

**TOWN OF DAVIE  
CHARTER REVIEW BOARD MEETING  
OCTOBER 18, 2012**

**1. ROLL CALL**

The meeting was called to order at 6:05 pm.

Present at the meeting were Chair Donna Evans, Vice Chair James Moore, Sidney Calloway (6:14), Ellen Christopher, Todd Evans, Nan Gault (6:48), Chris Love and Howard Neu (6:07). Harry Venis and Tom Truex were absent. Also present were Police Chief Patrick Lynn (via phone), Town Attorney John Rayson and Assistant Town Clerk Evelyn Roig.

**2. APPROVAL OF MINUTES**

2.1 September 6, 2012 – Tabled from the September 18, 2012 meeting

Ms. Christopher made a motion, seconded by Mr. Moore to approve the September 6, 2012 meeting minutes. In a voice vote, motion carried 6-0.

2.2 September 18, 2012

Ms. Christopher made a motion, seconded by Mr. Evans to approve the September 18, 2012 meeting minutes. In a voice vote, motion carried 6-0.

**3. REVIEW OF CHARTER**

Mr. Love said he had found a small number of grammatical errors in his review of the Charter.

Mr. Love made a motion, seconded by Mr. Neu, to have staff proofread and make any grammatical corrections that need to be done to make the document proper. In a voice vote, motion passed 7-0.

**4. MEETING SCHEDULE**

The board agreed to meet again on November 1st.

**5. OLD BUSINESS**

5.1 Section 10 - Police Department - Tabled from September 18, 2012

During high-speed pursuits that entered other jurisdictions, Mr. Love wanted the local law enforcement to take the lead in those pursuits, since they were more familiar with the territory. Davie officers could continue to participate, but not lead the pursuit. Mr. Rayson said Florida law allowed police agencies to enter into mutual-aid agreements. He said high-speed pursuits presented a liability issue and should be covered specifically by a mutual-aid agreement. Mr. Neu questioned whether this should be included in the Town's Charter.

Mr. Love asked Police Chief Patrick Lynn (via phone) about the operating procedures for a high-speed chase. Chief Lynn explained that Police policy described situations in which officers pursued people. He stated that Florida Statutes had provisions for pursuits outside the jurisdiction and they had mutual-aid agreements governing pursuits with every other agency in Broward County. He suggested the Charter could indicate that officers may pursue in accordance with state statute and police department policy.

Mr. Neu made a motion, seconded by Mr. Love to add language in Section 10 to indicate that a Police officer may pursue a violator "...across and beyond the corporate limits, *pursuant to and in accordance with state statute* for the purpose of apprehending or arresting said violator." In a voice vote, motion carried 7-0.

Mr. Calloway wanted to include language regarding Broward County because he did not know if state statute covered existing agreements between municipalities. Mr. Moore said Chief Lynn had indicated that Florida Statutes did provide for this. Mr. Love suggested the board not recommend a change to the charter until they fully understood all the legalities.

Mr. Rayson advised the board to discuss this with Chief Lynn personally at a meeting.

Mr. Neu made a motion, seconded by Mr. Moore, to withdraw his previous motion. In a voice vote, motion carried 7-0.

Mr. Love made a motion, seconded by Mr. Moore, that they send that paragraph pertaining to the issue discussed and ask Chief Lynn if he would give his input and suggestions so that any changes needed that they would be directed in the right fashion to make those changes. In a voice vote, with Ms. Christopher dissenting, motion carried 7-1.

#### 5.2 Section 13 - Elections - Tabled from September 18, 2012

Chair Evans thought it made sense to move the elections to November, but felt the question was moot because there was a lack of support on Town Council. She added that state law allowed the Town to change the voting date regardless of what the charter said.

Mr. Love believed the board should weigh in on the issue, as this might inform Council's decision-making process. Mr. Rayson informed the board that a state law had taken effect in April 2012 allowing the Town Council to amend the charter by ordinance to change the date of elections, but this was subject to referendum. He explained that the ordinance the Town had vetted previously to move elections to November (which did not pass) met all of the requirements of the new state law. Mr. Rayson stated this would have changed the terms to four years to coincide with state and national elections and would save money. He remarked it was appropriate for the Charter Review Board to look at this because it was part of the charter.

Mr. Love said in his experience, voters favored moving the elections to November. He described how the transition to November and four-year terms would work, and noted that no one currently serving on the Council would be adversely affected.

Mr. Calloway thought moving the elections to November could lead to a lengthy ballot and he felt this might affect how people voted. He thought it might also make it difficult for local issues and candidates to receive the attention they deserved. Mr. Neu agreed with Mr. Calloway, and feared they could actually lose voters in the process instead of gaining them.

Mr. Love argued that candidates tended to cater to the people they knew would turn out for the March elections and ignore everybody else. Holding elections in November would make the process more inclusive.

Mr. Rayson remarked that the Florida Constitution was one of the finest in the country, and explicitly affirmed the right to privacy.

Ms. Roig stated the Town could save close to \$100,000 by moving the elections to November.

Mr. Moore believed that holding elections in November took advantage of the excitement that surrounded the national election and encouraged people to participate.

Mr. Calloway agreed that more people would vote in November, but he was uncertain there was a correlation between an increase in participation and "how much better off the Town of Davie is going to be."

Ms. Christopher had worked for local candidates and she felt that the March elections allowed the process to be more personal and focused on the Town.

The board discussed how the terms and election dates could be configured.

Chair Evans made a motion, seconded by Mr. Love to move Town elections to November per Florida Statue rules and to change Councilmember terms to four years, subject to a referendum. Changes would take effect in 2016 for districts 2, 3, and 4 and in 2018 for district 1 and the Mayor. In a voice vote, motion carried 5-3 with Mr. Neu, Ms. Christopher, and Mr. Calloway dissenting.

#### 5.3 Section 7 (Walk-on item)

Mr. Love asked Mr. Rayson about requiring a supermajority vote of the Town Council to impose any increase in taxes. This had been discussed under Section 8F. Mr. Rayson suggested putting this under Section 7H. Chair Evans recalled that the board had discussed requiring a supermajority to increase any of the four TRIM Notice items. She was concerned that this could “bog down the Council...and create more of a headache than it’s worth...” Mr. Rayson said there was already talk of needing to increase the millage rate next year because the Town’s reserves were as low as they wanted them to go. He felt requiring a supermajority on a tax issue was too high a standard. Mr. Rayson reminded the board that there were already state-imposed rules regarding Council votes to change the millage rate.

Mr. Love felt if there was a true need, it would not be difficult to get a supermajority of Councilmembers to vote for a tax increase. He wanted to make sure there was a check on this so it was not easy to accomplish. Mr. Neu agreed with Mr. Rayson that there were already sufficient checks in place. He felt requiring a supermajority might tie Councilmembers’ hands. Mr. Neu said Councilmembers were elected to work for the Town and if members did not honor the trust placed in them, they could be replaced in the next election.

Mr. Rayson remarked that on a five-person board, three out of five was 60%, and 60/40 was considered a landslide.

Mr. Love made a motion, seconded by Mr. Moore to add language requiring a supermajority vote to effect an increase in any TRIM notice item. In a voice vote, motion failed 3-4 with Mr. Evans, Ms. Evans, Mr. Neu and Ms. Christopher dissenting.

**6. NEW BUSINESS**

6.1 Review of Approved Changes

Ms. Roig agreed to make the changes the board suggested and send them the edited document.

**7. ITEMS FOR NEXT AGENDA**

Chief Lynn’s input on Section 10.

**OTHER DISCUSSION ITEMS**

Chair Evans had attended the previous Town Council meeting and heard a resident, “a resident out of the 90,000 in Davie” who felt he was being slighted because if the redistricting were approved the way it was proposed by the District Boundary Review Board, his district would change and he would be unable to run for Council as he intended. This had led to accusations of gerrymandering and created bad feelings with Councilmembers who feared losing their voters if their district boundaries changed. Chair Evans thought one solution would be to not have Councilmembers run for particular district seats: they would run Town-wide. She noted that all Councilmembers could make decisions that affected the entire Town.

Mr. Calloway absolutely opposed this idea. He stated theirs was a “minority majority” County and the demographics were changing. He was concerned that “the ability of voters and the electorate such as myself to be represented by who we would like to be represented by and to have an adequate choice or a choice like, that is equal to everyone else depends in part on the district form of government.” He suggested that if he ran for office in Davie Town-wide he would probably not be elected. He would have a better chance of winning in a district where “there were fewer voters, perhaps voters that identified more with me on any level...”

Mr. Love felt the District Boundary Review Board had acted with the best interests of the entire Town in mind, but some people felt there was an intention to detrimentally affect them.

Mr. Moore said he had previously favored having Councilmembers run Town-wide, but after running for office, he opposed it because there were people who felt their Councilmember did not

represent them. Mr. Moore feared that this feeling would only increase if Councilmembers were elected Town-wide.

Mr. Neu felt a Town the size of Davie did not warrant district-specific elections.

Chair Evans stated she lived in district 2 but spent most of her time in district 4 and served the PAL in district 1. She would appreciate the ability to vote for a Councilmember for all the districts that concerned her, not just the one in which she lived.

Mr. Love was concerned that holding Town-wide elections would result in people in the most densely populated areas choosing Councilmembers for everyone. Mr. Calloway shared this concern, and worried that a Councilmember would only concentrate on voters in a particular area.

Chair Evans made a motion, seconded by Mr. Moore to change to at-large elections for all Councilmembers. In a voice vote, motion failed 2-6 with Mr. Evans, Ms. Gault, Ms. Christopher, Mr. Calloway, Mr. Moore and Mr. Love dissenting.

**8. ADJOURNMENT**

There being no further business to come before the board, the meeting was adjourned at 7:51 p.m.