

**TOWN OF DAVIE
CHARTER REVIEW BOARD MEETING
COUNCIL CHAMBERS
6591 ORANGE DRIVE
AUGUST 16, 2012 - 6:00 P.M.**

MEMBERS PRESENT

Chair Donna Evans
Vice-Chair James Moore
Sidney Calloway
Ellen Christopher
Todd Evans
Chris Love

MEMBERS ABSENT

Nan Gault
Tom Truex
Harry Venis

ALSO PRESENT

Assistant Town Clerk Evelyn Roig
Town Administrator Richard Lemack
Deputy Budget and Finance Director Carol Menke
Director of Human Resources Stacey Hipsman
Councilmember Caryl Hattan

1. ROLL CALL

The meeting was called to order at 6:02 p.m. Roll was called and it was determined a quorum was present.

2. APPROVAL OF MINUTES: August 7, 2012

Chair Evans made a motion, seconded by Ms. Christopher, to approve the minutes of the August 7, 2012 meeting. In a voice vote, motion carried 6-0.

3. REVIEW OF CHARTER

3.1 Sections 1 through 6

Section 1 Creation and Powers

Mr. Love distributed a document he had prepared and referred to the language, "Municipal Services may exercise *any* power." He recommended they edit this to "*reasonable* power" to ensure that there was a possibility for redress. Ms. Christopher felt the suggested language would be open to interpretation. Mr. Calloway believed the purpose of the Charter was to lay out the Town's powers, and that the existing language allowed the Town to have "an expression of life that is as broad as is naturally limited by the other terms in this particular provision" i.e., confining it to municipal functions and purposes and limited by the constitution and any general or special law in the Broward County Charter. He felt the change was therefore unnecessary. Mr. Love explained that his intent was to give residents more leeway to redress

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something. Chair Evans felt that when one tried to make things easier, they sometimes became more complicated, and she agreed that the language proposed by Mr. Love could be open to interpretation.

Mr. Love wondered if they should be more specific regarding which constitutions were applicable and Ms. Christopher did not feel this was needed; she preferred keeping it simple. Mr. Calloway thought the language referred to the State constitution and County Charter, and Mr. Love asked if this should be stated, since he felt it was not clear which constitution the section referred to. Chair Evans suggested changing the language to, "...purposes not expressly prohibited by United States and Florida constitutions."

Mr. Love made a motion, seconded by Ms. Christopher, to change the language to: "...purposes not expressly prohibited by United States and Florida constitutions." In a voice vote, motion carried 6-0.

Section 2 Corporate Limits

Mr. Calloway made a motion, seconded by Mr. Love to approve the existing language. In a voice vote, motion carried 6-0.

Section 3 Powers and Limitations

Mr. Calloway suggested that the changes they had approved for Section 1 would have an impact on this section. Mr. Love felt the language clarification regarding the constitution should continue throughout the document.

Ms. Christopher made a motion, seconded by Mr. Calloway, to approve the existing language. In a voice vote, motion carried 6-0.

Section 4 Charter Review Board

Ellen Christopher had been confused about when the "121 days" would start. The language also stated that the Board would submit its recommendations within 120 days of the appointment of the Board and Ms. Christopher wanted it to be more specific. Ms. Roig explained that the resolution indicated that the effective date was when a quorum of the Board was appointed by Town Council and this had happened on July 18. The deadline for the report was therefore November 4. Ms. Christopher said Mr. Muniz had already informed the Board that the deadline was December 5, 120 days from the Board's first meeting. Ms. Roig agreed to discuss this with Mr. Muniz. Chair Evans recommended the deadline be 120 days from the first Charter Review Board meeting.

Mr. Moore made a motion to change the language to indicate that the report would be due 120 days from the Charter Review Board's first meeting.

Mr. Calloway suggested the deadline be 120 days from the first meeting at which the Board had a quorum. Mr. Moore agreed. Mr. Love suggested the language, "120 days from the first meeting of the Charter Review Board in which a quorum was established." Mr. Moore accepted this language. In a voice vote, motion carried 6-0.

Section 5 Form of Government

Mr. Moore made a motion, seconded by Mr. Calloway to approve the existing language. In a voice vote, motion carried 6-0.

Section 6 Administrative Department

Chair Evans remarked that personal pronouns should refer to him/her throughout the document.

The Board agreed to use the term "Town Administrator" throughout the document.

Chair Evans made a motion, seconded by Ms. Christopher, to change personal pronouns to "him/her." In a voice vote, motion carried 6-0.

Mr. Calloway made a motion, seconded by Ms. Christopher, to use the term "Town Administrator." In a voice vote, motion carried 6-0.

Town Attorney

Chair Evans noted that notwithstanding was one word, but it appeared as two words in several places in this document.

Chair Evans made a motion, seconded by Mr. Love, to ensure that the word "notwithstanding" was represented as one word [not two] throughout the document. In a voice vote, motion carried 6-0.

Ms. Christopher asked if the Town Attorney's compensation was limited to his retainer. Mr. Lemack reported that the Town Attorney was paid an hourly rate. Ms. Menke explained that currently, the Town had a cost retainer with the Town Attorney to cover costs. Work the Town Attorney completed was paid at an hourly rate and was covered by an agreement with the Town Council.

Chair Evans made a motion, seconded by Ms. Christopher to change the language to: "For his services, the Town Attorney shall be compensated as determined by the Council." In a voice vote, motion carried 6-0.

Town Clerk's Office

Ms. Christopher wanted to clarify that the Town Clerk was the custodian of Town records.

Chair Evans made a motion, seconded by Ms. Christopher to add the language: "The Town Clerk shall be the custodian of all public records for the Town of Davie." In a voice vote, motion carried 6-0.

Annual Town Audit

Ms. Christopher made a motion, seconded by Mr. Moore to approve the existing language. In a voice vote, motion carried 6-0.

Creation of Departments

Mr. Moore made a motion, seconded by Mr. Calloway, to approve the existing language. In a voice vote, motion carried 6-0.

Creation of Advisory Committees

Ms. Christopher made a motion, seconded by Mr. Moore to approve the existing language. In a voice vote, motion carried 6-0.

Sale of Town Property

Mr. Love wanted to clarify what constituted confiscated property. He questioned the use of the word "gift." Chair Evans suggested a charitable donation would constitute a gift. Mr. Love wondered under what circumstances the Town would gift property. Ms. Menke explained that property could be given to an organization - usually another government or not-for-profit through an administrative process. She stated confiscated property was covered by State forfeiture laws. Ms. Menke added that gifting was rare. Mr. Love wanted to change the word gift to charitable donation.

Mr. Calloway was concerned because it appeared that the Town Administrator had complete discretion regarding the sale of personal and real property, and asked if there were policies and procedures in place regarding this. Ms. Menke stated this was covered by procurement policy and she agreed to provide this policy to Board members. Chair Evans pointed out that the term gift was used by the IRS to indicate a charitable donation. Ms. Christopher suggested adding the word "charitable."

Mr. Calloway wanted to examine the policies before making a decision on this language. Mr. Love felt the Charter guided policy, so it must be as clear as possible. The Board agreed to put off decision on this section until they examined the policy documents.

Ms. Roig said staff had made recommendations regarding this section. Chair Evans remarked that these were "redundant and they're really long, and I don't really think that they're necessary."

Mr. Moore referred to a memo from Procurement Manager Herb Hyman dated 8/13 regarding sale of Town and personal property in which Mr. Hyman suggested removing the requirement to advertise the sale in the newspaper and change it to posting the notice on the Town's website at least 30 days prior to the public sale. Chair Evans and Mr. Love disagreed with removing the newspaper requirement, since many people did not have Internet access. Mr. Moore suggested there be a newspaper advertisement and a posting on the Town's website.

Mr. Moore referred to a memo from Intergovernmental Affairs Manager Phil Holste dated 8/15 regarding the sale of real property. Mr. Love felt the Board should review this memo as well before their next meeting.

Chair Evans thought the sections referring to the purchase and sale of properties could be shortened considerably. Mr. Calloway thought there should be very specific direction in the Charter.

Ms. Christopher felt sale of personal property owned by the Town should be covered by the same resolution that addressed real property.

The Board agreed to table their discussion of sections K1 and K2 to their next meeting.

Restriction of Employment of Relatives

Mr. Love appreciated staff's recommendation that clarified what a "relative" was. Ms. Hipsman described how the Town municipal departments had changed since the last Charter revision. She explained the intent was to avoid "prejudice of position" or conflicts, while also encouraging employees to encourage other fine employees to work for the Town. Ms. Hipsman remarked that the original Charter language had been unduly restrictive, and the change was more consistent with the State of Florida and other municipalities. Ms. Hipsman explained that "Public Official" referred to Town Councilmembers as well as anyone who worked for the Town.

Mr. Love asked about employees who became involved in a relationship when one had supervisory authority over the other. Ms. Hipsman indicated that the language in the upcoming employee handbook would encourage people to be open and honest; the old language actually discouraged employees from being honest. In the case Mr. Love described, the senior employee would be subject to reassignment.

Mr. Love made a motion, seconded by Chair Evans, to approve staff's recommendation for this sections' language. In a voice vote, motion carried 6-0.

Definition of a Daily Newspaper

Mr. Love made a motion, seconded by Mr. Moore to approve the existing language. In a voice vote, motion carried 6-0.

3.2 Staff's Recommendations

Pertinent recommendations were discussed during specific section discussion.

4. MEETING SCHEDULE

The Board decided to meet next on August 28 at 6 p.m.

5. OLD BUSINESS

5.1 Email and Communications

Mr. Love had been uncomfortable with some emails he received directly from Ms. Christopher because he was concerned about a possible Sunshine Law violation. Ms. Christopher said she understood that they could send out email but not respond and agreed to refrain from emailing if this was the wish of Board members. Ms. Roig suggested Board members send emails to the Town Clerk to forward to other Board members.

6. NEW BUSINESS

Mr. Love said there might be new State laws regarding district boundaries the Board would need to address and incorporate into the Charter. Ms. Roig stated staff would provide the information to Board members.

7. ITEMS FOR NEXT AGENDA

The Board agreed to discuss Section 6 (K)(1) and (K)(2), and all of Section 7.

Councilmember Hattan thanked Board members for their service to the Town.

8. ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 7:50 p.m.