dais) I'll answer this way. I think that in an urban area like Broward County where there are demographics and the economy is very different in different parts of the area, I think it's plausible to look at some form of an elected leadership position. What the position is, there are many different ways to craft it.

The Chair asked Mr. Spitzer if he thought this would conflict with professional management.

Mr. Spitzer: Well, that's the dilemma, that's argument. The Professional Managers are all members of the ICMA. They have a very strict Code of Ethics and they would argue that you run the risk of having decisions not being made on best management practices. I'll note though, that there's a model City Charter that is published by the National Civic League and the folks

who created this reform movement. Even they recognize the appropriateness in some area of having the head of the Executive Branch be directly selected by the voters of the Community.

[Ms. Good Entered at this time 4:56pm]

Ms. Moseley suggested a breakdown discussion of the pros and cons of the different forms of government.

Mr. Spitzer: Either of those 2 systems, either with an elected Chair or an elected Executive both of which have managerial power is a major shift from the current system. Don't make any mistake about that. But it might be something that would be beneficial to the community. It is a major shift, especially if you get an elected Executive. The power of the County Legislative body is diminished significantly and most power is shifted to the elected Executive and the County Mayor.

Mr. Buckner asked, looking at Counties that have a mixed form of governance for the Legislative body particularly Jacksonville, Duval County where they have At-large seats as well as Single-member districts, what the experience has been on the minority representation in terms of At-large districts, and has it impacted or been more difficult for the City Council to accurately represent the interests of any minority populations in Duval County.

Mr. Spitzer: I don't know what the history has been in terms of the At-Large seats. The City Council in Jacksonville, Duval is 19 Council people. There are 14 from Single-member districts and 5 At-large. I know that there are several African-American Council people that have been elected from programs in passing. I think the amendment was actually part of the 1968 Constitutional revision, so it's been in place for many years. I don't know in terms of the At-Large seats, and also remember not only is there a mixed system in Jacksonville, but we have a very strong elected Executive position. The Mayor is clearly the head of the City government and the County government in Jacksonville.

Mr. Buckner explained that his reason for asking is that in Duval there is a majority African-American population, and now in Broward demographics are changing dramatically and there are other minority populations here in Broward County, and if there is any type of mixed system it would need to be reflective of that diversity.

Mr. Spitzer: I think we can put some guidance in the Charter in addition to the re-districting Committee.

Ms. Moseley and Mr. Weiss informed the Committee that Broward County has shifted and is now considered a minority- majority County.

Ms. Weeks responded that she did not believe so.

Mr. Weiss referred to a recent Newspaper article which advised that Broward County is indeed a minority- majority County.

A conversation ensued between Ms. Weeks who suggested looking at the voting population and Ms. Moseley who suggested looking at the census populations.

Ms. Moseley stated that the subcommittee must be cautious because if going by the census and the census says that Broward is a minority- majority population, then the Committee would have to make sure that it takes into account what Ms. Weeks mentioned. Because if you only do the census you might end up with an undesired outcome.

Ms. Weeks advised that the census also considers a number of things. When you talk about people who are not citizens and can't vote even if they wanted to, you are dealing with a lot of other issues that you wouldn't be dealing with if we were talking about the true voting population.

Mr. Buckner explained his question regarding Duval County, because when switching to an At-Large district County-wide you might have a different population. A minority- majority County in order to run County-wide you have to have more money to run and more influence County-wide which is not going to happen if you have a growing minority population. He added that they may numerically be higher than other populations, but they may not have the social economic base in order to support a candidate running County-wide; you will still have that impact on the At-Large districts. Mr. Buckner stated that even if they are from a certain residence and they run County-wide; people County-wide that still have the economic basis, will be able to choose whoever they want throughout the County.

Ms. Moseley responded that maybe that is why the good thing is to have a mix of At-Large and Single-member districts so that you can assure that you get equal representation or at least the opportunity for it.

Ms. Eisinger asked Ms. West if the AGSC member were distributed a future demographic provided by Dr. Snipes (Broward County Supervisor of Elections). She reminded the

Committee that they planned to address it. She reminded the Committee that even if they are not now a minority- majority County, looking into the future, we are going to be. Therefore, she suggested having those statistics on the dais to really address any change in the structure.

Ms. West advised it was provided and offered to send it again.

Ms. Weeks stated that she feels it goes beyond that and suggested if the AGSC is going to continue to have this type of discussion they will need more than just the numbers, because of potential interpretation differences.

Mr. Weiss suggested having a “What’s the issue?” conversation. In order to define what the AGSC is trying to accomplish. He added that he feels the Committee should identify the problem if there’s a problem, and then have a discussion.

Ms. Good stated that she is not thinking that there is a problem, but advised that she does like that there may be benefits to restructuring differently. She added that she liked the suggestion from Ms. Moseley for the pros and cons as to what would be achieved in having an At-Large member added to the Commission’s current membership in lieu of just Single-member districts, and what would be the positives and negatives of having a Strong Mayor. She advised, this way the Committee could figure out if there would be some benefits to the current structure or there wouldn’t be to the Community at large.

The Chair referred to an earlier meeting, where he talked about the problems of the future and where Broward County is going and some of the difficulties coming forth, with transportation and the employment profile of the County. He added that other Counties have been more aggressive in economic development, they’ve been going after Biotech and there are challenges in Broward. He advised that he does not believe that we necessarily must have something wrong, but by the time you deal with the government structure and you have something wrong, you’ve got a real problem on your hands. He added that the Committee should deal with opportunity and not the problems.

Mr. Weiss responded that the Committee does not necessarily have to identify a problem. He advised that when this was done in Dade County that there was concern that there was no leadership.

Ms. Moseley stated that she believes that having a professional County Administrator is beneficial to Broward County, which to her could be a starting off point. She added that she

believes that everyone on the County Commission does an excellent job within the structure that exists. But going forward, she stated that she believes the AGSC could look at some changes that might exist. Ms. Moseley advised that she does not think that Dade County government is suitable to politics in Broward County as there is already friction going on between the Strong Mayor and the County Commission there. She advised that she would be willing to explore having an elected Mayor so that there is term, as we only have a Mayor now within the body. She also suggested reviewing some things that might or might not change, but still have a County Administrator. She further suggested exploring a mix between Single-member and County-wide, in the district.

Mr. Buckner reminded the Committee that half of a meeting had been spent on different issues that were in need of discussion including; Parochialism, Duplication of Efforts; Leadership and Responsibility etc. which are issues that are affecting or impacting Broward County and its governance.

Mr. Weiss suggested that the first step would be, is to take the issues and have Mr. Spitzer talk about how the various types of government would increase or decrease. .

Ms. Weeks *respectfully* advised that she believes the AGSC members probably have a better perspective of what's going on in Broward County than Mr. Spitzer would. She advised that she would truly like to have discussions about the issues, not necessarily to make a decision today, but for the Committee to talk amongst themselves regarding the issues at hand.

The Chair then asked Mr. Spitzer to begin with Parochialism.

IV. Discussion of Proposed Charter Amendment Relating to the Creation of a County-wide Elected Mayor

See section VI of this Summary of Discussion.

V. Discussion of Code of Ethics

See section VI of this Summary of Discussion.

VI. Discussion of Report on Recommendations for Proposed Ballot Topics/Issues for Discussion

a. Parochialism

Mr. Spitzer: Well, as you've said, I am not as familiar with Broward County as all of you are, but I think if you all have decided that parochialism is a problem there are a couple of ways that you can address that. (1) to leave the current system (the Professional Manager) untouched, but change the districting schemes. You could add 1 or more At-Large districts to the districting scheme for the County Commission. I do think that adding an elected leadership position to the Executive Branch, by its nature as a County-wide leadership position and that is in terms of the overall decisions that are made by the County government – you would also have a similar, if not more pronounced affect.

The Legislative body would come to its conclusions, but the Strong Mayor or Elected Mayor position is elected County-wide and is responsible for implementing the decisions of the Legislative body. So I think there are two different ways that you could do that if the issue is, if parochialism is a fact and is a detrimental problem in Broward County.

The Chair explained that there is parochialism but it's not a problem as it could be yet. He explained that a lot of the Commissioners were elected At-Large; some of them served in the Legislature so they do have a larger picture. He stated that the problem is the future, when you elect a person from the district who has not served in that capacity, so these are perspective problems.

Mr. Spitzer: You can observe that phenomenon in places where they go from At-Large to Single-member districts, especially if at first those elected to district seats are those who had been in place in At-Large seats. They do have history and a different perspective than folks who were elected from Single-member districts. We've seen that in Leon County where I am from. It takes 4 to 6 years or so for it to transition out to completely new faces, but it's just a different decision- making process.

Mr. Buckner advised that he did not think that parochialism was a problem, because there was a reason why Broward County went to Single-member districts. There were certain parts of Broward County that were not getting serviced by the old system. He advised that he believed that people are supposed to just look at their districts. They are from a certain district and they are supposed to respond more effectively than they had been doing to certain parts of Broward County. He asked, *is there a problem with the entire Commission looking more at a County-wide perspective?* He responded; there may be on some issues. An example would be the

Airport Expansion where there were certain Commissioners that were not going to vote for the runway expansion because of where they were representing. Mr. Buckner pointed out that those Commissioners were representing the people that lived in his/her district. Therefore, he explained that he does not see parochialism as a problem, and if there is any type of problem he believes that an elected Mayor running County-wide could be a counter-balance to any perceived parochialism from the County Commission.

Ms. Good spoke to the point of At-Large members and leaving the existing Manager structure and Commission and adding At-Large members, asked Mr. Spitzer for indications of some positives and negatives. She advised as a Hispanic minority, she could understand what Mr. Buckner is saying and at the same time she knows that in other parts of government structure such as the School Board, it is always positive to have an At-Large member to go to because your member doesn't always agree with your view- point.

Mr. Spitzer: Well as I mentioned, I think that there are some issues for the County government that are regional in nature and are County-wide in nature. To bring that perspective fully to the Legislative body is best attained by folks who are elected on a County-wide basis. I think you could create some of the positions of the County Commission seats At-Large and have residence areas that they have to live in, but they will be elected by all the people At-Large and that would bring that perspective to the debate. In Leon County, we went from 5 At-Large districts to 5 Single-member districts and 2 At-Large districts. That did allow us to create a minority- majority district, but then there are two At-Large Commissioners, which actually changed the system. We had the first African- American person elected County-wide in an At-Large seat. I think the 2 folks who are elected At-Large – you can watch the debate, they just have a different perspective on issues than those folks who are elected from Single-member districts. Now the question would be is, in a case where you have only 7 Commissioners – is 2 enough, or would you want to have more.

Ms. Good asked for two negatives for having At-Large.

Mr. Spitzer: Well clearly if you kept the total number the same, the Single-member districts would become larger geographic areas and that might affect your ability to craft a minority- majority or minority influenced districts. You know all of this – you all know Broward County demographics better than I do. If I looked at a census map, I would have better understanding of what the feasibility of these things are ,but we're talking the abstract here. Remember again, at the end of the day, it's the County Commission that will draw the district lines, not the Charter

Review. They will be guided by federal law and case law and things like that. But it's their decision and you can't change that. You can consider some sort of advisory group but it's the County Commission that has to adopt it.

Mr. Weiss asked Mr. Goren if he agrees with Mr. Spitzer, and if he has seen the Charter draw the districts and include it as an attached part of the Charter Review.

Mr. Goren: I have not, that is an interesting question in the context of whether you can or can't.

Mr. Weiss asked that he has seen in municipal Charters where districts have been drawn right in.

A brief discussion ensued, comments made by: Mr. Weiss, Mr. Goren, and Mr. Spitzer.

Mr. Goren: It is certainly worthy of further reviewing.

Mr. Spitzer: Then they are only amended by Charter Amendment.

Ms. Weeks referring to drawing districts asked Mr. Spitzer if he is aware of other Counties that have chosen or had another mechanism, other than the Commissioners drawing the districts, such as educational institutions or other examples.

Ms. Spitzer: You know many – we've helped places redistrict. Many will use an outside consultant, from an educational institution or not, to assist them in the process.

Ms. Weeks advised that she is speaking in terms of finality. She explained that the Committee has had discussions in other meetings about apprehension among the Committee of Commissioners, drawing seats for them and drawing seats that would suit them as opposed to what's best for the County and really trying to equitably divide the population of Broward County.

Mr. Spitzer: The question was, do I know of any – I don't. But as I've said, let's assume that it is the County Commission's final decision. Maybe something could be done directly in the Charter. But if that's the case, I think that you can provide some greater direction and clarity in terms of what kind of criteria the County Commission has to use, remembering at the end of the day that they will be guided by Federal case law criteria. I think you could put an advisory or Committee in the Charter.

Mr. Goren: If I can interrupt for just one second, your point is well taken. In many City Charters that I've had the pleasure of working with, they have a specific provision which every 4 years typically would require a redistricting by an institution of Florida government, whether it be here in Florida or some other institute that would otherwise be independent of the City and that group. Whether it be FAU or the University of Florida, they would provide a recommendation to the Commission by providing options, whether 1 – 5 referencing re-districting. The interesting feature is that once the independent group has provided those options, those are the options. The Commission doesn't get to decide how to pick and choose or to match within options the decision that they wish to make. The theory being that those who are giving that analysis have to raise their right hand someday in a courtroom and suggest that it is compact, it's equal, it's proportioned and it meets the constitutional test. If by the elected officials mixing and matching the decision creates that challenge and that then we do write it into the Charter.

Mr. Spitzer: In the Brevard Charter for example. It is similar in nature in that it is one recommendation that went to the County Commission and they took the recommendation. I guess they could have rejected it and said go back to the drawing board, but that did not happen.

Mr. Goren: Brevard has a very unique provision also regarding placing items on the ballot. Brevard requires a panel of lawyers to actually recommend Charter budgets which is also a unique provision in the Florida law. I've had occasion to be on one of those panels actually. But it's unique because 2 out of 3 have to agree on the recommendation of being lawful to place it on the ballot. You cannot work for the County or be involved with the County government.

Ms. Moseley asked Mr. Goren if it could be written that you would have At-Large members but they must live in a certain residence areas in order to be elected from them, and you would also have Single-member – Is there a way to write that it would state that it would have to be reflective of the County's population in that area?

Mr. Goren: District elections, disproportionate districts from geographic districts must meet constitutional things. They have to be equal. They have to provide for the one person, one vote concept in the constitutional sense. Put votes to the side because that is what you have to have. You want to create some kind of At-Large system for 1, 2, or 3 or whatever you so choose. It might not be uncommon to have a situation where the person would be from a district that would be elected At-Large. That's hypothetically possible or otherwise to create some other conditions of those 2 seats which would maintain the At-Large voting opportunity for

the other conditions. You have to keep the district voting system in place; that has to be preserved because that would then create an imbalance which could potentially be challenged.

Ms. Eisinger asked what the procedure is now for determining the districts.

The Chair advised that the Commission draws them with the assistance of the Planning Department staff right now.

Mr. Goren: They may have some outside assistance – pure model is what we in Pines or other Cities where they actually pull an outside consultant.

Ms. Eisinger asked if the AIGS could make the recommendation for a Charter amendment to, she advised that – that is something to consider.

Ms. Eisinger stated that being an elected official and sitting on both sides of the table, the fact that people have said to me that, people like to have more than one person to go to as they feel limited; that's what's positive about the School Board. She referred to Cooper City and its form of government to the 30,000 residents, she added that Cooper City Mayor runs At-Large and can live anywhere. But the 4 Commission members are from districts and are voted At-Large which helps take away the parochialism concern. Ms. Eisinger also pointed out that the Commission has heard from even the County Commissioners who have also addressed parochialism to some degree.

Ms. Rogers stated that when she looks at Cooper City, she doesn't see them having some of the challenges that a minority – Broward County, in its purest form is facing right now. She advised that it is very important for Broward County to have single-member districts. She added when we look at certain Cities, they are not having the same challenges. Regardless of where you live in that City, who will come forth to be that representative for that community, might just be the same person no matter where in that City that person resides. She stated that the Committee should recognize and understand that it is important when talking to the general population, that they do have representation. She added that in Broward County when you sit on the dais and you look at the dais, they want that dais to be representative of the Community.

Ms. Weeks advised that she is concerned with diluting whatever the benefits of single-member districts have been over the years. She stated that we are finally at a point where even though the numbers don't necessarily display this on the current County Commission, that there has been progress. She stated that she thinks the numbers in the Community in terms of the voting

population and people who are in the various districts that are represented by the Commissioners, has changed a lot and would be very concerned about other Counties where adding Commissioners / seats At-Large, have diluted Single-member District benefits.

Mr. Spitzer: I don't – I am not sure that there have been places where you have gone to a system of Single-member districts and then added At-Large districts in County government after that. I do know of places that have gone from 5 At-Large districts to 5 Single-member and then back to 5 At-Large districts. But I don't know of any place that has gone from an At-Large system to Single-member districts and then added or converted some of those seats to At-Large seats.

Ms. Weeks stated that she has lived in Brevard, Miami- Dade, Hillsborough County, now in Broward County, and all of their forms of government work very differently. She advised that there is no cookie-cutter explanation in terms of how anything could work based on something else. She advised that it is interesting to hear. But she does not believe you could take any County and plug it here (in Broward County) and say that is how it should work. Ms. Weeks requested the Committee keep this in mind as discussions continue.

Ms. Moseley stated she thinks that there is a way to preserve. She advised that by seeing the change, there is a way to preserve what we achieved by having Single-member districts. She stated that the reason why she is probably supportive of a Hybrid is because there are some people in the communities that would like to have greater representation. She pointed out that when she goes to lobby the School Board that she only has 3 people to lobby, so she only needs to count 2 more to get what her residents want her to get. She advised that when she goes to the County Commission she only has 1 person that will listen to her point of view because they live where she lives and they see what she lives. But to get someone else, say from Deerfield Beach, they don't have a need to have the same understanding as a Single-member district individual does, but if elected District-wide they have to answer more accountably to everybody. So as an elected official that's elected City-wide, she is accountable to everybody, so when listening to what someone comes up with is a very different perspective than being just a Single-member district. Ms. Moseley advised that she thinks it gives much more freedom to an elected official than being in a Single-member district and allows them to think regionally. She stating without diluting the success that we now have, she does not want to take away what we've achieved, she wants to enhance what has been done.

[15 minute break – Dinner – 5:41pm]

The Chair reconvened the meeting at 6:05 pm and requested Mr. Spitzer continues discussion on the list of issues.

b. Duplication of Efforts

Mr. Spitzer: I need to understand what the context of duplication of efforts is.

The Chair explained that is when the County is doing something that a municipality or another public entity already does. He stated that some of the municipalities do things exactly the same as the County; he added that you also have service levels where the County overlaps municipalities in the same function.

Mr. Spitzer: I guess there is Law Enforcement, like the example that – it's a sensitive area, I guess. I am not sure if – certainly the Charter could – I think the Charter could limit these sorts of things, but my view of Charters is always that they should be liberally construed to enhance the ability of the jurisdiction to do its job.

The Chair advised that this was originally what he spoke about earlier in the terms of broadly defining the regional focus. If someone on the County Commission wants the County to get into another municipal function, someone can point out that the Charter doesn't prohibit you to do it. He stated that he is looking at the future and what could happen. He added that Broward County once had a duplicative structure, and has come a long way.

Mr. Spitzer: If there is sort of a strategic policy area that you would like the County to be directed to try to go to that certain area to assert that, such as economic development. I think if I recall you already have a section on Transportation that already exists. I think in some cases you might find where municipal governments ask the County to provide services.

The Chair gave an example of Regional Water supply. In Broward County you have 5 or 6 utilities that are looking to build RO (Reverse Osmosis) plants in accordance with the new guidelines to the South Florida Water Management District. Was not there a discussion once that the County was going to be the Regional Water Supply Agency? All of a sudden, the County Utility is behaving like a municipal utility. It should say to the municipalities that we would supply you with the water that you need. The County government should take leadership role on Water Supply. That is not happening. If we view water as being a regional issue-- maybe the county does not view this as a regional issue. If you look at the 201 Plan (Sewer),

the County took leadership in that area. There is a great benefit to county government that can do larger scale projects—larger scale than a municipality can do.

Mr. Spitzer: Well, I think in some of those examples they have – again, I am not familiar with Broward but this is sort of a general subject where I would suspect that wastewater was done by an Interlocal Agreement. Asset encouragement is directly in the Charter I would suspect.

Mr. Goren: It's a federal mandate to get the money up and convert the system.

Mr. Spitzer: Federal mandate, Federal grant money.

The Chair stated that it is developed in an inconsistent manner. The North County is under a regional system and the South County is under Large User Agreements, which perhaps have been the source of a lot of conflict, to say the least.

Mr. Spitzer: You could put some direction in the Charter. I think in some of these areas you – if it's a standard, there's a great debate in some parts of Florida now in terms of how the County Charter is amended. Should it be by the so call dual vote or just a simple County-wide vote? I think the practice has been if it is a standard or a policy that's going to be inserted into the County Charter, it's adopted by a single County-wide vote. But if you get into things that affect assets or people, not wastewater or drinking water supply facilities, that clearly is without question, a dual vote sort of Amendment. The terms of how that would be adopted could be problematic, because then the entire County would vote and given the number of cities that exist in Broward County. You could put some directive language in, but I don't think you could control it.

Ms. Moseley asked Mr. Spitzer if you put in areas where the County would have control, for instance with communications where the County was going to have control and the Charter would say that the County would have to pay for it. If you put in other issues like that, you can put in that the County would have to pay for anything that was a regional issue.

Mr. Spitzer: Frankly in terms of – there two kinds of issues, one is transferring the ability to set policy and the other issue is transferring assets of people. The policy issue is – if you use Broward as example – years ago when local government could regulate the sale of fire arms, it was an amendment to the Broward Charter that said that the County would have the ability, the County Commission would have the ability to adopt and regulate ordinances regulating the sale of, I think it was a handgun. That was done because there are many different municipalities and

different policies, and if you didn't like the policy here you could go to another City. That's the study – and the whole area was preempted by the Legislature anyway a few years after that. I was with the Association of Counties when it was run over very handily by the NRA on this issue. But in terms of transferring assets or people by communications, facilities, or fire stations that clearly is the – requires the – it occurs at the same time, but is a dual vote. The amendment has to pass County-wide, but it hasn't passed inside the City limit from which the asset is to be transferred.

Ms. Moseley asked Mr. Spitzer if you were purchasing something new, could you put in there that the County would have to pay for it? She explained if everybody needed to be part of a certain switch to make it regional whether for water or otherwise, could this be added to the Charter for the County to pay for it?

Mr. Spitzer: No, and where I was going with my line of thinking was, I am not familiar of any case whereby a Charter amendment asset has been transferred from City to County government. I just am not aware of that. There have been several places where the County government has been given authority to set standards County-wide. That's passed by a single County-wide vote. But in terms of transferring assets for whatever reason from City government or the County – I am just not aware of that have been proposed much less passed.

Ms. Eisinger informed the Committee that this discussion is currently taking place in the Public Safety Subcommittee with Police and Fire. She explained that it is not necessarily transferring assets, but setting a minimum level of standards.

Mr. Spitzer: The question is *does setting standards have the affect or fiscal impact on the City* when transferring some assets from a City to the County? I don't know.

Ms. Eisinger stated that if the Charter is amended to allow the County to set standards, she asked if that is in violation of Home Rule because it is a fiscal obligation to the City. She added that this is just discussion but it is in another subcommittee that it is being discussed as another possible Charter Amendment question.

Mr. Goren: Just a quick reference for Mayor Eisinger, in 5.03 in the Fire Rescue Council there is language – just not thinking of the dictates of what it means and does not mean. There's language that talks about the County funding communication infrastructure and it's in the Charter. It's a provision that was considered by the last Charter Board. It was voted on by the

people of Broward County, and it is a provision in the current Charter which may or may not have ramifications. But it is certainly in the Charter as a funding obligation.

The Chair explained his vision was just to set a – in the first part of the Charter it states that the County's direction and focus should be on these regional issues. He advised that the AGSC as a group defined – and is not excluded from doing anything; the goal is to establish the County as a big picture government.

Ms. Weeks asked the Committee members how they feel about having At-Large seats in the structure. She suggested that the Charter find 3 top issues and you have a Commissioner that would be elected to deal – 3 At-Large positions but to deal with certain issues. Whether Transportation, the Port and Airport. She suggested that the AGSC begin to think about going in the direction of having At-Large seats that would actually do something and people who would be responsible for knowing about some particular issue; it doesn't really matter where they live.

Ms. Moseley pointed out that this is not a good idea, reminding Ms. Weeks that the public must still elect these seats.

Ms. Eisinger pointed out that you can still have anybody running for that seat who is supposed to be Economic Development, but can't balance their own checkbook.

c. Leadership/Responsibility (is there a lack of leadership/responsibility?)

Ms. Weeks advised that she was just throwing it out there. She honestly does not know if she is so much in favor of At-Large seats; but she thought in her mind if those seats did something, that maybe it would be a little bit more...

The Chair asked Ms. Weeks what her objection to the At-Large seats; if it is that she believes that they really dilute.

Ms. Weeks replied that she thinks so and she does not know this for a fact, as that is the expert testimony that she needs to hear to otherwise be on board.

Ms. Good advised that she begged to differ, and reminded the Committee that there are a number of things to consider. The fact that there are major voting blocks in large areas and they drive a lot of what happens within the Communities cannot be denied. But she advised

even in her own City that there is a larger likelihood that a minority get elected at large, than in a particular district. However, at the County level that might not be the case.

The Chair advised that the committee doesn't know the numbers.

Mr. Spitzer: Historically, you had an African-American woman elected At-Large.

The Chair reminded that on the School Board they had Kathleen Wright years ago.

Ms. Weeks advised that she is not talking about individual issues. She advised Mr. Spitzer that he has not been able to provide anything on the other side to say that it's not a good thing. She added that she wants to hear a balanced approach to the discussion. Therefore she is not sold on the idea that At-Large seats are a good thing. She again suggested, "Thinking out of the box" If they did something, or had some function and meaning such as the Property Appraiser or Supervisor or Elections.

Ms. Moseley stated that she thinks this naturally happens on the dais. She added that there are people that are elected and their knowledge base is concentrated in one area. She advised that it grows, because she wanted to grow. She does not want a person who is going to vote for her on waste issues, only to be concentrating on the Port, because they'd be so busy concentrating just on that that, they might not know what would be a good thing. She advised that you have an area of concentration, but you need to open your horizons. She advised that she is forever getting on Committees that she does not have a clue what it's going to be about, but she does know that she needs to learn the subject.

Mr. Buckner referencing Ms. Week's idea, advised that he recalled reading while researching different government structures, believes Portland Oregon might use something similar to what Ms. Weeks is talking about where they have their individual Commissioners in charge of a certain City department. He stated that the article reflected a problem in terms of having Commissioners who are in charge of making and implementing policy and having that conflict of interest. They have to decide on budgetary matters and other issues, which they have to implement the policy. He explained that Portland was also experiencing problems with having each of those Commissioners starting their own fiefdoms in their own little departments, and created possible corruption issues. Mr. Buckner added that he knows that we have the Constitutional officers in terms of the Supervisor of Election, which is in the Constitution. He thinks this is a little bit different because he for one, wants to have an impartial Supervisor of

Election. However, in terms of County or City Departments, he thinks this is some of the issues that Portland was experiencing, which is why he would tend to shy away from that for Broward County.

Mr. Spitzer: That system used to be controlled some time ago. It was a system in Jacksonville-Duval before the reform, and it was before the City Manager and County Administrator form of government.

Ms. Weeks stated that this is another problem with the whole At-Large issue, because in the County government arena looking ahead in the future the things that the County is going to be dealing with, being able to identify 4 or 5 areas that County government deals with. Transportation being one of them and the Port/ Airport, and Water etc..

Ms. West advised that it was Transportation, Parks, Mass Transit, Libraries, and Environment. She added that the County is also in charge of Jails and Correctional Facilities.

Ms. Weeks asked why they wouldn't have 3 other Commissioners to deal with these issues. She suggested that the Committee look at the top 3 areas and make them additional Commission seats, but they don't vote, they deal specifically with these issues.

Ms. Eisinger expressed concern with increasing the Commission. She stated that the Committee needs to look at the financial implications which should be first and foremost. The fact that there are significant cuts in the budget at this time and just being able to maintain services with property tax reform. Is this something that would be fiscally responsible to even look at expanding the County Commission? Ms. Eisinger pointed out that revamping the County Commission would be more of a consideration if talking about going districts, and going down to maybe 7 Single-member districts and 2 At-Large, if this is something that really has to be addressed.

Ms. Good referred to the breakdown summary provided by CRC staff of other Counties and asked Mr. Spitzer if the At-Large members have to live in a specific district.

Mr. Spitzer: This is not a complete list of the alternative systems. I can tell you that in Hillsborough, Leon, and Volusia, the At-Large people are not required to live in specific districts – resident districts. However, Pinellas does require a resident's area for their district representatives.

The Chair asked Mr. Spitzer if Broward County can have another alternative, where we can require the At-Large person to live north of 595 for example.

Mr. Spitzer: The residence districts would have to be equal in population more or less, but you could put in that caveat, and have these different residence areas that are At-Large. If you had 3 Districts that were elected on an At-Large basis, each of those residence areas would have to be equal in population, although the Commissioners would be elected At-Large by everybody At-Large.

Ms. Weeks asked if the County is going to do less in the future since the unincorporated areas are just about gone with so few people there. She asked why more Commissioners would be needed to do less.

The Chair replied that if it is a regional focus, he does not know that it would mean they would do less.

Ms. Weeks replied that the point is that the issues are shrinking for the County for Commissioners to deal with. She stated that they are dealing with the 5 or 6 regional issues and no longer dealing with providing services for the most part. She advised again that they are doing less.

Mr. Buckner advised Ms. Weeks that he would actually argue that possibly that there are so many issues that they are not focusing enough time on these issues that they should be focusing in on. That as County government goes to more of a regional issue, then you would have the County Commission and elected officials have more time to be able to focus in on the issues that they should. He added that he does not feel that the Commission is focusing enough time on the Airport or Economic Development and he believes that the County is suffering because of that. Mr. Buckner added that he believes all those regional issues can be a full- time job for an engaged County Government.

Ms. Moseley stated that she believes by having an At-Large with residential districts, you would allow them to have a focus, say just on South and Central hypothetically, if dealing with more regional issues. You would get a more regional perspective by larger districts and then you would couple it with the individual small districts and that would actually give the perspective that is needed. She stated piggybacking on Mr. Buckner that they have to concentrate on so many smaller things because of Single-member districts. They have to be responsive to

constituents in a different way than you would be if you were At-Large because you would be able to concentrate on more regional issues. She stated that she thinks that you get the best of both worlds because you get individuals that are directly accountable to you and you can also have individuals that would be accountable in a different way. She added that it would free up having greater regionalism as the County changes because she does not think the job gets any less at all, because you would have more time to focus on 5 areas of concentration instead of 500 areas of concentration.

Ms. Weeks asked if more people were needed to do this.

Ms. Moseley responded that she did not say that more people were needed. She explained that you needed people with different perspectives and representing different constituencies. She advised that she never said more.

Ms. Eisinger stated that the Commission could look at changing the structure from 9 Single-members to 7 Single-members and 2 At-Large districts.

Ms. Moseley suggested 6, 2, and a Mayor.

Ms. Good advised that the Mayor does not have to be a Strong Mayor either.

Ms. Moseley stated that it goes back to what Mr. Weiss was saying, that it depends on what the issue is.

The Chair stated that the issue is framing, so the AGSC can have another meeting this month and come back to vote on what needs to be voted on. He suggested that staff put together the issues. However, he advised the Committee that this is the opportunity to discuss and ask all the questions necessary so that they can be informed.

He asked Mr. Spitzer to move on to the next issue.

c. Leadership / Responsibility (is there a lack)

Mr. Spitzer: The next issue is the leadership question. I assume this goes back to the question of who is really in charge of Broward County government. At the present time, the County Manager is in charge of the Executive Branch of the County government. The County Commission sets policy, and the Manager implements the policy. Individual County

Commissioners do not have authority to bring the resources of the County on a particular problem or question or issue that arises by constituents by themselves. They must go to the collegial body to get authorization to direct the County Manager. This is the common question – the common issue that is raised with the County Manager or government in large jurisdictions. The remedy that is often offered is – and this is what was done in Orange County, Florida, is to move to an elected position that heads the Executive Branch of the government. In Orange County, they kept the position of the County Administrator on, but they now have – a person who was the County Chairperson who is elected now, it's called the County Mayor and it is a leadership position. It's on par with the Mayor of Orlando, it's on par with the County Constitutional Officers, and it's on par with other leaders within the Central Florida region.

d. Influence – is there an administrative problem

Mr. Spitzer: I need to know what that means?

The Chair advised that this issue revolves around the Ethics question.

Mrs. Weeks advised the issue is really Ethics.

A general conversation ensued with comments made by: Ms. Eisinger, Ms. Good, Ms. Weeks and Ms. Moseley with regard to Mr. Ostrau who presented on the subject of Ethics in a prior AGSC meeting.

The Chair suggested that the subcommittee invite Mr. Ostrau to the next meeting to assist in the formulation of Charter language on Ethics.

Ms. West advised that she will contact Mr. Ostrau.

Mr. Spitzer: That would probably be a good approach. Because I think a lot of what you talk about is already prescribed or preempted by State Law. You might need to hear it as well; the Charter does not invest in some of these issues.

Ms. Good stated that there is a perception of ethics that could be strengthened by having Commissioners indicates there is a conflict before leaving the room.

Mr. Spitzer: My only comment was, if you are able to do that –people would vote on it, but whether or not it’s technically something authorized for the Charter to deal with or a question for a municipal lawyer.

The Chair asked Mr. Goren to bring back information on that specific point.

Ms. Weeks advised the subcommittee isn’t doing anything contrary to the current law, they are actually strengthening it.

Mr. Goren: You can be more stringent than the State Statute. I think our objective is to take that which is conceptual – and is not a legal problem and do a legal constraint, by making it part of the Charter. . I’m sure Norman told you, you could do that and that’s probably language that you are going to be familiar with as well.

Ms. Good stated that if it is ultimately decided as a subcommittee to recommend it to the full CRC, then maybe that would be the appropriate time to bring Mr. Ostrau back.

A general consensus of the committee was that the language needed to formulate is found in the minutes of Mr. Ostrau’s presentation.

Ms. West reminded the Committee that Mr. Ostrau advised that the current ordinance did not go far enough, and if there was something that the AGSC could do. She added that he provided two things for the Committee to focus on, one being the Ethics and the other being gifts.

e. Economic Development

Mr. Spitzer: Well, we talked about this several different times. You could insert some language in the Charter that would make a policy that the County Commission would have economic development as one its final focuses.

The Chair advised that there has been a lot of activity in the State and the County. He stated that Scripps and all the facilities went to St. Lucie County; he believes that Broward County should be a competitor. He stated that there are Counties that compete ; this is his personal point of view. He advised that he has been to Biotech meetings and noticed that Broward County does not participate. He advised that he thinks that Broward should participate at a higher level with more effort as they could do a great deal more. The Chair pointed out that

County government should be creating opportunity for our population; he does not think enough is being done.

Ms. Moseley advised that she is not sure that she necessarily agrees, as from her own experience, (she laughs), because as a municipality she feels sometimes that they were too much in the City's business. Ms. Moseley stated as a City that it has now achieved a level of the most Fortune 500 companies in Broward County. Part of the way they got them was through work with the Broward Alliance which she stated is the Counties direct economic development arm.

The Chair advised that he is not complaining about any of that.

Ms. Moseley suggested that the strengthening needs to be with the partnerships that the County has with the municipalities. Not the County more actively, necessarily speaking.

The Chair advised that he could respect Ms. Moseley's opinion and he sees her point. But he advised from his point of view, he feels that the County needs to be sitting at the table to expedite things the same way that any other partner should be. He further stated that the County should be concerned about the overall. The Chair explained that there are Cities that would love to have someone act on their behalf. He suggested that the County needs, perhaps a different type of involvement in a more leadership role. The Chair pointed out that Palm Beach County was there and suggested that the Charter should say that Economic Development is one of the roles of Broward County.

The Chair turned to Mr. Spitzer to address Census, Redistricting.

f. Census. Redistricting: Review Demographics Information provided by Supervisor of Elections

Mr. Spitzer: Census – the County is required to redistrict at least every 10 years. I think the County can redistrict more frequently from that. If it is fairly close to the last census in terms of years, you can probably get away with using that same data. The farther away you get from the Census, the more important it is to adjust the data based on good demographic practices. The Brevard Charter does have a Citizen's Advisory Committee that actually decides the new District Plan and hands it off to the County Commission to accept or reject. We talked earlier tonight about having something like that or perhaps having some institution or university or something like that do the same thing, then handing it to the County Commission. But I think

that at the end of the day, the County Commission must be the one who adopts the Redistricting Plan.

Ms. Moseley asked would it help if Broward County had the hybrid (Single-member and At-Large Residence) and would it help the difference in mid-decennial and the census because there would be less reliance on one person for one district.

Mr. Spitzer: Well, even in At-Large seats, assuming they have residence districts, they still need to be equal in population or as nearly equal in population one to another.

Ms. Moseley replied correct, but if one little area, one City is growing in a Single-member district and they have two cities; it seems that if At-Large were on top of that it would be less lopsided.

Mr. Spitzer: I think the criteria that are used in At-Large districts is the same criteria, but I think they're not as sharp as when you are looking at Single-member districts.

Ms. Moseley added that changing the mid-decennial seems to be difficult in that you elected somebody you thought to serve for a term and if you go back to re-address it, then you might get somebody that you didn't elect if you change the border.

Mr. Spitzer: The problem here is what? The problem is that there are districts that are grossly under or over populated? The County Commission has chosen to not redistrict themselves, although they could?

Ms. Weeks and Ms. Moseley advised that the County Commission redistricts on the census.

Mr. Buckner referred to page 3 of the AGSC May 31, 2007 Summary of Discussion wherein he asked Commissioner Jacobs where the issue of redistricting came from. He advised that in response to his question where he asked Commissioner Jacobs if there was ever an outcry from underserved Districts or any documentation sent to the County Administrator concerning this issue and her response was ***"This is an excellent question and should be the first question you should all be asking. Who's asking for redistricting?"***... Mr. Buckner reminded the Committee requesting them to read on that she went on to talk about ***"...No it's coming from the top, it's coming from the top down..."*** Mr. Buckner explained that she was eluding to the fact that there really hasn't been any type of outcry from the general public for this redistricting as it was coming from possibly certain Commissioners or certain parts of the political structure here in Broward County that wanted to redistrict mid-census. He stated that

he does not know where the issue percolated from. To answer the question, he has not found that there is any type of documented interest or issue with regard to redistricting mid-census.

The Chair stated that he didn't know if this is an issue to continue.

Ms. West advised that the information was forwarded to the CRC via the MESC who asked the CRC to look at it.

Ms. Moseley responded with all due respect, that Commissioner Jacobs lives in an area that is not growing or changing; she advised if anything it's redeveloping. She added that when you get in the Southern part of the County, it's very different. Her numbers change on a daily basis and she does not know if she 100% agrees with the above comments. Ms. Moseley advised that she thinks that if you live in a different part of the County, that you might have a different perspective.

Ms. Weeks stated that the CRC has had numerous meetings and public hearings etc. and no one from the public has come in advising that they don't have sufficient representation and that they live in district whatever. Ms. Weeks advised that this should be compelling enough.

Ms. Good pointed out that there has not been great public outcry about a lot of the topics.

The Chair requested that Ms. West add this issue to the next AGSC Agenda for up or down vote as to whether to dispense with it.

Ms. West responded okay.

Mr. Spitzer: To summarize, there are a couple of different issues, one being *Is there some sort of outside advisory body that makes a recommendation for County Commission on any kind of redistricting, every 10 years or sooner than that?* The other issue is, *How frequently is the County Commission required to redistrict?*

Ms. Weeks advised that they are required to do it at least every 10 years. She added that she thinks that if anything is looked at, it should probably be how that's done.

The Chair asked Mr. Goren to bring back sample ordinances that he might have from the municipalities for the Committee to take a look at.

Ms. Eisinger advised that the AGSC has to look at the financial implications of some of its decisions. She reminded the Committee that when looking at mid-decennial districting, it is going to cost money. She reminded the Committee that they are at a point where they can't look at anything that will increase costs that is put out as a Charter question.

Ms. Good asked Mr. Spitzer his thoughts on the issue of having a County Manager vs. Elected Official that deals with staffing issues. She mentioned Dade County's Strong Mayor and asked as a combination of leadership and influence.

Mr. Spitzer: Going to an elected position that is the head of the Executive Branch of government empowers that position, and makes it quite clear who is in charge of the County government. It's the Mayor or the Office of the Mayor.

Ms. Good asked Mr. Spitzer if he thinks this is an awful lot of power for one individual to have.

Mr. Spitzer: It sure is. It depends on how it's structured. Everything is dependent upon the personality too. That's why I was trying to make a statement. The Dade system or the Jacksonville system, where there is complete and total separation between the Executive and the Legislative Branch, as compared to the Orange County or the City of Orlando system where the Mayor sits with the Legislative body every week, or how ever often they need. It gives the Legislative body a greater opportunity to express their concerns in a public setting with the Mayor. In both systems, the Mayor does have much greater control over staff. You can design something so that there is a little bit of insulation there from political processes, but there is no doubt that...

Ms. Good stated that there would certainly definitely be further political involvement between the elected individual and that staff. She stated also, if you have an individual who is not elected and not working out to the satisfaction of the elected body, you can of course change that individual. But she pointed out, if that individual is elected, obviously that individual will remain in office for however long their term is. She added that they are a great Politician, but a poor Manager and may not have the skills that make them a good Manager, then you would be stuck with an individual making decisions that influence staff.

Mr. Spitzer: That's true, and one thing to consider in that case is to be sure that there is a Chief Administrative Officer (County Administrator, County Manager) embedded / required by the Charter. That would help address that situation.

Ms. Moseley stated that in some municipal's Charter, there is verbiage that says the elected cannot interfere. So there is a way if you had an Executive Mayor this could be used.

Mr. Goren: Non-interference Provisions.

Mr. Spitzer: This Charter has one of the weakest Non-interference Clauses that I have ever seen and that is something you can beef up. It's common to have non-interference clauses especially in the County Administrative form of government. We still see them occasionally, even in the Dade County Charter there is a non-interference clause that attempts to prohibit the members of the County Commission from giving instructions to staff.

Ms. Good asked Mr. Spitzer if he is saying that Broward County Charter lacks the Non-interference Clause.

Mr. Spitzer: Well, your Charter says the *"The County shall adopt a Non-interference Ordinance"*. Other Charters have a very specific paragraph that will specifically bar Commissioners from giving instructions to Employees of the County Administrator and will actually, often provide penalties with it and that's common in Municipal Charters.

Ms. Good asked Mr. Goren if the County currently has a Non-interference Ordinance and if it has been instituted.

Mr. Goren: I'm not certain, I've not seen it.

The Chair suggested that the Non-interference Ordinance also be added to the next AGSC Agenda for discussion.

Ms. West asked for the Committee to review and approve the meeting minutes and set a meeting time and date since no meeting would be held on tomorrow. She further requested if there are any additional instructions for staff, that requests be forwarded as soon as possible being mindful of time limits.

VII. Public Comment

Phyllis A. King, Plantation, FL

Ms. King: I just wanted to remind you that at one of the Public Meetings, I believe it was No. 4 when a gentleman came in and was very passionate about redistricting. I can't remember his

name, but someone stated that there have been no Public requests to redistrict and I do recall this gentleman from the public coming before the full CRC to request it.

Ms. West advised that the gentleman was Rowland Foulkes.

Mr. Allen Levy – Broward Workshop

Mr. Levy: I just want to say to you all that the fact that more of the public hasn't been here is the public's loss. This has been a great experience being here today, you have been a marvelous Committee. I would tell you that having watched many, many Charter Review Committees over the years. I have never seen one quite like this. You all are vested in getting something done and you know the political system in Broward County is in need of this type of refreshing look and I hope that you will follow through with this conversation. We created a situation here that has just been a longevity of political careers. I think what we've got to do is create a place in Broward County for a new generation to get involved and feel free to get involved in the political system ; bring a fresh approach to the political world and give us all a chance to breathe some fresh air, so congratulations to you, and thank you for allowing me to attend.

Next Meeting

The next meeting of the AGSC will be held on Wednesday, August 15, 2007 at 8:30 am; location is TBD.

Ms. Moseley thanked the subcommittee for allowing her to join them to hear Mr. Spitzer's presentation.

VIII. Adjournment

There being no further business the meeting was adjourned at 7:11 p.m. The minutes of this meeting are recorded on CRC-AGSC CD # 8.07.07 (BCGV CTR).