

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Barbara McDaniel, MMC, Assistant Town Clerk/954-797-1023

PREPARED BY: Barbara McDaniel, MMC, Assistant Town Clerk

SUBJECT: October 15, 2007 minutes

AFFECTED DISTRICT: n/a

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: October 15, 2007 (Joint Workshop Meeting)

REPORT IN BRIEF: Minutes from the October 15, 2007 joint meeting with the Charter Review Board..

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Motion to approve

Attachment(s): October 15, 2007 minutes

**TOWN COUNCIL
CHARTER REVIEW COMMITTEE
JOINT MEETING
OCTOBER 15, 2007**

The meeting was called to order at 5:06 p.m. Present at the meeting were Mayor Truex, Vice-Mayor Caletka, and Councilmembers Luis and Starkey. Also present were Charter Review Committee members: Chair John Stevens, Vice Chair Judy Paul, Ray Adkins, Julie Aiken, Scott McLaughlin, Douglas Notman, and Scott Spages (arrived 5:10 p.m.); Town Administrator Shimun, Assistant Town Administrator Cohen, Town Clerk Muniz, Town Attorney Rayson and Secretary Lorraine Robinson recording the meeting. Councilmember Crowley and Charter Review Board members Tom Green, Howard Rechtman and Harry Venis were absent.

Chair Stevens stated that the Board had not recommended any changes to Sections 1, 2, 3, 4 or 5.

In Section 6, Administrative Department, the Board recommended a nominating committee be created to hire the police and fire chiefs, and that this committee be comprised of two residents selected by each Councilmember and the Mayor, and two members of either the Police or Fire Department. This committee would submit a list from which the Town Administrator would make a selection. The Board also recommended that the Town Administrator not have sole authority to terminate the Police or Fire Chief and that this decision must be approved by Council. The Board further recommended that an appellate process for fired non-represented employees be reviewed and made more fair and clear. Chair Stevens added that the recommendation was for a policy change rather than an amendment.

In Section 6(D), Town Attorney, Chair Stevens explained that the Board recommended that the language be made clear that the Town had the option to hire outside counsel or a full-time in-house attorney. Mr. Rayson felt the current language did not preclude hiring in-house counsel. Councilmember Starkey asked why the Board recommended removal of the language "for legal correctness." Chair Stevens explained that there was some concern that the "for legal correctness" provision limited the duty and obligation of the Town Attorney.

In Section 6(E), Town Clerk's Office, Chair Stevens stated the Board recommended to transfer the treasurer's responsibility from the Town Clerk to the Finance Department striking the following language "~~shall act as the town treasurer and shall be responsible as collector of all taxes and assessments and other monies due to the town; act as official custodian for all town monies; disburse funds on the basis of valid authorization; and.~~"

In Section 7(A), Councilmembers, Mayor, Number, Term, and Selection, Chair Stevens said the recommendation was to change the terms of office to four years, and to move the elections from March to November. In order to accomplish the schedule change, terms of office would be temporarily extended eight months.

In Section 7(G), Council Meetings, the Board recommended deleting the language that Council should meet “not less often than twice each month” to allow Council to take a vacation.

In Section 7(J)(1), Salary for Councilmembers and Mayor, Chair Stevens stated that the Board proposed calculating salaries based upon the average salaries of the five municipalities in Broward County closest in population and government to the Town. Ms. Aiken asked Mr. Rayson if Council was obligated to inform taxpayers how much a change such as this would cost. Mr. Rayson agreed to investigate this.

Chair Stevens advised that the Board recommended that Councilmembers and Mayor be included in the Florida Retirement System. This could be done by ordinance and did not require a Charter change.

In Section 8(A), Finance Department, Chair Stevens stated that the Board recommended the following language be added; “The finance department, as created by the town council, shall assist the town administrator in all budget matters. The finance department shall consist of a finance director and such employees as are required to perform such work and duties as may be assigned to the finance director by the town administrator.

The finance director shall act as the town treasurer and shall be responsible as collector of all taxes and assessments and other monies due to the town; act as official custodian for all town monies; disburse funds on the basis of valid authorization.

Adequate surety bonds as determined by the town council must be carried by the town upon the town treasurer and employees in his office performing duties in connection with the collections, custody and disbursements of the town monies.”

In Section 8(I)(4), Transfer of Appropriations, Chair Stevens stated that the recommendation was to amend the language to indicate that “At any time during the fiscal year the administrative head may transfer part or all of any unencumbered appropriation balance within a department, or agency provided the amount transferred shall not exceed ten thousand dollars (\$10,000) with approval by the Town Administrator and Finance Director. Amounts in excess of ten thousand dollars (\$10,000) must be approved by the Town Council.” Vice-Chair Paul believed Council should know where the money was going, because appropriations and the budget were two of the areas over which Council had control.

In Section 8(O), Centralized Purchasing, Chair Stevens stated that the Board agreed with staff’s recommendation to change the language to the following, “The administrative head, acting in accordance with this Charter, town ordinances, resolutions, and departmental rules and regulations, shall purchase and contract for all materials, parties, supplies, equipment and services required by any department or agency of the town. The town council shall adopt centralized purchasing procedures by duly enacted ~~ordinances~~ resolutions.”

In Section 8(R), Revenue Collection, Custodian of Funds and Surety of Employees, the Board agreed with staff’s recommendation changing Town Clerk to Finance Director.

In Section 8(V), Payment, the recommendation was to change Town Clerk to Finance Director. The Board also recommended that the resolution indicate an elected official as the mayor’s designee.

The Board suggested to strike the language “clerk by the town official or employee receiving same” from Section 14(A), Fees of Offices; Nuisances; Sanitation.

Chair Stevens described the creation of the Town Auditor position to provide financial, inefficiency and performance audits. This position would report directly to Council. Chair Stevens explained the responsibilities that this position would entail and stated it was similar to an Inspector General position. Mr. Shimun said that the recent study had been done to advise them of proper internal controls to institute for fraud prevention. Mr. Cohen pointed out that if this department were created by ordinance, it would exist forever. Instead, the Town could utilize the services of an outside organization that could be phased out over time. Mayor Truex was unsure whether Council currently had the authority to create an independent auditor position to report directly to Council. Mr. Rayson explained that the Charter provided for the creation of new departments through an ordinance. He did not advise Council to create this position without a Charter change. Mayor Truex suggested language be changed to “the Town Council *may* retain a Town Auditor...,” this way, the position would not be permanent.

Chair Stevens said that the Board also recommended that the Open Space Advisory Committee’s recommendation for park preservation be adopted in its entirety, with the exception that “unanimous vote” be changed to “a four out of five vote” for the sale of a park.

Ms. Aiken informed Council that a suggestion to return to at-large election of Council members had been rejected by the Board.

Karen Stenzel-Nowicki said she had questioned at one of the Charter Review Committee meetings whether creation of the auditor position would be contrary to the Town Charter or to Florida Statute. Mr. Rayson said that the Charter provided Council the ability to create new departments, subject to conditions of the Charter.

Mr. Muniz and Council discussed dates for public comment, and the deadlines for presenting the changes. Mayor Truex requested an item be put on Council’s next agenda to discuss the timing of the Charter amendment vote.

There being no further business to discuss and no objections, the meeting was adjourned at 6:20 p.m.

Approved _____

Mayor/Councilmember

Town Clerk