



# TOWN OF DAVIE CHARTER REVIEW BOARD 2019/20

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## Charter Review Board Meeting Minutes December 17, 2019

### 1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:30 p.m.

### 2. ROLL CALL

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

**Motion:** Ellen Christopher made a motion, seconded by David Donzella to excuse Sidney Calloway and Adrienne Kaltman. In a voice vote, all voted in favor. (Motion passed 7-0)

Also, in attendance were Town Administrator Richard J. Lemack, Deputy Town Administrator Macciano K. Lewis, Assistant Town Administrator Phillip R. Holste, Town Attorney Elizabeth LoConte, Town Clerk Evelyn Roig, Fire Chief Julie Downey, Police Chief Dale Engle, Grace Garagozzo, Human Resources Director, Planning and Zoning Manager David Quigley, Budget and Finance Director William Ackerman, and Assistant Town Clerk Gillian Brewster recording the meeting.

### 3. PRESENTATIONS

### 4. REPORTS/ACTION ITEMS

#### 4.1 Approval of meeting minutes, December 3, 2019

**Motion:** David Donzella made a motion, seconded by Aimee Zadak to approve minutes. All voted in favor. (Motion carried 7-0)

#### 4.2 Review of Sections 1 through 6

Town Clerk Roig went through each section and explained the changes that were made as approved by the Board. Some of those changes included, capitalization of the nouns Town, Town Council, Town Administrator, Town Clerk, Town Attorney. Wherever the term Council was used, the term Town was inserted to read Town Council. Additionally, all the titles for the sections and subsections were capitalized. Town Clerk Roig stated that during the review and cleaning of the sections, other corrections were made, and other staff recommendations were brought forward.

Under the Town Attorney Section, the gender specific references were removed and a sentence was reworded so that gender-neutral language could be grammatically correct inserted.

**Motion:** Ken DeArmas made a motion, seconded by Ellen Christopher to approve Section 6 *Administrative Department* with the Board's and staff's recommendations as presented. All voted in favor. (Motion carried 7-0)

Section 7. *Town Council, Mayor, and Legislation.*

Town Clerk Roig went over the previously approved changes by the Board. David Donzella inquired if the sentence that included language of Councilmember's district changing from time to time was reworded as previously approved by the Board to read "in accordance with the section of district boundaries". Town Clerk Roig stated that it was.

Chair Evans inquired if the residency requirement from six (6) months to one (1) year was included. Town Clerk Roig stated that it was included under the Section 13 Election, since that was a requirement to qualify for office not a Councilmember in office requirement.

Town Clerk Roig reviewed Subsection 7 (D) *Recall of Councilmember, Removal from or Vacancy of the Office of a Councilmember*, and stated that the language was cleaned up and last sentence of (D)(1) was relocated to Subsection (D)(2)h.

Town Clerk Roig discussed Subsection 7 (G) *Town Council Meetings* and reviewed the proposed new language which reflected the Town Council meeting days and included language stating that Town Council could cancel or change Town Council meetings. Additionally, she stated that the *special meetings* paragraph was broken into a separate paragraph. Subsection 7 (H) *Council and Board Procedure and Quorum*, included previously approved language.

Subsection (J) *Salary for Councilmembers and Mayor*, reflected the previously approved changes by the Board.

Nan Gault stated that under Subsection (J), the noun Town after the word non- represented did not need capitalization.

**Motion:** Ken DeArmas made a motion, seconded by Josette McDonnell to approve Section 7. *Town Council, Mayor, and Legislation* with the Board's and staff's recommendations except for Subsection 7 (J) *Salary for Councilmembers and Mayor*. All voted in favor. (Motion carried 7-0).

Section 8. *Finance*

Town Clerk Roig went over Section 8 *Finance* and explained the proper nouns were capitalized and under Subsection (E) (1) *Submission to Town Council*, the date was changed to September 1<sup>st</sup> as previously approved by the Board.

Under Subsection (E), David Donzella, spoke about the possibility of a capital plan from ten (10) years to five (5) years which would provide a better audit trail.

William Ackerman, Budget and Finance Director stated that the ten (10) year capital plan worked for the Town. A five (5) year plan would work but the ten (10) year plan serves as a tool to forecast and look at what is scheduled for the future.

David Donzella asked if the staff was willing to have a five (5) year and a ten (10) year plan.

Macciano Lewis, stated that a ten (10) year plan provided more flexibility to properly plan for the future beyond the five (5) years since the Town does not have dedicated sources. Additionally,

William Ackerman stated the plan is reviewed on an annual basis, years one (1) through ten (10) are looked at more likely the first five (5) years are looked at more closely.

David Donzella stated he was fine with a ten (10) year plan as long as the Town had a policy to tighten on the five (5) years.

Under Subsection I (4) Transfer of Appropriations Donzella asked Mr. Ackerman if based on the economy are you still comfortable with the \$5,000 transferred amounts. He further stated that the amount should be adjusted upwards to allow more flexibility.

**Motion:** David Donzella made a motion, seconded by Ken DeArmas to increase the transfer amount to \$10,000. All voted in favor. (Motion carried 7-0)

Town Clerk Roig explained the changes to Subsections M, N, O, P, Q, R, S, T, and U as approved by the Board. Some of those changes included, capitalization of the nouns Town, Town Council, Town Administrator, Town Clerk, Town Attorney. Wherever the term Council was used, the term Town was inserted to read Town Council.

**Motion:** Josette McDonnell made a motion, seconded by Ellen Christopher to approve Section 8 *Finance* with all the change as discussed. All voted in favor. (Motion carried 7-0)

#### Section 9 *Planning and Development.*

Town Clerk Roig explained that aside from the grammatical corrections made throughout the document, the one proposed change in this Section was the consolidation of the Site Plan Committee and the Planning and Zoning Board.

David Donzella stated that since he had recently been assigned to the Site Plan Committee, he had a concern of the Board having too much information for the Board to review and having the specialized character of each board lost.

Ken DeArmas stated that after serving fourteen years (14), on the Planning and Zoning Board, for there was a lot of items that went back and forth. Therefore, it seemed best to combine half of the Site Plan Committee and half of the Planning and Zoning Board which would be beneficial for the process.

Town Clerk Roig stated that Subsection (C) had the new duties of the consolidated Board.

**Motion:** Josette McDonnell made a motion, seconded by Ken DeArmas to approve Section 9 *Planning and Development* with all the change as discussed. All voted in favor. (Motion carried 5-0). Chair Evans and Board member David Donzella abstained from voting as the Chair serves in the Planning and Zoning Board and David Donzella in the Site Pan Committee.

#### Section 10 Police Department.

Town Clerk Roig stated that the changes made were capitalizing the proper nouns and referring to BSO by the full agency name. Additionally, wherever the word Council appeared “Town” was inserted to reflect “Town Council”.

Chair Evans inquired about the language difference between the Police Department and the Fire Department in the opening sentence in which the Police Department’s Section stated, “is hereby created and establish” whereas the Fire Department stated “is hereby authorized to create and establish”. Town Clerk Roig stated that at one point the fire services were contracted. Chair Evans stated that the language should be consistent with the Police Section and therefore updated since the existing language implied that the Town needed a Fire Department but did not have one.

David Donzella provided recommended changes to Section 10. *Police Department*. He recommended breaking down the specific duties delegated to the Police Department and Police Chief. He stated that the format would clarify as to the duties of the Chief and Department. The recommended language was:

- a) Comply with applicable Federal, State, and Local policing standards, polices, rules and regulation;
- b) Maintain all required licenses and certifications through training and continuing education; and
- c) Enforce all applicable Federal, State, and Local laws in providing for the protection of all residents.

Additionally, David Donzella stated that adding language of having a sergeant at arms to maintain order during Town Council meetings was needed considering the times we live in. David Donzella made a motion, seconded by Josette MacDonnell to approve Section 10. *Police Department* with the recommended changes

Chief of Police Dale Engle stated that language needed to be included that referred to enforcing the State of Florida Laws first since a law enforcement agency enforces these and local laws.

**Motion:** David Donzella amended the motion to include the Police Chief’s comments, seconded by Ellen Christopher. All voted in favor. (Motion carried 7-0).

#### Section 11 Fire Department.

Town Clerk Roig stated that under Section 11. *Fire Department* the proper nouns were capitalized and wherever the word Council appeared “Town” was inserted to reflect “Town Council”. The first sentence would be consistent with the Police Department Section.

David Donzella stated that he had recommendations for this Section as well which were consistent with the Police Department. Additionally, he stated that he added the word “rescue” to the Department title. Also, he also recommended adding the noun “County” as the agency had County requirements to meet.

David Donzella also recommended language of adding the Emergency Manager position to the Charter so that the position be memorialized to ensure that he emergency management functions are carried out.

The Chief of the Fire Rescue Department, Chief Julie Downey explained that the emergency manager position was outlined in the Department policy and for large scale emergencies the same language under in the paragraphs below could be used, civil unrest, natural or manmade disasters which fell under this terminology.

Town Clerk Roig stated that she would meet with Chief Downey to clean up the language and bring back a clean version.

David Donzella stated that he also recommended memorializing a fire prevention program to ensure the safety of the residents.

Ellen Christopher inquired about a sentence, “The Fire Rescue Department shall have jurisdiction of all areas in the vicinity of a fire, emergency medical incidents, or any other emergency.”

David Donzella, stated that it was during a mass shooting incident that went beyond the scope of the Department.

Lynn Contreras stated that based on this language it appeared that during a mass shooting the Fire Rescue Department would have more control than the Police Department.

Chief Downey stated that the Police Department has the legal authority. The language was for situations that may prevent the Fire Rescue Department from carrying out the duties of the Department. In a situation of an active shooter, the Departments work together to carry out their respective responsibility.

Police Chief Dale Engle stated that both Departments work together in carrying out their functions and provide support. He stated that the Fire Rescue Department had the legal right to prevent anyone from preventing the Department from carrying out the duties of the Fire Rescue Department. The Fire Rescue Department had a legal right of physically stopping anyone until the Police Department arrived. He further stated that the Statute for resisting a police officer covers police officer and/or paramedic.

David Donzella stated that under the second paragraph of the Section 11. Fire Department, the sentence that began with “Any non-emergency agreement” did want that discussion to be under the Charter.

Town Administrator Lemack stated that the same language was under the Police Section as well. He stated that this was the way voters were involved in the process. He further stated that these services should go out for referendum for the people to decide on these services. The mechanism is set to allow voters to address the issue.

Chief Downey concurred that any decision to eliminate a first responder department should go to the voters to decide. Chief Engle stated that it should go to the voters to decide.

Town Clerk Roig stated that clean copy of the Section would be brought back for the Board’s approval.

### Section 12. Franchises

Town Clerk Roig stated that proper nouns were capitalized and wherever the word Council appeared “Town” was inserted to reflect “Town Council”. Additionally, a correction to the word “not” to reflect “no” and staff’s recommendation to remove the sentence “and such notice shall also be posted in two (2) public places....”.

**Motion:** David Donzella made a motion, seconded by Ken DeArmas to approve Section 12 *Franchises* as amended. All voted in favor. (Motion carried 7-0).

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

#### *(J)(1) Salary for Councilmembers and Mayor.*

Ellen Christopher stated that she began preparing a report that included municipality, form of government, and found the population for all jurisdictions within Broward County. Ms. Christopher stated that if she continued, she would bring it back after it was completed. She stated that she didn’t recall the last time the Town Council had received a raise and they did so much.

Chair Evans stated that they understood that Davie was the lowest if not the second lowest paid municipality and that was an excess of over 100 thousand residents in the own. She further stated that the Town had a survey of surrounding municipalities and what everyone made. Chair Evans stated everyone agreed on these facts.

David Donzella stated that other cities have commissions that have the authority to give themselves raises while others is based on population.

Ken DeArmas stated that he came up with \$30,000 high/low.

Town Clerk Rog stated that the survey was updated with the additional municipalities requested which were Cooper City, Pembroke Pines, Southwest Ranches, and Weston.

Ken DeArmas stated that he came up with a formula.

David Donzella inquired about the process of referendum. Town Clerk Roig explained the process. David Donzella stated that his fear was that all the other recommendations would fail. Town Clerk Roig stated that each recommendation that the Town Council approved was turned into a question for voters to decide.

David Donzella agreed with \$30,000 proposed by Board member DeArmas. He further stated that the Mayor should receive ten (10) percent more than Councilmembers.

Ken DeArmas asked Town Administrator Lemack if the decision would place a burden on the budget.

Town Administrator Lemack, stated it was all contingent upon when it became effective. This would go on the November 2020 budget so it would not take effect until 2021

**Motion:** Ken DeArmas made a motion to increase Councilmembers' salary to \$30,000 and have the Mayor's salary be ten (10) percent over the \$30,000.

Town Clerk Roig stated that they had to establish the effective date as well. Ken DeArmas that he would recommend making it effective passing of the referendum.

David Donzella inquired about the budgetary process in making these changes as approved by voters to take effect.

Town Administrator stated that an effective date needed to be established in the event it passed Town Council and made it to referendum. The Board had options in deciding whether they wanted it to take effect upon passages of referendum or wait for the new election cycle on 2022. Therefore, it would apply for those elected on November 2022.

Town Administrator Lemack asked the Board to clarify the motion since there was other language under the Section that needed to be considered. He made reference to the cost of living increase listed under the current language. He further stated that cost of living was not guaranteed, and these changes would stay for seven (7) years.

David Donzella stated that he believed there should be no cost of living increase and that he had no plans of increasing the expense account. He inquired about the expense account. Ken DeArmas agreed. Town Clerk Roig read how the language would read. Ellen Christopher asked if the voters did not approve, would the Council stay with the same salary.

Ken DeArmas stated that over the last seven (7) years there was consistency throughout the Town Council compared to prior to Town Administrator's Lemack arrival there have been good changes.

Lynn Contreras inquired if the voters knew who was proposing the increase. Town Clerk Roig stated that they answered questions from citizens who inquired about the process. Town Administrator Lemack stated that there would be a public hearing for the public's input. Town Clerk Roig also mentioned that during a past Charter Review, an informational flyer was mailed out.

**Amended Motion:** Ken DeArmas, amended his motion to reflect an increase to Councilmembers' salary to \$30,000 and the Mayor's salary be ten (10) percent over the \$30,000. This the increase would take effect upon passage of voter referendum in November 2020. Seconded by Lynn Contreras. All voted in favor. (Motion carried 7-0).

David Donzella inquired about the \$450 stipend for Town Council. Chair Evans stated that that was not under their purview to review.

Items for next agenda

Sections 7-12 to review final changes

Sections 13-17 to review

David Donzella inquired about the oath of office language for all elected and appointed members of the government to memorialize the requirement.

Town Clerk Roig stated that department directors did not required to take an oath but that the Councilmembers, Fire Chief, and Police Chief were required to take an oath.

New Business item

Oath of office

Ellen Christopher will research the subject.

Chair Evans wished everyone a happy holiday season and happy

- 5. OLD BUSINESS**
- 6. NEW BUSINESS**
- 7. ITEMS FOR NEXT AGENDA**
- 8. SCHEDULING OF NEXT MEETING**
- 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.

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Date Approved

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Chair/Vice Chair

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