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TOWN ATTORNEY  
TOWN OF DAVIE  
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(954) 584-9770

MEMORANDUM

DATE: June 29, 2006

TO: Ken Cohen, Acting Town Administrator

CC: Mayor and Councilmembers  
Janet Gale, Administrative Secretary

FROM: Monroe D. Kiar

RE: Control Number 060608  
Opinion on the Charter Review Board

You have asked this office to provide an opinion relevant to the Charter Review Board which you have indicated is to be an agenda item under Old Business at the July 5, 2006 Town Council Meeting.

Section 4 of the Davie Town Charter states “There shall be a Charter Review Board appointed by the members of the Town Council by April, 2004, and at least every seven (7) years thereafter. Each Councilmember shall select two (2) members of the Charter Review Board. The terms of the members shall commence upon their appointments and shall terminate upon the acceptance by the Town Council of the Board’s report...”

At the last Town Council Meeting, Assistant Town Clerk, Barbara McDaniel in her Memorandum included within the Council agenda material, advised that a Charter Review Board was appointed by the members of the Town Council in the year 2000, and after it concluded its study and made its recommendation to the Town Council as to proposed amendments to the Charter, the Council voted upon those recommendations and thereafter, the Council submitted for referendum, certain amendments to the Charter which were voted upon by the Electorate in the year 2001. Accordingly, pursuant to the clear wording of Section 4 of the Davie Town Charter, the Town Council is required to appoint a Charter Review Board no later than the year 2007 and any recommendations of said Board which are adopted by the Council and submitted by the Council for referendum amendments to the Charter, can be placed on the ballot in March, 2008, if the Council so desires. The Council had expressed concern as to the fact that in the year 2007, there is no Town

wide election as only 3 council seats are up for election in March, 2007. In March, 2008 however, there will be a general election throughout the Town since both the Democratic and Republican parties will be conducting their presidential primaries at that time.

Finally, this office has contacted the Office of the Supervisor of Elections and has been advised that since the elections in March, 2008 are County wide, there should not be an additional expense to the Town as opposed to holding the election in March, 2007, which is a stand alone election and would require the necessity of opening additional polling places, hiring additional poll workers and the need for additional equipment as all council seats are not up for election.

MDK/gmv



## OFFICE OF THE TOWN CLERK

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# Memorandum

TO: Mayor and Councilmembers

FROM: Barbara L. McDaniel, MMC, Assistant Town Clerk

THROUGH: Russell C. Muniz, CMC, Acting Assistant Town Administrator

SUBJECT: Charter Review

DATE: June 15, 2006

Effective March 1997, Section 4 the Town's Charter requires that a Charter Review Board be appointed by April 2004 and at least every seven (7) years thereafter. In 2000, Council appointed the Board who subsequently made recommended changes and a referendum was held in 2001. At the June 2, 2004 Council meeting, previous Town Administrator Tom Willi discussed possible Charter changes, however, the majority of Council did not feel a Charter review was necessary.

If Council is desirous of a review of the Charter and appointing a Charter Review Board, a resolution would need to be created to establish a ten member board. Referendum questions for the March 2007 ballot would need to be submitted to the Supervisor of Elections Office no later than January 15, 2007. This timeframe would require that the questions be approved by ordinance no later than the regular Council meeting of January 3, 2007; however, special meetings of Council could be held subsequent to the January 15th deadline.

Bryan Caletka/Davie  
06/25/2006 10:41 PM  
To  
Ken Cohen/Davie@Davie  
cc

Subject  
Charter review

Dear Mr. Cohen,

Please add these items to the Charter review possibilities.

- 1) Possible 4 year Council terms
- 2) Move Council elections to November
- 3) Pay Raise for Council
- 4) July Vacation for Council
- 5) Option as to who provides police services resides with voters not a Charter mandated Davie Police Department.

many thanks,  
-Bryan Caletka  
Bryan Caletka  
Davie Councilman District 1  
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email: bryan\_caletka@davie-fl.gov