



# TOWN OF DAVIE CHARTER REVIEW BOARD 2019/20

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## Charter Review Board Meeting Minutes December 3, 2019

### 1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:33 p.m.

### 2. ROLL CALL

Board members present were Chair Donna Evans, Vice Chair Ken DeArmas, Aimee Zadak, Ellen Christopher, Josette McDonell, Sidney Calloway, David Donzella, Nan Gault, Adrienne Kaltman, and Lynn Contreras.

In attendance were the Board liaison Town Clerk Evelyn Roig serving and Assistant Town Clerk Gillian Brewster recording the meeting. Also, in attendance were Town Administrator Richard J. Lemack, Deputy Town Administrator Macciano K. Lewis, Assistant Town Administrator Phillip R. Holste, and Town Attorney Elizabeth LoConte.

### 3. PRESENTATIONS

### 4. REPORTS/ACTION ITEMS

#### 4.1 Approval of meeting minutes, November 19, 2019

**Motion:** Vice Chair Ken DeArmas made a motion, seconded by Amy Zadak to approve minutes. All voted in favor. (Motion carried 10-0)

#### 4.2 Review of Sections 1 through 6

The Board reviewed sections 1 through 6.

Sidney Calloway stated the Board Members were in agreeance that there were no changes to sections 1 through 5 as well as the existing section 5.

**Motion:** David Donzella made a motion, seconded by Josette McDonnell to approve proposed a separate section for *District Boundaries and District Boundaries Review Committee*. All voted in favor. (Motion carried 10-0)

**Motion:** David Donzella made a motion, seconded by Vice Chair Ken DeArmas to accept the changes as amended to Section 4 *Charter Review Board*. All voted in favor. (Motion carried 10-0)

Chair Evans discussed the removal of the quotations in the Town Administrator title under Section 6 (a) *Town Administrator*, because it was grammatically incorrect.

David Donzella inquired if staff would check for grammatical and spelling errors through the review process. Town Clerk Roig stated that staff would check for grammatical and spelling errors.

Ellen Christopher made a motion, seconded by Sidney Calloway to accept Sections 1 through 5 as is. All voted in favor. (Motion carried 10-0)

#### Section 6. Administration Department

Chair Donna Evans suggested to remove the quotations marks around the word town administrator.

Sidney Calloway suggested a universal change from a town administrator to the town administrator.

Adrienne Kaltman suggested that when using the word “the” prior to the noun, it should be capitalized and when using the word “a” it should be lower case.

Sidney Calloway suggested the title Town Administrator should be treated as a proper noun and therefore be capitalized.

Discussion ensued amongst the members regarding proper nouns versus common nouns.

Chair Donna Evans requested staff look at the grammatical rules and advise.

Chair Evans stated that in reviewing the Charter, there was no mention of a chain of command in the articles, however it did list each department alphabetically. Chair Evans asked if it would be appropriate to delineate a chain of command because the Charter does not stipulate what occurs in the absence of the Town Administrator. Chair Evans stated she found part of the code of ordinances, Chapter 2, Section 2-186, which stated in the absence of a Town Administrator such duties and authorities shall be vested in the Town Clerk.

David Donzella asked if it would be more traditional to delineate the chain of command in the form of an ordinance or as part of the Charter.

Staff advised they would conduct research with the Town Attorney on this topic and return with more information.

Sidney Calloway asked if there was somewhere in the Charter or in the code that specifically referenced the Town Council’s power of hiring a town administrator.

Chair Evans advised language did not exist, but it should be added under Section 7.

Town Clerk Roig suggested that the language would be appropriate in Section 7(C) *Council Powers and Duties*.

Town Clerk Roig advised that under Section 6(d) *The Town Attorney*, the language would be amended to reflect gender neutrality.

Ellen Christopher inquired as to whether under Section 6(e) *Town Clerk’s Office*, it was appropriate to add language that designates the Town Clerk as the custodian of records.

It was agreed that this language was necessary.

Town Clerk Roig summarized the Board's proposed changes to Section 6, *Administrative Department*.

1. Remove quotations from the term town administrator under Section 6 (a) *Town Administrator*;
2. Remove pronouns and replace with gender-neutral references throughout the Section and the Charter;
3. Ensure the article preceding a noun is grammatically correct to reflect the noun to be proper or common resulting in capitalization of proper noun;
4. Add language that designates the Town Clerk as the records custodian official for the Town under Section 6, (e) *Town Clerk's Office*;
5. Establish language that designates a chain of command in the event something the town if left without a town administrator.

Sidney Calloway stated that if the Town Council hired and fired the Town Administrator, they should have the authority to appoint an interim town administrator or another person to take their place in the event the office is vacated.

Mr. Lemack stated that he agreed with Mr. Calloway's statement. The Town Administrator's position should be controlled by the Town Council. Mr. Lemack advised that in his absence he advises Town Council and staff the designation of his responsibilities to either the Deputy Town Administrator or the Assistant Town Administrator. Mr. Lemack further stated that the chain of command was established through an organizational chart of the Town which fell under the Town Administrator's purview.

**Motion:** David Donzella made a motion, seconded by Vice Chair Ken DeArmas to accept section 6 in its entirety with the changes discussed by the Board and proposed by staff. All voted in favor. (Motion carried 10-0).

#### Section 7. The Council, Mayor, and Legislation

Chair Evans asked the Board Members if they wanted to continue reviewing the Charter and move into Section 7 *The Council, Mayor, and Legislation*.

**Motion:** David Donzella made a motion, seconded by Vice Chair Ken DeArmas to add Section 7, The Council, Mayor, and Legislation to the discussion. In a voice vote, the dissenting vote was Ellen Christopher. (Motion carried 9-1).

Town Clerk Roig, stated that the proposed changes under Section 7(A) *Councilmembers, Mayor, Number, Term, and Selection*, were made to correct grammatical errors and be clear.

Aimee Zadak inquired for the record, if the gender-neutral changes would be applied throughout the Charter to which Chair Evans replied yes.

Sidney Calloway inquired as to whether under Section 7(A) *Councilmembers, Mayor, Number, Term, and Selection* there was a terminology difference between registered voters and qualified electors in Section 6(B). Mr. Calloway requested that if there was no difference, one should be chosen for consistency.

The Board agreed to change the language universally to qualified electors rather than registered voters.

David Donzella questioned the term “from time to time” as listed in Section 7(A) *Councilmembers, Mayor, Number, Term, and Selection*.

Sidney Calloway inquired about the triggers of geographical changes in district boundaries under 7(B).

Assistant Town Administrator Holste advised that in addition to population increase, annexation of land could trigger a boundary change.

Chair Donna Evans advised that annexations were covered under the separate district boundaries section, therefore, there should be a reference to the section. Town Clerk Roig suggested using language “in accordance with section....” and citing the district boundaries section.

Under Section 7(B) *The Council, Mayor and Legislation*, Nan Gault suggested the language be amended to read “each candidate shall designate the district for which the candidate intends to qualify for.”

David Donzella inquired if the geographical district representation was a discussion of any previous Charter Review Board along with any recommendations. Town Clerk Roig stated that staff was not aware of any previous recommendations related to the geographical district residency requirement for Councilmembers while on serving on Town Council.

Under Section 7(B) *The Council, Mayor and Legislation*, Ms. Gault also recommended making the noun “councilmember” plural “councilmembers” where it was appropriate to apply.

Chair Evans brought up if anyone what to address the residency requirement minimum of six (6) months to run for Town Council. Town Clerk Roig stated that staff was recommending a change from six (6) months to one (1) year and that was addressed as proposed to be moved under Section 13 *Elections*.

David Donzella asked if there was a difference between the words must and shall. Town Attorney LoConte stated the words had the same meaning.

Under Section 7(E) *Filling Vacancies of the Council and Mayor*, Nan Gault made a recommendation to change the noun councilmember to plural “councilmembers”.

Under Section 7(F) *Mayor and Vice-Mayor of the Council*, Chair Evans stated that the language was to enable the selection of the Vice-Mayor without the selection being time certain. Town Clerk Roig stated that the language was meant to be consistent with the Council’s practice of having only one meeting in November.

Under (H) *Council and Board Procedure and Quorum*, Sidney Calloway inquired as to why was the supermajority language being proposed.

Town Clerk Roig explained the term supermajority already existed in that Section. However, staff was cleaning the language because the term “issues” was a broad term it could be interpreted differently which meant even purchases for maintenance purposes would require

a super-majority vote. The proposed language would eliminate the ambiguous use of the term “issues”.

Chair Evans inquired if there was any language that could be added regarding sustainability and open space since the section discussed disposal of property.

Assistant Town Administrator Holste explained that the section referred to surplus property and staff was proposing to remove the language and create an ordinance in order to stay up to date with Florida Statutes and Town Code. The provision was specifically intended for when the Town was trying to sell property.

David Donzella stated that from his experience, in a government, the term “disposal” meant to surplus property that had no longer value or no further use.

Assistant Town Administrator Holste stated that an example would be when the Town was selling the Palma Nova property.

Town Attorney LoConte advised the board could consider using the term “disposition”.

The board agreed to change the language to “disposition”.

Town Clerk Roig suggested language regarding sustainability be included under the planning section.

Sidney Calloway inquired if the super-majority vote requirement was being removed. Assistant Town Administrator Holste clarified that the super-majority vote requirement was not recommended for change instead it was the removal of the term “issues” which was very broad and could be used in many ways.

Assistant Town Administrator Holste stated that open space was considered Town park property. He further stated that disposing of property was listed under Section 6(k) *Sale of Town Property* (1) *Sale of Personal Property* and Section 6 (k) (2) *Sale of Real Property* of the Charter which staff was proposing to be removed and be adopted through an ordinance.

David Donzella requested that Section (J) *Salary for Councilmembers and Mayor*, be discussed at the next meeting so they can consider the information which was provided.

Under (H) *Council and Board Procedure and Quorum*, to clarify the record Town Clerk Roig inquired if the Board was seeking to change the term “disposal” to the term “disposition”.

Sidney Calloway requested the section of the Florida Statute that discussed sale of municipal property.

Town Clerk Roig advised the board that they had discussed changes, however, votes were not taken for each. Town Clerk Roig asked if the board wished to the changes at the next meeting and at that time, the Board would vote. The Board agreed.

## **5. OLD BUSINESS**

### **5.1 Revised Elected Official Salary Study**

The board agreed this would be discussed at the next scheduled meeting under Section 7(J), *Town Council, Mayor, and Legislation*.

**6. NEW BUSINESS**

**7. ITEMS FOR NEXT AGENDA**

The board stated the next agenda would include:

- Salary study
- Changes to language made from this meeting
- Review changes to Section 6
- Review Sections 7 through 12

**8. SCHEDULING OF NEXT MEETING**

**December 2019**

1. Tuesday, December 17, 2019 at 6:30 pm

**January 2020**

2. Tuesday, January 7, 2020 at 6:30 pm
3. Tuesday, January 21, 2020 at 6:30 pm

**February 2020**

4. Tuesday, February 4, 2020 at 6:30 pm
5. Tuesday, February 18, 2020 at 6:30 pm

**March 2020**

6. Tuesday, March 3, 2020 - CRB \*Report Due on this date

\*(Report is due one hundred and twenty (120) days from the first meeting at which a quorum is established.)

**9. COMMENTS AND/OR SUGGESTIONS**

**10. ADJOURNMENT**

**Motion:** Vice Chair Ken DeArmas made a motion, seconded by Ellen Christopher to adjourn the meeting at 7:59 PM.

12/19/2019  
Date Approved

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Chair/Vice Chair