

**Summary of Discussion**  
**Broward County Charter Review Commission**  
**Administrative Issues/Governance Subcommittee Meeting**  
**Wednesday, November 14<sup>th</sup>, 2007**  
**Broward County Governmental Center, Room 430**  
**2:00 PM – 4:00 PM**

**Members Present:**

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

**Members Absent:**

Bruce Rogow, Esq.  
Ms. Patricia Good  
Richard Weiss, Esq.

**Others Attending:**

Chedley Etienne, Administrative Assistant, CRC  
Yolanda Grooms, Administrative Specialist, CRC  
Maria Gross, Assistant Director, CRC  
Dan Glickman  
Jacob Horowitz, Esq.  
Alfreda S. King, PKING Consulting  
Robin Rorapaugh, Hollywood, FL  
Joe Sawin, District 3 Commissioners Aide  
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 2:00 p.m. on Wednesday, November 14<sup>th</sup>, 2007 at the Broward County Governmental Center, Room 430, Fort Lauderdale, FL.

### **I. Call to Order/Roll Call**

The Chair Dr. Irv Rosenbaum called the meeting to order at 2:10 p.m. He requested the roll call by Alfreda S. King of PKING Consulting, Inc. Upon completion of the roll call, the Chair recognized the presence of a quorum.

### **II. Approval of 8/23/2007 and 8/30/2007 Summaries of Discussion**

**Mr. Buckner MOTIONED to approve the Administrative Issues / Governance Subcommittee 8/23/2007 and 8/30/2007 Summaries of Discussion. Ms. Eisinger SECONDED and the MOTION passed unanimously.**

Ms. Norris-Weeks referred to the AGSC August 23<sup>th</sup> meeting, and inquired about a motion that passed regarding to the Gift Ordinance. She asked if there were any further discussion on that issue.

Ms. Eisinger advised that the issue was not taken any further.

**Mr. Horowitz:** I don’t recall any discussion regarding a gift ordinance.

Ms. West stated that she will do the research regarding that issue and will get back to Ms. Norris-Weeks.

The Chair gave Mr. Horowitz the floor.

### **III. Discussion of Re-draft of Resolution 2008-003 – Recusal Resolution**

**Mr. Horowitz:** This is the Recusal Resolution 2008-003. The changes that we made to this version are actually stemmed from the full Charter Review Commission meeting in October and we essentially expanded on what we previously provided for, to distinguish between the 2 types of conflicts. This comes specifically from Mayor Eisinger’s comments at that meeting, with regards to the distinction between the 112 conflicts and the 286 conflicts. There was also some discussion, I believe by Commissioner Benson about whether or not a person who recuses themselves is able to remain on the dais and participate in the discussion – but yet still not vote. The outcome of that meeting was in the direction for our office to redraft the ordinance, essentially bifurcating between the types of conflicts.

Saying under 112, when there is a pecuniary or financial interest or gain by the person recusing themselves, planning to leave the dais and not participating in the debate or discussion – not at the time of the vote but at any previous discussion or venue. The second part of the resolution now provides for a Chapter 286 conflict. Chapter 286 provides not only a financial pecuniary interest but also the appearance of a conflict. It's a little looser standard for recusal, and under this circumstance – and this is again pursuant to Commissioner Hayward Benson's comments. We provided for the person recusing themselves to be allowed to remain on the dais, participate in the discussion, represent their constituents yet still not be able to vote, due to that voting conflict; that is essentially what is before you now. The penalties and enforcement are consistent nothing has changed there.

The Chair asked if there were questions or comments.

Ms. West asked if the Commissioners will be able to do either/or.

**Mr. Horowitz:** Well it depends. If a person has a financial interest in the matter being considered by the County Commission, it is a 112 violation. There is a very specific definition of a voting conflict under Chapter 112 and it specifically refers to a financial pecuniary interest to gain or loss. If a person has a conflict under that standard then they need to recuse themselves and leave the dais and the chamber – not only at the time of the vote but during any prior discussions, such as at a workshop or another venue where that issue maybe discussed.

Ms. Norris-Weeks asked if the recusal is a 112 the Commissioners must recuse and leave, however if the recusal is a 286 the Commissioners must recuse, and they may participate in the discussion, but must announce that it is a conflict.

**Mr. Horowitz:** Correct.

Ms. Norris-Weeks inquired as to where that language is in the resolution.

**Mr. Horowitz:** We didn't specifically require them to announce there is a conflict, but in 286 if the person has a voting conflict they simply recuse themselves at the time of the vote. I guess they could participate in the discussion without their collegial Board members knowing they are going to recuse themselves. We could have them announce their conflict at the beginning of discussion, if that's the consensus of the subcommittee. We can certainly include language to that affect.

Ms. Eisinger advised that this language is not in the ballot language.

Ms. Norris-Weeks stated that Mr. Horowitz would redraft the resolution in order to add the suggested language in.

**Mr. Horowitz:** We can add language in there requiring that they announce the conflict before the discussion takes places, so that anyone who is listening to discussion is aware that during the discussion, that particular member has a conflict and will not be voting. The way 286 reads now is, that there is no need to announce the conflict at the time of the vote once the vote comes along, they just need to recuse themselves and actually not vote.

Ms. Eisinger agreed with the suggested language.

**Mr. Horowitz:** We can certainly add that, so that the conflict is announced before the discussion.

Ms. Eisinger advised that County Commissioners who recuse themselves should be able to divulge in the discussion, but not vote on the issue.

**Mr. Horowitz:** The way it is currently drafted – subsection E-2, it essentially is in affect now. If a person who has voting conflict under section 286 they are allowed to participate in the discussion, they are just not allowed to vote and that's essentially what this is memorializing. We can add to that as to where they're required to announce that conflict up front, so at least it is out there. I recall there were discussions at the full CRC meeting where it was, as elected officials your constituents are electing you to represent them. Even if you have a voting conflict, you still have a certain public trust obligation to participate with the discussion and the discourse on that matter; then just not vote because of some other conflict that comes into play.

Ms. West referring to the AGSC October 24<sup>th</sup> Summary of Discussion wherein direction was requested of General Counsel to provide a sequence of events as to when certain actions would take place asked Mr. Horowitz if the current draft provided addresses that issue.

**Mr. Horowitz:** Well it does essentially, because it is saying now that it is required to state a conflict of interest prior to a debate. We took out language that said, participating in discussion at the time of the vote. There was specific direction – they didn't want it only to pertain to the discussion at that time, they wanted to close the door to any debate or discussion prior to just that one discussion where their vote comes into play.

Ms. Gross questioned if the current ballot language covers both Chapters 112 and 286.

**Mr. Horowitz:** Sighting two statutes in ballot language tends to accomplish relatively little, because the average voter doesn't exactly know what a 112 conflict means. That is why we specifically included the financial interest language; so that does address that. The 286 is inherent because if it is not a financial interest, then you are still not allowed to vote, but the 286 conflict procedure is currently in place now, regardless. The only new thing we can add would be language where they are required to disclose the conflict up front before the discussion, not only before the vote itself.

Ms. Gross suggested that the County Commission disclose their conflict up front before a discussion ensues.

**Mr. Horowitz:** Okay we can add that in there, sure.

Ms. Norris-Weeks asked if the suggested language would make the proposal less stringent.

**Mr. Horowitz:** It does, correct.

Ms. Eisinger advised that she believes it is important that someone who has a conflict engage in the discussion.

Ms. West added that she believes that person would have some sort of history dealing with the issue.

**Mr. Horowitz:** We can certainly add language that a conflict is declared up front. I mean as soon as that item is read into the record, whoever is going to be recusing themselves from voting will need to announce it so that way whoever is listening to that discussion knows.

**Ms. Norris-Weeks MOTIONED to approve Resolution 2008-003 Recusal Resolution with the suggested amendments, SECONDED by Ms. Eisinger.**

Michael Buckner, Esq.	Yes
Mayor Debby Eisinger	Yes
Dr. Irv Rosenbaum	Yes
Burnadette Norris-Weeks, Esq.	Yes
Bruce Rogow, Esq.	Absent



The Chair advised that one of the goals in the original Charter was to address problems that go beyond the boundary of more than one municipality. He added that more than one municipality in the County is where the regional focus comes in and it does not deter the County from being a municipal service contractor. The Chair pointed out that this resolution focuses the County on the larger issues within the County boundaries as a whole. He advised the subcommittee that it is going to be tough to define the word regional because it is used in three different ways.

Ms. West read through Mr. Rogow's comment from a previous meeting.

Mr. Buckner suggested replacing the word "clarifying" with the word "defining".

The Chair agreed with Mr. Buckner.

Ms. West advised that Commissioner Rogers suggested the language, "Not limited to".

**Mr. Horowitz:** The "Not limited to" language was there previously. I got the impression that generally the CRC was okay with the proposed language and the substance of the Charter amendment, but again it was the use of that one word that really caused some conversation.

The Chair asked if there was any discussion concerning actually placing a definition of the word "regional" or "regionalism" in the Charter.

**Mr. Horowitz:** I don't think specifically, but again the conversation 'what is regional' did come up. I don't think it was explored in any real detail.

Ms. West added that at one point there was discussion in regards to what the regional issues are.

**Mr. Horowitz:** I think if I am not mistaken that was in context of the Public Safety proposal where they were talking about the ambulance service and medical service provided to various cities.

The Chair added that he is not sure which subcommittee the issue regarding, "what the regional issues are" took place, but he is sure that discussion took place.

**Mr. Horowitz:** In the ballot language we want to change "clarify" to "defining." Is that what I am hearing?

Mr. Buckner advised that this is what he proposed.

Ms. Eisinger asked if the proposed language is specific enough.

**Mr. Horowitz:** In that section of the Charter it lists a number of aspirational objectives and this would essentially fall right in line with that.

Ms. Eisinger stated that aspirational is a good word.

**Mr. Horowitz:** That's really what they are; they don't mandate that the Commission do anything. It is essentially saying when the Commission does something that it is supposed to keep this regional mentality.

The Chair advised that he wished to have examples. He also added that he does not wish to see the County government drawn into municipal issues. He stated that the County needs to be pointed in the direction of larger problems. The Chair advised that Broward County has a lot of long term problems to fix before a crisis occurs, and economic development will not occur unless we fix some of these other regional issues. He added that he believes that the ballot language is fine, but would like to see some examples and definitions of regionalism.

Ms. Eisinger agreed with the Chair.

**Mr. Horowitz:** That will be:

- Airport
- Seaport
- Regional Parks
- Transportation
- Economic Development
- Libraries

**Ms. Eisinger MOTIONED to approve the amendments to the Resolution Policy Statement, SECONDED by Ms. Norris-Weeks.**

The Chair called for discussion.

***Public Speaker- Dan Glickman/ Deerfield Beach, FL***

**Mr. Glickman:** Now this is the first time I have seen this. Whenever I heard the word regional I think (As Dr. Rosenbaum) eluded to – more than one County. I never considered regionalism to be within a County, either the whole County or any substance, or any part of a County. Whether it be 3 municipalities, or 17 municipalities I immediately think about the size of the County. The reason I am saying this is because I think you are trying to address two things with one statement and I don't think it is easily done, but therein lays my confusion and perhaps the voters'. Correct me if I am wrong, but the Transportation Committee when they talk about regional, they mean that after they are done with whatever they can do, with respect for Broward County. Regionalism is anything having to do with out of Broward County. The reason I am saying all of this is because there are terms County-wide, there are terms less than County. Given the example of Airport and Seaport, the reason they are regional is because they can and would presume the affects of the Counties. If you think that what I am saying makes some sense then you need to discuss that. Regionalism by definition in my view means as a world outside County lines.

The Chair asked if there were any questions or comments.

Mr. Buckner stated that there are things that he believes the Broward County government has authority over which impacts the South Florida region. He added that it includes airport, seaport, transportation, transit, and the environment; he added that those are issues that affect Miami-Dade and Palm Beach Counties. He advised that it is best that the subcommittee define County-wide vs. Regionalism; he suggested that the subcommittee research other Counties as to how they are dealing with this issue.

**Mr. Horowitz:** If the goal is to provide for County-wide and Regional – and we repeatedly refer to both concepts so to speak, then inheriting that reference there will be a distinction between the two, just to avoid the appearance of redundancy. We could essentially provide for a County-wide and Regional policy statement. For instance, the South Florida Regional Transportation Authority is a regional Transportation Authority and does impact Miami-Dade, Broward, and Palm Beach; they all pay into it and benefit. We could add language in there that does clarify it is both Countywide and regional which inheritably will distinguish between the two.

The Chair agreed with Mr. Buckner.

**Mr. Horowitz:** One thing if I may add is, the language currently says here – Broward County government should be considered a regional governmental authority and it says should all programs,

policies, and budget with regional or countywide basis. It currently does distinguish between the two, and use of both of those words there does imply that there is a distinction.

Ms. West advised that the words County-wide and Regional are not in the ballot language.

**Mr. Horowitz:** We can provide for a consistency there.

The Chair asked if there was any further discussion.

Mr. Buckner advised that 10 or 15 years from now he wishes to see more regional entities come up in the future.

**Mr. Horowitz:** We can call it the County-wide and Regional Policy Statement. That certainly would clarify that.

**Mr. Buckner MOTIONED to approve the language as amended.**

**Mr. Horowitz:** The maker of the motion needs to accept the friendly amendments.

**Ms. Eisinger MOTIONED to accept the friendly amendment to the Resolution Policy Statement, SECONDED by Ms. Norris-Weeks, and the MOTION passed unanimously.**

**The Chair called the main MOTION made by Ms. Eisinger to approve Resolution 2008-006 Regional Policy Statement as amended. It's were stated and the motion PASSED unanimously.**

## **V. Discussion of Lobbying Issues**

### **a. In General**

**Mr. Horowitz:** This was brought to the CRC by Commissioner Gunzburger at the meeting last month and she raised the issue of Hollywood's Lobbying Ordinance, which I believe there was a copy in your backup materials. What Hollywood has essentially done is enacted an ordinance that prevents their elected officials from lobbying before other governmental agencies on issues related to procurement for bids, requests for proposal, anything that is a contractual financial relationship. So again, this is an issue of first impression for you all and the CRC; it is really open to discussion and potential direction.

**b. Whether County Commissioners should be prohibited from lobbying in Municipalities in capacity as a private person and of City of Hollywood Ordinance No. 0-2007-26 “Code of Ethics”**

Ms. Norris-Weeks advised that she likes the idea of Commissioner Gunzburger’s request. She added that influence was one of the major issues; that lobbying is an overriding issue here in the County, and over the years there have been plenty of articles over the lobbying issue. Ms. Norris-Weeks stated that she believes going in the direction of what the City of Hollywood has done would be in the best interest of Broward County with respect to County Commissioners not being able to go into other Cities and lobby those cities on issues.

Mr. Buckner suggested that the subcommittee take a further look at the Hollywood Ordinance No 0-2007-26 “Code of Ethics”.

**Mr. Horowitz:** One thing that Hollywood did do is – they made a distinction with regard to lobbying. Because lobbying is a very generally defined term they provided a specific definition at the end of subsection D-1; “Where it only shall include communication regarding Bids, Request for Proposals, Request for Qualifications, Letters of Interest, and other competitive solicitations ” That essentially does not prohibit their elected officials from lobbying whether they represent a developer who is seeking site plan approval or any other issues that don’t involve procurement. If you are going to consider it, there are different options and you have this option which is very specific and provides a very specific definition of lobbying for these purposes. There is also a greater definition of lobbying where the Commissioners may appear before other governmental bodies in other capacities representing individuals. Not necessarily on a procurement issue, but there may be other situations where they find themselves lobbying another governmental entity.

Ms. Norris-Weeks advised that Hollywood was really intending to speak to the issue that they have currently which is probably the reason their ordinance is clearly defined and specific.

**Mr. Horowitz:** There are attorneys that appear before governmental boards daily, lobbying on the behalf of the developer they represent or whatever it is. Not that it is a good thing or bad thing, but this language would not prevent them from doing that.

Mr. Buckner advised that the lobbyists who appear before those governmental bodies will also have the voting power later on at the County level.

**Mr. Horowitz:** Correct.

Mr. Buckner added that will be the distinction of a lobbyist who is not an elected official vs. a lobbyist who is.

Ms. Norris-Weeks agreed with Mr. Buckner.

**Mr. Horowitz:** Again the Broward County Commission is not made up of a board of attorneys, there are attorneys on it that seek outside work representing clients who may or may not appear before governmental entities. This wouldn't apply to somebody who wasn't an attorney lobbying on behalf of a client.

The Chair asked if there were any questions or comments.

Ms. Norris-Weeks advised that she wished to see legal counsel come back with an ordinance more global than the Hollywood Ordinance addressing County Commissioners lobbying before municipalities within Broward County.

Mr. Buckner asked if any of the subcommittee members knew if the Ethics Commission was or has discussed this issue.

**Mr. Horowitz:** Generally, and we looked through a couple Ethics opinions to see if there was anything on point with this. There is nothing that precludes elected officials from essentially making a living and representing clients. Again if things come down the road, you are going to get into voting conflict issues on the other end ,but as far as elected officials lobbying before other governmental entities there is nothing on point that address whether they can or cannot. So currently there is nothing precluding them from taking that action.

Mr. Buckner stated that things are loosely addressed. He advised that he wished to see what the Ethics Commission has to say about this issue.

**Mr. Horowitz:** Assuming that it is the board's decision, we will go ahead and prepare something. We will review and consult with some people up at the Ethics Commission to make sure that everything is consistent with any previous opinions that they have issued.

Ms. Norris-Weeks added that she had done some research a while back regarding this and did not find anything that was on point.

Ms. Eisinger advised that Broward does not have a great deal of lobbyist activity coming before the City in any way. She added that there is some language in the books in the County Commission addressing lobbying and the cone of silence.

**Mr. Horowitz:** Correct. But it is not specific to County Commissioners actually doing lobbying. I believe it is for people coming before the County Commissioners.

The Chair asked the subcommittee if they believe the ordinance will be finished by the deadline.

Ms. Norris-Weeks advised that general counsel has an outline of what the subcommittee discussed, and they will be able to go back and provide the subcommittee with a draft.

**Mr. Horowitz:** Coral Springs has a Code of Ethics which is a little different; it's a little more comprehensive. It doesn't have anything specific with regard to City Commissioners in Coral Springs actually lobbying.

Ms. West commented on Commissioner Rodstrom's comments regarding the actions of elected officials.

**Mr. Horowitz:** Let me ask a quick question if I may. Just for our drafting purposes, is the intent to only apply to procurement issues as this does, or to extend to any lobbying before municipalities?

**Mr. Glickman:** Number 1, I may be in over my head on this and number 2, I might be somewhat simplistic. I am going to make an analogy between the places of employment where a supervisor who has power over an employee and should not be dating an employee. When you have County Commissioners appearing before City Commissions, it seems to me that no County Commissioner should appear before a City Commission because the relationship of the City Commission and the County Commissioners is that if they want to vote no on something that the County Commission might be in favor of that places an undo burden, I believe upon the City Commissioner to vote no – thinking that there may be more consequences later. From my simplistic point of view, it seems to me that when it comes to County Commissioners they should not appear lobbying before the City Commissioners. Thank You.

The Chair stated that in some cases the County Commission is the best person to speak for public entities.

Mr. Buckner advised that the same should apply to the County Commissioners even if they're not receiving compensation.

The Chair stated that little things go on and create problems; he added that he agrees with the policy in order to provide ways to keep people from getting into trouble.

Ms. Norris-Weeks advised asked legal counsel if they should include some language from the current discussion in the draft.

**Mr. Horowitz:** We can also include non-profits, if you want to allow for lobbying on behalf of non-profits. One other thing – do you want this to apply only to the City Commissions or City Councils or also to Planning and Zoning Boards, Boards of Adjustment, or anything with quasi-judicial power? For instance, if you have somebody representing a respondent for a Code Board, the Code Board has just appointed City officials, they are lay people generally. They have the County Commissioners and the Attorney appearing, and they have the Code Board officially hearing an argument by County Commissioners. I don't know if that is something you would want to allow, or not allow.

Ms. Norris-Weeks added that she believes when someone runs for County Commission if you are going to appear in those forums, that they need to make a decision about whether that income would be beneath them. Ms. Norris-Weeks stated that she believes that things are going to get more expensive such as elections, etc.

The Chair advised that circumstances change and he believes the current generation of public officials is going to be different than those in the future.

General consensus of the subcommittee directed general counsel to put something together.

Ms. Norris-Weeks referenced the City of Fort Lauderdale's AG Opinion which was addressed during the last full CRC.

Ms. West advised that the general counsel wrote a memo to the full CRC regarding that issue; the memo included that it was okay for local government to be stricter.

**Mr. Horowitz:** This essentially goes back to what we were talking about earlier with the Coral Springs Code of Ethics Model. The AGO last month came out with a memo essentially saying that municipalities are able to adopt Codes of Ordinance that are more strict than chapter 112.

Ms. Norris-Weeks advised that she wishes to discuss lobbyist and asked how you get to the influence issue. She stated that she saw a way to be able to limit some of the influence.

The Chair advised that this is a broad area and is going to take a lot of work to get done.

Ms. Norris-Weeks advised that the voters have already voted to have an Ethics Code, but it can't get pass the Commission.

**Mr. Buckner MOTIONED to propose to the voters to create a special Ethics Commission, which is charged with creating a Code of Ethics for Broward County, SECONDED by Ms. Norris-Weeks.**

The Chair called for discussion.

Ms. Eisinger advised that she is concerned that it could extend to far and could hamstring the elected officials.

**Mr. Horowitz:** If you are having the voters consider a Code of Ethics, keep in mind that while a full text of the code which maybe pages upon pages, will be there. The voters are going to have 75 words to consider. It is a lot to get into those 75 words to detail exactly what they are considering.

Ms. Norris-Weeks pointed out that Miami-Dade has an Ethics Commission and added that from what she hears from Mr. Weiss it is working out well;it would provide an example to use.

*Mr. Buckner clarified his suggestion; he stated an **independent body similar to the Charter Review Commission that is solely there to develop a Code of Ethics, and any other mechanism to implement that. He suggested having certain categories of people on the board with knowledge of Ethics.***

Ms. Norris-Weeks suggested going a step beyond and giving the purposed Ethics Committee some general topics.

**Mr. Horowitz:** Chapter 112 part 3 really sets out a pretty detailed Code of Ethics;. What Coral Springs has done and what Tamarac is recently considering is kind of cherry picking different points from there and essentially choosing things they want to be more stringent on, also implementing policies that are more burdensome on their elected officials and public officials than Chapter 112. I know the County Commission has considered something, but it really didn't go anywhere, and may be creating a

Commission to specifically look at this issue is the right idea. The CRC can't mandate the County Commission to adopt an ordinance, so it would need to ultimately be something that the County Commission voluntarily considers and adopts, or is approved by the voters, in which this case ends up in the Charter – which is not a bad idea either.

Ms. Norris-Weeks advised that voters are looking for things that are more concrete.

The Chair added that he would like to have something drafted explaining the proposed Board.

Mr. Buckner stated that this was implied in his motion, to direct legal counsel to provide the option.

**Mr. Horowitz:** Do you want an actual proposal or just a memo detailing the options? We will certainly do some research to find out if there are alternatives – the answer is the CRC certainly can create such an entity and task it with the responsibility of putting together a code. That code ultimately goes before the voters at a referendum election, and it will become part of the Charter, as anything else would.

**Mr. Buckner expanded his Motion.**

**Mr. Buckner MOTIONED to direct general counsel to create a proposal to create a Special Ethics Commission to be charged with creating a Code of Ethics for Broward County, and have the voters of the County Commission approved the Ethics Commissions recommendations, SECONDED by Ms. Weeks.**

Ms. Norris-Weeks inquired to the previous language regarding the issue of the Code of Ethics.

Ms. West advised that she provided a lot of information regarding the issue of Ethics.

Ms. West advised that staff did the research and will provide Mr. Horowitz with the information in order to help with the draft.

**Mr. Horowitz:** The voters can't mandate that the County Commission adopt an ordinance.

Ms. Norris-Weeks advised that the voters can mandate that the CRC create a Commission.

**Mr. Horowitz:** Yes, you are correct.

Ms. Norris-Weeks advised that she is in favor of Mr. Buckner's proposal however she does not want everything to go back to the voters.

**Mr. Horowitz:** What you are saying is that the conclusion of that Commission's work, you will have a binding document.

Ms. Norris-Weeks stated she believes that Mr. Buckner wants the Commission's work to be sanctioned by someone else.

Mr. Buckner responded that this is correct.

The Chair advised that doing that will be the proper process.

Mr. Buckner advised that Charter Review Commission has to submit their work product to the voters.

**Mr. Horowitz:** I don't believe you can tell a person whether they can or can not vote for something and I don't believe you can mandate the County Commission to adopt an ordinance. You can say that there shall be a Code of Ethics, and instruct them to do it. A County Commissioner inheriting that position does not need a reason to vote no for something.

The Chair agrees with Mr. Buckner's proposal to have legal counsel draft a proposal.

Ms. Norris-Weeks asked Mr. Buckner for a limited time period.

Mr. Buckner advised that there will be a limited time period that this Commission would have to do its research and work and present that Code of Ethics. He explained that he does not know the answer to Ms. Norris-Weeks' question, and does not know what is appropriate for Broward County.

Ms. Eisinger asked who will determine this Commission and how it is set up.

The Chair advised that the specifics will be discussed at the next meeting along with the draft proposal.

**Mr. Horowitz:** So we are clear will this be a proposal or a memo, I just want to know what we are going to be working on.

Mr. Buckner advised that he would like to see a memo so the AGSC could discuss it further in terms of all of the options available.

**Mr. Horowitz:** I could do both, the appointment of members is going to be an issue as far as how we want to create this Board.

Ms. Eisinger advised that the Board has to be created by County Commissioners.

**Mr. Horowitz:** Generally but not exclusively, you have members of the Planning Council appointed by the Broward League of Cities, so there are other entities.

Mr. Buckner advised that he would like a mixture for County-wide appropriateness.

**Mr. Horowitz:** We can come back with a proposal with some general specifics.

Ms. Eisinger expressed concern that she believes this proposal is going a little too far, and does not wish to support it at this point. She feels the subcommittee is creating another level of bureaucracy, and added that she will like to see more substance in Ethics however she is not sure this is the way to go.

Ms. West advised the AGSC could make a recommendation from this CRC, and the AGSC can provide a method for doing that.

Ms. Norris-Weeks advised that she would like to do something that would get to the issue of Commissioners soliciting for personal gain.

**Mr. Horowitz:** We can incorporate some language, because it needs to all connect into lobbying; solicitation of gifts is distinguishable from actual lobbying practices before a governing board. There needs to be some rational relationship between the 2 concepts.

Ms. Eisinger advised that she feels this is something that the ASGC could address rather than forming a whole separate Committee.

**Mr. Horowitz:** The other thing you might want to consider is going back to what you're proposing with the policy statement. There could be some kind of Ethics policy which incorporates Chapter 112. Again ask the County Commission to take steps to develop a Code of Ethics.

Ms. Norris-Weeks advised that she is interested in doing something that has teeth.

**Mr. Horowitz:** Well, we can certainly take a shot at it.

The Chair advised that he feels that would be a more realistic goal.

### **Next Meeting**

November 28<sup>th</sup>, the time and location TBD

### **VI. Discussion of Recommendations regarding Critical Issues not covered in this term of the Charter Review Commission that will be forwarded to the County Commission**

The Chair advised that there are two types of critical issues, which are some of the things that the AGSC are unable to address during the CRC's timeframe – which needs to be somehow dealt with. He added that specifically the subcommittee wasn't able to get into the issue of constitutional officers and he would have liked to see something done. The Chair advised that staff has done a great job. He stated that the AGSC needs to somehow send a message on some of the issues. The Chair advised that the Tax Reform creates a whole deal of difficulties and as a Charter maybe the AGSC needs to address Tax Reform in terms of what gets cut and the Counties ability to do Special Districts.

Mr. Buckner advised that while traveling through Ohio and Pennsylvania they were having their elections. The voters could actually sit down and decide what they want and whether or not they would like to tax themselves in certain districts.

The Chair added that he was surprised at the County Commissioners for speaking on the line items in the County's budget.

Ms. Norris-Weeks questioned that she does not know if the AGSC has the authority to make suggestions and recommendations on this matter.

The Chair advised that the AGSC has the authority to make suggestions; he added that if it isn't done there, then it can be used in other branches of the County government to create something useful.

Ms. West advised that there was something good to come out of the MESC, there is a Bill that is going to be filed which is going to deal with Special Districts.

Ms. Norris-Weeks advised she would like to see issues discussed in a procedural way.

Ms. West advised that it is the subcommittee's task to say that it is okay for the Chair (Dr. Rosenbaum) to go back to the full CRC and say, I think we need to look at certain issues.

**Mr. Horowitz:** You all meet again before the next full meeting of the CRC, so between now and then if there are other issues that you think should be addressed, you could bring them all up, and direct your Chair to go to the full Commission with whatever suggestions you have.

Ms. Norris-Weeks advised that she wished to have some idea of what the AGSC is taking back to recommend to the full CRC.

The Chair suggested that the subcommittee take a look at the issues of the cycle of the MESC and the CRC terms. He added that he is not sure the CRC has enough time to spend on each issue. He added that he would like to give future CRC's more time.

Ms. Eisinger advised that the formation of the CRC is directed in the Charter.

The Chair advised that there should be a brief discussion at the next meeting regarding the MESC and the CRC term cycle and work load.

Ms. Eisinger agreed with the Chair.

Ms. West advised that the City of Lauderhill just approved a 10 year Charter Commission.

Ms. Norris-Weeks stated that she believes the longer the term people lose interest.

**A MOTION was made to extend the AGSC meeting, and the motion passed unanimously.**

Ms. Eisinger advised that the AGSC is trying so hard to condense and meet more frequently to get the job done.

The Chair suggested that the subcommittee look at the situation and come back and discuss everyone's concerns at the next meeting.

## **VII. Discussion of Timeframe to Finalize Issues**

### **Tabled to next meeting**

The Chair called for Public comment.

### **VIII. Public Comment**

**Mr. Glickman:** Because you had the conversation about timeframes etc., I think all of you know that I have several times come before the full CRC and said my following words should go in consideration. When it comes to the public's right to reference, 'via the internet.' If you folks had information you would be able to accomplish a lot more. When you spoke about line items, if these things were on the internet you can drill down from a pie chart to a line. The reason I bring this up is because at the last meeting they didn't get to that agenda item. I assume and hope that at the next full CRC meeting next time they will at least have a vote whether to take it up or not. If they vote to take it up, I am hoping that this will be considered; I hope I will not be disappointed. Mayor Moseley asked for public input and I gave public input several times. Thank you.

### **IX. Adjournment**

There being no further business or public comment the meeting was adjourned at 4:09 p.m. The minutes of this meeting are recorded on CRC-AGSC CD # 11.14.07 (BCGV CTR).