

**Summary of Discussion**  
**Broward County Charter Review Commission**  
**Land Use Subcommittee**  
**Friday, February 8, 2008 - 10:00 AM - 11:30 AM**  
**Broward County Main Library**  
**Ceremonial Conference Room, 6<sup>th</sup> floor**  
**100 S. Andrews Avenue**  
**Fort Lauderdale, FL 33301**

**Members Present:**

Richard Weiss, Esq., Chair  
Ms. Maggie Davidson  
Mr. Mark Ketcham  
Joseph Maus, Esq.

**Members Absent:**

Commissioner Hayward Benson, Vice-Chair  
Dr. Irv Rosenbaum  
Ms. Patricia Good

**Others Attending:**

Chris Akagbosu, Director, Growth Management Department  
Maite Azcoitia, Deputy County Attorney  
Barbara Blake Boy, Assistant Director, Broward County Planning Council  
Rhonda Calhoun, Executive Director, Broward League of Cities  
Mayor Joy Cooper, Hallandale Beach  
Chedley Etienne, Administrative Assistant, CRC  
Ellen Feld, Water Management Districts

Yolanda Grooms, Administrative Specialist, CRC  
Maria Gross, Assistant Director, CRC  
Bob Harbin, Director, Broward County Parks and Recreation Division  
Jacob G. Horowitz, Esq., Assistant General Counsel  
Phyllis A. King, Transcriber, PKING Consulting  
Pamela Madison, Assistant County Administrator  
Sue Olson, Commissioner Aide, District 2  
Commissioner Hazelle Rogers, Vice Chair, CRC  
Peter Ross, Deputy Director, Urban Planning and Redevelopment Department  
Henry Sniezek, Director, Broward County Planning Council  
Patricia G. West, Executive Director, CRC  
Mayor Lois Wexler, Broward County Mayor

(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 Commission Land Use Subcommittee "Committee," "Subcommittee," or "LUSC," was held at 10:00 a.m. on Friday, February 8, 2008 at the Broward County Governmental Center – Room 430, Fort Lauderdale, FL.

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

The Chair, Richard Weiss, Esq. called the meeting to order at 10:08 a.m. The Chair requested the roll call by Phyllis A. King, of PKING Consulting, Inc. Upon completion of the roll call, the Chair recognized the presence of a quorum.

**II. Approval of Summary of Discussion for 1/18/2008**

**Mr. Maus MOTIONED to approve the Land Use Subcommittee Summary of Discussion dated January 18, 2008. Mr. Ketcham SECONDED and the motion PASSED unanimously.**

The Chair opened the floor for discussion of Agenda Item III.

**III. Discussion of Proposed Broward County Planning Council Resolution, 2008-017**

The Chair referred to Resolution 2008-017, Exhibit "A", Article VIII Land Use Planning, Section 8.02; Composition of Broward County Planning Council. He advised that the last page of the Resolution contains the current language for today's discussion. The Chair then opened the floor to discussion of the Subcommittee members.

- A subcommittee member referred to the Captioner's Notes regarding Land Use/Park Preservation – Agenda Item #59 from the County Commission Meeting on February 5, 2008. He reminded the subcommittee of the discussion previously of whether to put the proposed Resolution together or continue the discussion. He advised that there were questions with regard to what the County Commission's intent when they considered the issue a few years ago. The subcommittee member recommended a discussion as to whether the LUSC should even continue going forward with its proposal of 2008-017, based upon the discussion of the County Commission.

The Chair asked if the subcommittee member wished to have a discussion first or put a motion on the table.

**Mr. Maus MOTIONED to discontinue consideration and discussions of proposed Resolution 2008-017 Land Use Planning, Composition of Broward County Planning Council based upon the Broward County Commission discussions of County Commission Meeting held February 5, 2008, SECONDED by Mr. Ketcham.**

The Chair called for discussion.

- A subcommittee member stated that it appears that the County Commission never intended to have the word "shall" in the proposed language. He advised that he does not believe the Resolution was intended to bind the County Commissioners to the names that were submitted to them by the Cities.
- A subcommittee member asked what the status would be if the LUSC did nothing further.

The Chair responded that there would be no amendments to the Charter. There is no direction currently in the Charter as to how the appointments are made and it legally leaves it up to each County Commissioner as to how they want to proceed.

- A subcommittee member inquired as to where the word "shall" came from.
- A subcommittee member advised that his opinion has not changed. He doesn't like the idea of taking away a Commissioner's vote, an appointee, or who they want to represent them.

The Chair invited Ms. Maite Azcoitia and others who wished to speak to join the Subcommittee members.

**Mr. Wilson:** In reference to the discussion in the County Commission meeting on Tuesday, as to the words “shall” or “may,” I believe the discussions were limited to their Administrative Code. What the County Commission did in 2005, they passed a Resolution, probably with the intent to try to some extent mirror what the Charter said but also create the language that we are discussing here today, or similar language. The discussion during that meeting was over whether “shall” or “may” was in the County Administrative Code and not the Charter.

- A subcommittee member confirmed her understanding of the language being already there.

**Mr. Wilson:** It was already in their Administrative Code and not the Charter, which is what we are charged to consider. In other words, that language is not necessarily binding on what this subcommittee would want to do with respect to the Charter; are talking about two different documents.

The Chair recognized Mayor Lois Wexler and acknowledged her appointment by the County Commission to speak to the LUSC.

***Mayor Lois Wexler, Mayor of Broward County***

**Mayor Wexler:** Very brief, I promise you. Good morning to you. My goal was to try to get some direction from my colleagues before I reappeared before you today, and I believe I was very successful in getting that. The majority of the County Commission really believed, actually there was only one Commissioner that said that they could live with it in the Charter; every one of my colleagues including myself. Charters are binding. Home-rule is something that we absolutely as the Cities, believe in. Taking away the flexibility... Cities and Counties, we fight like heck to maintain Home-rule and so to have language in the Charter that gives limitation to who you might appoint from a municipality was something that 99% of the County Commission was not able to live with. I'm the messenger to share that with you today and to ask that you please not support the Resolution as it's written in front of you.

- A subcommittee member stated that he does not agree with the County Commission on the issue. He explained that he has followed the entire debate regarding this subject and that the Broward County Planning Council concept is unique in this State. He reminded everyone of the debate which occurred a few years ago as to whether the County should have this type of power over the Cities and most of it has been resolved. He informed them that the Cities

vigorously lobbied the legislature to change it and what happened was a compromise. He stated that he read the notes and believes it is the views of Commissioner Lieberman and Commissioner Jacobs that a compromise was reached with the Cities and most of the problems went away. He explained that the compromise was that the Cities would have input into who was appointed to the Planning Council. He advised that he would not have the issue if the other Commissioners were following the deal and he does not believe the issue would have come up. He advised that he thinks Commissioner Jacobs felt that a compromise was reached, but it shouldn't be in the Charter. Commissioner Lieberman said she could live with it being in the Charter. The Chair stated that his view is a deal and he does not believe the County Commissioners are aware of the deal. If the County Commission had said, "listen a deal is a deal, whether it's in the Charter or not, we're going to follow the deal." He advised that he feels like there has to be some fairness and he would like to see the Resolution move forward.

- A subcommittee member stated that after reading the notes, it seems to him that the word "shall" was not supposed to be in the Resolution. He advised that another Commissioner agreed as well, that the word "shall" was not supposed to be in the language.
- A subcommittee member advised that he spoke with one of the Commissioners involved, who said that was the deal. He stated that he believes Commissioner Eggelletion was involved.

**Mayor Wexler:** No, Commissioner Eggelletion was not involved with the negotiations.

Commissioner Eggelletion clearly, ***On the Record*** Tuesday, indicated that he had not read the Resolution clearly enough when it came before us in January 2005; and he never would have voted for the word "shall" over the word "may," and that was definitely the majority of the Board.

- A subcommittee member asked what the actual "deal" (between the County and the League of Cities) was.
- Another subcommittee member stated that the deal was that the Cities were trying to abolish the Planning Council.
- A subcommittee member asked if this was in 2005.

**Mayor Wexler:** 2003, 2004, and 2005; that was the series of years.

- A subcommittee member asked if the Cities have tried to abolish the Planning Council since then.
- A subcommittee member responded no.

*A member of the audience interjected advising that the Cities have tried to abolish the Planning Council in 2005 and 2006 in the Legislative session*

- A subcommittee member stated that he was giving the Mayor a lot of discretion. He advised that he did not know the answer but asked the subcommittee members if they wanted to ask a member of the audience in order to get an answer to their question.

The Chair directed the question to Ms. Madison, Assistant County Administrator.

***Pamela Madison – Broward County Assistant County Administrator***

**Ms. Madison:** Yes, in the 2005 and 2006 Legislative sessions there was Legislation filed by a Miami-Dade Legislator to abolish the Planning Council as we have it today.

- A subcommittee member asked if she knows if the Broward League of Cities supported the Legislation or took an official position on it.

**Ms. Madison:** There were members of the Broward Leagues' Executive Committee that testified in Committee in Tallahassee. There were also Broward Municipal Elected Officials that were current members of the Planning Council or had been members of the Planning Council that supported the County's position; so, there was a mix. I couldn't tell you if they were League of Cities Board Members or if they were representing themselves as an individual municipality, but there was a mix of varying municipalities.

- A subcommittee member stated that this is not a good situation, where the City and the County can't make a deal. He advised that it doesn't bode well for working out these disputes in the future.
- A subcommittee member asked if Broward County is the only county with a Planning Council, why did Miami-Dade delegation put it in the Legislation.

**Ms. Madison:** Miami-Dade is very different, they're a Constitutional County,, so this would not have impacted Miami-Dade. The Charter Counties in this State had been opposed. We're the only County, to my knowledge that has a Planning Council, but there are other Counties that do have some county-wide Land Use Authority in certain areas. Maybe not as extensive as what we have, but there are, I believe Orange, Pinellas, Hendry; Maite may have that information for you. There are other Counties that do have some level of county-wide Land Use authority.

- A subcommittee member stated that one of his main problems with the changes being proposed is that it's a horrible way to negotiate. The Cities and the County should be able to figure this out. He advised that he does not believe it is something that the CRC should be resolving. He stated that having sat on the Planning Council when he hears efforts from the League of Cities to abolish the Planning Council, red flags go up. He provided an example, Gulf Stream Park development, because this goes through the Planning Council first. He stated that it makes him wonder what their motives are for wanting to abolish the Planning Council. He advised that he sees it as a grab by the League of Cities, to gain more influence over the Planning Council process; when they shouldn't be involved because the Planning Council is a county-wide Board charged to review development county-wide and to review the impact county-wide. He stated that the City's viewpoints are represented fully at the hearings and he does not want a Homeowner's group dictating whom he can put on his Planning and Zoning Committee. He advised that the impact to the Planning Council has to be on a county-wide basis and he does not like having to resolve the City and the County Commission's dispute through the Charter Review. He stated that he thinks it's a bad idea to change the way the Planning Council currently works, as it is working very well.
- A subcommittee member advised that it is interesting that the League of Cities wanted to abolish the Planning Council and since they didn't get that, they've come up with another way to gain control.
- Another subcommittee member agreed with this perspective also.
- A subcommittee member agreed as well with the subcommittee member's statement. He asked what happened with the Miami-Dade delegation putting forth something of doing away with the Planning Council, and if a vote was taken not to support it.
- A subcommittee advised that the Planning Council makes no binding decisions and only makes recommendations to the County Commission. He stated that the idea, in speaking with the League of Cities, is as part of the input that the County Commission is getting in this process; it's getting real representation from the League. He advised that if the Broward County Planning Council had the ability to make these decisions, he'd feel differently. He stated that all the League is saying is, since most of these developments are in our City, shouldn't they have a significant voice, and shouldn't they be able to choose someone who represents their view of development. He explained that the idea of the Planning Council is to give an independent view on developments. He explained that he would agree if it was binding but it is just a recommendation to the County Commission. He advised that the League is trying to get their voices heard and he feels badly that they are not present at today's meeting.

- A subcommittee member asked what the outcome of the motion would mean.

The Chair responded that the proposed Resolution would end at the LUSC today, however someone else could bring it up at the Full Charter Review and it might be resurrected. He stated that he thinks it's a good idea and he may try to resurrect it. It means that there is nothing in the Charter mandating that the County Commission use suggestions or nominations from the City to appoint Planning Council members.

The Chair acknowledged the arrival of Mayor Joy Cooper – League of Cities representative and provided an update / status report of the LUSC Committee discussion and motion on the table.

- A subcommittee member asked if the motion failed 2:2, wouldn't they need a motion to move forward, which would probably fail 2:2.

The Chair advised that this is the point where the LUSC is and if the motion is a tie that would be the end of the proposed Resolution.

The Chair asked Mayor Cooper for public comment.

***Mayor Joy Cooper, City of Hallandale Beach***

**Mayor Cooper:** First of all, and thank you again for rehearing this issue and giving me the opportunity to speak. Of course you are filled in as far as the history. I did attend that meeting and quite frankly, I am not surprised at their position. I am extremely disappointed. I presented this again to my Board at the Broward League of the Cities, and unanimously they continued to say, that this was the “deal” we had. That any position that the County did take to renege on this “deal” is basically a slap in the face again to the Cities and have unanimously passed that, except for one vote, which is Commissioner Ilene Lieberman and because of her protocol, she could not vote for it this time but she has supported it. Actually Kristin Jacobs, even though she didn't support it, she supports it by practice. So, I think it's very important – and I'm going to encourage you to keep an open mind because, I'm quite frankly, and everybody knows, I'm pretty candid.

I've sat through a lot of the CRC meetings and I don't mean any disrespect to anybody, but you people are supposed to be representing the people of Broward County and the needs of Broward County. I continue to see undue influence on this Charter Review Commission when it comes to really specific issues, this being one of them. So, I want to set the record straight today. Quite candidly, I sat through those meetings and there were three comments that really jumped out, one you touched on specifically. We did not go back on any deals with the County. We were in

negotiations for three years with the County, over and over again with this position. We did go back, even though we were in negotiations, to continue to put pressure on the County because we know how they operate in negotiations with the Cities. This has been historical.

So yes, we did go back to the State, but we did not have a consummate deal at the time. It was never consummated by the Ordinance. It was never adopted by the County Commission. We went back and were directed by Tallahassee to go back to the negotiation table and finalize this deal and that's what happened in good faith. After this Ordinance was passed, in no way ever did the Broward League of Cities go up and lobby Land Use, ever. That is a total disregard of historical information that was presented; and I frankly find it offensive that it's been distorted and represented misguidingly by the Commissioners or Commission that don't believe in this position.

The other thing that I thought was quite alarming was comments: "*Well we passed it and we adopted this language unanimously, but I misunderstood it,*" or "*I must have not read it.*" I find that so disingenuous. I don't think that any one of the County Commissioners lack intelligence or lack the experience of doing their research or reading their documentation and if they did, quite frankly they shouldn't be there. I'm an Elected Official, I do my homework, and quite frankly I don't believe that and find it very disingenuous.

The next was some of the comments, now yes there are a couple of new Commissioners; and the comment was; "*I'm going to appoint whoever represents my views.*" That gets to the heart of why the Cities believe that this is a fair and equitable decision and commitment that was negotiated directly by the County Commission at the time. It is appalling to me to think that somebody on the County Commission – I appoint people to my Advisory Boards, I don't interfere. I have a Planning and Zoning Board. As a matter of fact our protocol manual now does not even allow a Commissioner to go sit in that room to do undue influence on a Board. I take that very seriously. I think it's ethics, and I think its actual protocol and conduct that I feel very strongly about. So, to think that somebody would think that their municipal appointment is just to show their views, goes to the heart; that is not what the municipal appointments are about.

The municipal appointments are supposed to create a balance. If you've read your backup today and actually the minutes that were presented, Ilene Lieberman summed it up really well. I haven't been around for 30 years. I wasn't here in the 70's; but, when I got involved in this issue I went back to the County Commissioners that are still here and involved in the process of what the purpose of the Planning Council was. It's quite a unique system. It's developed to create a balance in a Chartered County between the Municipalities and the Citizens.

There's been another issue, and I raise it again, I want to make this quite clear. Through the negotiations we never wanted to remove the County from the process. We believe they have an integral part because of county-wide issues, because of mitigation issues, because of impacts that they need to collect and work jointly with, but the key component of this is to have municipal appointments. I'm here to tell you it is fair and equitable. There is in the process; it's established by what you have before you, in this Charter Amendment, to provide for; and everybody keeps saying the language is unclear. Quite frankly it's very clear. What you're doing is collecting a list of every municipality. A Municipality appointment would be recommended from the Municipalities and given to the County Commission as a pool of appointees. If in fact ,a City decides not to make an appointment and the County Commission has one district, there's an escape valve that allows them to have the discretion to appoint whomever they want. Will that happen? Quite frankly, I don't think it will happen because I'm here to tell you, the Cities want and deserve a fair equitable representation on the Planning Council. They haven't changed their position. They went into good faith negotiations with the County to provide this, that's in there.

The other issue in the Charter Amendment that's before you, is giving them the opportunity to be sensitive to geographic boundaries as well as diversity, and that gives them flexibility. They're not going to be sat and given – and no disrespect to the men, white men or whatever. If they get that, they can say, guess what you have not been so sensitive to diversity and we want to be sensitive. They can say, "I don't like those appointments." So there is flexibility, there's equity, it's fair, and it goes back to the key essence of what the Planning Council is to represent. Those appointments aren't supposed to represent the County Commission, they're to represent the municipalities. If they feel fair that they're representatives for their residents, they have full discretion to have balance. That's the way the system was set up.

I'm here to tell you it's been diluted, it's been disrespected, and we as Municipalities in the Broward League have taken serious offense to this again. That is it smacks in the face of reneging in a fair, faithful negotiation that's fair and equitable. I've said my peace and I'm here to answer any other questions you may have. Hopefully, whoever does vote against this, realizes that you're here to represent Broward County as a whole, their Cities, their people, you're not here just to represent the views of your appointing Charter appointments. You're here to listen to the public, take input, and make a fair and reasonable discussion. Thank you.

- A subcommittee member stated that they were offended by the suggestion that the CRC had undue influence exerted on it. He stated that the Commissioner who appointed him is no longer a Commissioner. He advised that it is ludicrous to make a suggestion of undue influence towards the Committee.

- A subcommittee member asked if the proposed Resolution is suppose to address the Cities fair and equitable representation on the Planning Council and they have 10:10 right now, how much more equitable did they want it. He explained that he didn't understand how adding 5 more City members to a Board that's to address county-wide impacts would be more equitable.

**Mayor Cooper:** We removed that from the tape. Adding the amount of Commissioners or amount of City Commissioners, that's been removed from the tape. Again, I apologize if I've made any offense to anybody at this table. I'm entitled and it was in my personal opinion.

- A subcommittee member asked Mayor Cooper what such an opinion is based on.

**Mayor Cooper:** Of my observations and of my personal opinion.

- A subcommittee member asked Mayor Cooper if her opinion is because the Commission disagrees with her position.

**Mayor Cooper:** No, I just watched everything in general of what has transpired. I referenced this as a whole Charter Review Commission, not just this subcommittee, and that was in my opinion, and I apologize if I offend you, but I understood the mentality of County Commissioners that appointed specific people and it goes back to the heart.

It might be fair and equitable that there are 10 and 10 bodies, but they're not appointed by the Cities. They're selected by the County Commission solely to represent their views, not to represent a municipality.

- A subcommittee member asked if there is an appointment process done by resolution within the Hallandale City Commission.

**Mayor Cooper:** No, that's what we're asking to do.

- A subcommittee member stated that it was done that way in Oakland Park.

**Mayor Cooper:** It was done that way because, I don't know if you're in Jacob's district or are you Ilene Lieberman?

- The subcommittee member responded that he believes his district representative is Keechl and it was previously Scott. He stated that it was done by Resolution. He stated that the City Manager came up; they all agreed on who wanted to be there.

**Mayor Cooper:** That was never reflected.

- A subcommittee member stated that it was done and if they don't do it in Hallandale, maybe they should. He advised that he doesn't know why the League of Cities is tying the hands of the County Commission to get a specific person.

**Mayor Cooper:** I'm going to disagree with you because it's not. I sat through the County Commission and Keechl specifically said he doesn't do it. He didn't do it and he's never done it. There has only been two County Commissioners that do it, only two.

- A subcommittee member stated that two County Commissioners do that, but the other County Commissioners, doing whatever process they feel, appoints the others. He advised that one of the reasons is because some of the Commission districts have multiple cities, so, they don't have an opportunity to appoint a person from a particular city even if the process was there they can't do that.
- A subcommittee member asked how the Commissioner with two or three Cities selected someone as their municipal representative.
- A subcommittee member responded that they used whatever process they want. He advised that each Commissioner does whatever they want to do.

**Mayor Wexler:** I was very brief before, and made reference to the minutes, as you did Mr. Chair, which captured the essence of the conversation. I'm going to be slightly longer, I don't usually go on very long. I'm pretty to the point, but I do want to mention something and address something that Mayor Cooper did speak about. That was the changing of the mind, and the conversation. It's captured in the minutes.

First of all, you have actually three Commissioners that were not part of the original agreement, and direction that the Board of County Commissioner's gave to the attorney in June of 2004. I was one of them who was not there, so here are all of those minutes to see what the direction was. At that point the majority of the Board of County Commissioners did not support the "shall" language or in essence, they didn't support that their hands would be tied. They absolutely endorsed Home-rule, as all Cities do and I keep going back to that.

On Tuesday when my colleagues, a number of them recognized that the "shall" language was in there. You know we get reams of paper. I'm going to sit here and tell you that if I had read the minutes from the year before when I wasn't there, to understand the direction that was given to put that Resolution together, then I would not have supported what was in front of me at my third meeting in January 2005, because that was not reflected the intent of my now colleagues. I think that

admitting that one made an error and owning up to it is a sign of maturity, and a sign of leadership and in doing that, that's what I heard in the conversation on Tuesday.

Mr. Chair you keep referring to the "deal." Madame Mayor (Mayor Cooper), you keep referring to that deal as well, that was made when the then Chair and Mayor and Vice Mayor were negotiating with you, and that's what occurred. It was verified in the conversation that was reflected at Tuesday's meeting.

I want to tell you how I make my appointment. Our appointments by the way are for a 4-year term.

I choose, and I represent eight different Cities and I chose an individual; Commissioner Fran Russo from Hollywood because West Hollywood never got very much representation on anything in the City, let alone in the County. Commissioner Russo and her Board in Hollywood actually thanked me multiple times for choosing her as my appointment to the Planning Council. I do want to tell you that Commissioner Russo hardly reflects my views on growth, hardly. I never confer with her. I never, ever, tell her how to vote, but when I see those recommendations that come forward to me as a Commissioner, and I see the vote of the Planning Council, I say well, she's there independently as she should be; I believe.

I relish Home-rule – I embrace Home-rule, and I suspect that Mayor Cooper in the City of Hallandale, wouldn't go out and ask Homeowners Associations, "Who would you like me to appoint?", "Give me a name, to my Planning and Zoning Board." I suspect that., Or any other Board that you may have, I could be wrong. I never served as a City Elected Official, but I really wonder on that, and as a County Commissioner I want to be able to have that flexibility to choose who I wish to serve as my appointment municipality wise on the Planning Council and my colleagues do to.

- A subcommittee member asked Mr. Sniezek if the appointments to the Board run concurrently with the County Commissioner.

**Mr. Sniezek:** That's correct.

- A subcommittee member asked if the County Commissioner resigned and only served two years, if the Planning Council members' term would be over as well.

**Mr. Sniezek:** No.

- A subcommittee member asked if somebody resigns 2 years into a 4-year term and appoints someone new, do they go for 4-years.

**Mr. Sniezek:** I think they go for the remainder of the term.

- A subcommittee member stated that the “deal” was made in January 2005. He advised that a time had come where four of the Municipal officials, under what Mayor Cooper is saying, should have been done this way. He asked why no inquiries had been made previously.

**Mayor Cooper:** That’s why we’re here. If this is not in the Charter Review Committee and adopted by Charter it will never be memorialized to do it. There are no teeth if it’s not memorialized in the Charter, that they “shall,” and given the flexibility, with the discretion of diversity and geographic boundaries.

- The subcommittee member stated that that wasn’t the question.

**Mayor Cooper:** I’ll answer it even simplified, and I’ll be really frank. We haven’t done anything, I’ve said it before and I’m telling you we have not been in Tallahassee. We’ve not revisited this issue at all, because we felt it was going to be supported by Charter Review Commission, and if you look back in the original amendments you’ll see that it was understood. It was going to have to go to Charter Review even though it was adopted by Resolution. I mean, to make very clear, and I respect Commissioner Wexler wasn’t there, but this passed unanimously, so in good faith we let it lie. We didn’t need to have any arguments, we didn’t need to have any press, we felt in good faith, when we came up to Charter Review that this was going to be supported and not lobbied against.

Quite frankly, we might have taken a different approach against the Planning Council, because it goes back to my original point of efficiency and duplicity within the system. That’s why we looked at it; we were never removing the County from the equation. We were removing another step and another layer of bureaucracy through this system and the Land Use System.

- A subcommittee member stated that he believes that was poor strategy.

**Mayor Cooper:** I agree, maybe we should have again just asked to have you remove the Planning Council from the whole system.

- A subcommittee member asked Ms. Azcoitia, if the County could be sued if it passes an Ordinance and does not follow it.

**Ms. Azcoitia:** No.

- A subcommittee member stated that he still does not understand why it wasn’t an issue the last time.

**Mayor Cooper:** Again, it goes back to the unanimous support of that resolution and the fair negotiations to come to this point and not have this debate.

- A subcommittee member stated that after the agreement was made and new County Commissioners came aboard, the question is if that was the arrangement and the Planning Council members were appointed after the arrangement, and they weren't done in accordance with the arrangements, then why didn't somebody point this out.

**Mayor Cooper:** I think that the two Commissioners were not in support, and that's why this needs to be memorialized. It's something that would change ongoing.

- A subcommittee member pointed out that there were four Commission Districts, which means there were four appointees that would be up. If you take out the two new and even then Commissioner Ritter, she was on a different timeframe because she was replacing, so maybe there were five Commissioners who were up then. He advised that would mean that there were three who were already here who supposedly knew about it.

**Mayor Cooper:** "Supposedly," that's the operative word.

The Chair advised the subcommittee member that he believes the League moved from issue to issue and honestly, they felt like this issue was done. He advised that he thought that the LUSC charge was going to be abolishing the entire Planning Council.

The Chair asked Mayor Cooper what the thinking on the intent that it be placed in the Charter is based upon.

**Mayor Cooper:** On the dialogue that was presented during the adoption of this Ordinance. If you go back and read it, it was quite clear. Commissioner Lieberman understood that we can do this and basically warned us; we can do this, but again, it's a Resolution, it's not memorialized, it's not codified and it needs to go in the Charter. It needs to be looked at.

**Mayor Wexler:** You have Commissioner Lieberman's letter that's addressed to you.

**Mayor Cooper:** That is in reference... That is a proposal to add five new members.

**Mayor Wexler:** No Ma'am. It says that you never discussed putting it in the Charter; and that's part of her correspondence, which you had at the last meeting.

**Mayor Cooper:** I would love if you want to table this to get the conversation that actually I have missed. It's not going to change. I know what happened. We sat at the negotiation table with them. It was understood and that goes back to, "we just forgot," "we adopted a Resolution, but we forgot the language." I mean, you know, let's face it. The point here is good faith negotiations; an agreement that was passed unanimously, that was supported by the League. We didn't get involved in the Planning Council issue at all, because I know Mayor Moseley did it and myself in good faith, because of this agreement and it just smacks again, of why some things need in governance to be codified and memorialized in the Charter out of respect because things do change. Things do change, but it doesn't mean that the essence of this negotiation and after years of agreeing to it; that rational leadership minds understood that this was fair and equitable, and it would put the rest to the Planning Council issue. It went back, and I've testified before, in all due respect to Henry, I think he does a great job. I think this governance needs to look at duplicity, efficiency, and systems that impact the daily lives of not just municipalities and County; because it interferes with our resources in all; our money, our money gets spent on staffing the Planning Council.

We're already doing so much already with checks and balances that the County Commission; they have an Urban and Planning Division to review. I mean, you know, just for my observation, in my opinion, that was why we didn't get involved with removing the Planning Council, because we had this good faith agreement. Quite frankly it goes back to removing the Planning Council.

- A subcommittee member asked if Broward County had this historic agreement, in which everyone was happy, did the Broward League of Cities take a strong stand against it.

**Mayor Cooper:** We did not discuss it and it was tied to two other Counties. We didn't get involved in it, we didn't negotiate it, and we didn't speak about it.

- The subcommittee member asked if this risked the League of Cities and Broward County's agreement that they worked so hard to get. Wouldn't they have thought to inform Tallahassee that the Broward League of Cities wanted no part of it? That an agreement had been reached with the County and everyone is happy.

**Mayor Cooper:** Well we're not happy yet, because we don't have it codified in the Charter and they're not abiding by our agreement. So for me to go and say good, leave it alone; we stayed out of it. It's just like why we stayed out of this Planning Council issue to begin with.

- A subcommittee member asked if that would then break their agreement also.

**Mayor Cooper:** If I'm neutral to their discussion and I'm not up there lobbying against it; I didn't weigh in on that at all. Again going back to why we didn't even bring up the Planning Council at the beginning of the Charter Review, we in good faith, in negotiation....

- A subcommittee member stated that they get confused talking with Mayor Cooper.

**Mayor Cooper:** I know, all right.

- The subcommittee member advised Mayor Cooper that he asked one question and she keeps going back to abolishing the Planning Council.

**Mayor Cooper:** You raised the whole issue again. We didn't go up to Tallahassee and say, yes we're lobbying for this, yes we agree with it; get rid of the County. Broward County was neutral and I don't get involved with other people's bout.

- A subcommittee member stated that they understood that, but Mayor Cooper is neutral. He advised that he does not hear where the Broward League of Cities responded. He advised that it appears that the League of Cities just waited to see where it would end.

**Mayor Cooper:** Maybe I can just answer it really clearly again. We stayed out of it. This was the final peace of the cobb; this discussion that we're having today, with all those negotiations and all those agreements. I will tell you, I don't know what those other Counties are doing, but I will assure you, the Broward League of Cities feels that this was so disingenuous, of the County's part, that I can't commit that we might not get involved Legislatively again because of how our agreement is.

- A subcommittee member apologized, advised Mayor Cooper that she missed his point completely and requested the Chair to move on.

The Chair stated that the concept that the County Commission didn't know what they were voting on or that the Lawyer drafted it wrong. He informed her that the two Commissioners involved from day one, both say that this is the way it was. He stated that he thinks it is very wrong of the County Commission to say they did not understand what they did. For the Commissioners to say, "we didn't understand what we did," the truth is they are a governmental body. "I didn't know what I did," "I didn't read the information properly." He advised that he does not think this is a proper way to conduct government. He stated that he was delighted that the agreement had been reached because he did not wish to deal with the next issue that will now be referred back to the LUSC; of abolishing the Planning Council.

- A subcommittee member stated that he feels that this is what the League of Cities has been after since the beginning. He explained that he personally cannot be convinced that the Broward County Planning Council is not a valuable resource here in Broward County. He advised that the current issue stems from trying to abolish the Planning Council, by the League of Cities and he doesn't agree with it. He advised that he agrees that if you have a Resolution or Ordinance, whether you read it or not, you are bound by it. He explained that he also believes if you have a new Commission, then they can do whatever they want. If they want to rescind the resolution, change it, etc.
- The subcommittee member advised that he doesn't feel the issue belongs in the Charter, but should be easily resolved between the League of Cities and the County Commission.

The Chair stated that he feels that the League of Cities won't have any faith in resolving anything with the County Commission because they feel like they got schnookered. He explained that there was a real move in Tallahassee to abolish this Planning Council. He stated that he believes the compromise was since it's only a recommendation, if the Cities had more input into the recommendation to the County Commission it is a good middle of the road. He advised that it worked for everyone involved and all were happy except for the input part of it. He informed that the input part is gone and that's what Mayor Cooper is discussing. The Chair advised that he was delighted that the suggestion to abolish the Planning Council was not charged to the Land Use Subcommittee.

- A subcommittee member asked how anyone, in good faith, could come forward at this point, in light of all the testimony taken to-date, and say it is a good idea to abolish the Planning Council. He reminded the subcommittee that everyone whom they've heard from has testified that the Planning Council is working well, the process is less cumbersome, and the changes that were made are effective. He explained that he has heard no one come forward other than at today's discussion with regard to a suggestion of abolishment of the Planning Council coming back to the LUSC. He stated that he does not know why it would as he has heard no testimony from anyone that it is a good idea.

**Mayor Cooper:** The way I prefaced it was, I don't know what will happen at this point. The reflection of my Board of Directors through the Broward League of Cities, voted unanimously to continue. I will report back to them if this dies today, and it will be the direction that I take back to my Board of Directors and we will discuss the issues. I am not saying it will happen, I'm not saying it won't happen. It's interesting that there's a push for other Counties in other areas to do this, so this is not just a Broward County issue. I can't say that we won't weigh in on it.

So, I'm thinking back to what Richard said, this was fair, it was equitable, it's something that can be done, it was negotiated and committed to. We crossed our hands, put them in our lap realizing that the Charter Review Commission would have to memorialize this decision and this negotiation, and that was the understanding.

I mean you know I can't keep going back to you as far as the Planning Council. I honestly believe, and to answer your question on a more global basis, because I've had dialogues as far as other Advisory Boards with the County even the Fire Rescue Council, as far as the staffing and the costs and the elements to run and govern our communities. We're all looking at financial burdens. If you are basically giving, a technical response that has already gone through the process; it's gone through the local Planning Council, first of all it's gone through local staff and the experts. It's gone through the local Planning Council, and you know... I mean... And that was the intent. So, I think that everybody and I know we're looking at in our city as far as how we operate, what Advisory Board should be there and what shouldn't be there.

The Chair responded that he believes a lot of the dialogue regarding the Planning Council was not done and the dialogue was very restrained and done in a sort of "cooperative, play nicely in a sandbox mode;" because everybody felt that a compromise had been made and nobody wanted to stir up the sand.

The Chair explained that there is a motion on the table.

### **Restatement of Motion**

**Mr. Maus MOTIONED to discontinue consideration and discussions of proposed Resolution 2008-017 Land Use Planning; Composition of Broward County Planning Council based upon the Broward County Commission discussions of County Commission Meeting held February 5, 2008, SECONDED by Mr. Ketcham.**

The Chair clarified the vote explaining that a vote YES means discussions will cease regarding the resolution and a vote NO would mean that the discussion would continue.

The Chair called for the roll at 11:21 p.m.

Commissioner Hayward Benson

**Absent**

Joseph Maus, Esq.

**Yes**

|                     |               |                     |            |
|---------------------|---------------|---------------------|------------|
| Ms. Maggie Davidson | <b>Yes</b>    | Richard Weiss, Esq. | <b>No</b>  |
| Dr. Irv Rosenbaum   | <b>Absent</b> | Mr. Mark Ketcham    | <b>Yes</b> |
| Ms. Patricia Good   | <b>Absent</b> |                     |            |

**Motion PASSED on a roll call vote of 3:1.**

The Chair advised that he believes the LUSC is now finished with its work.

The Chair thanked Mayor Wexler, Mayor Cooper and others for attending.

**IV. Public Comment**

None

**V. Adjournment**

There being no further discussion or comments the meeting was adjourned at 11:22 a.m. The minutes of this meeting are recorded on CRC-LUSC CD # 2.08.08 (BCGV CTR).