



TOWN OF DAVIE CHARTER REVIEW BOARD 2019/20

6591 Orange Drive
Davie, FL 33314
Telephone: 954-797-1011
www.davie-fl.gov

Charter Review Board Meeting Minutes January 7, 2020

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, Adrienne Kaltman, Lynn Contreras, Ellen Christopher, Sidney Calloway, Aimee Zadak, and David Donzella.

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, Town Attorney Elizabeth LoConte, and Planning and Zoning Manager David Quigley.

3. REPORTS/ACTION ITEMS

3.1 Approval of December 17, 2019 Meeting Minutes

Ellen Christopher corrected language on the last page of the December 17, 2019 meeting minutes under David Donzella's discussion. Ms. Christopher advised the language should read "were not required."

Motion: Sidney Calloway made a motion, seconded by Ken DeArmas to approve the minutes as amended. All voted in favor.

3.2 Review Approved Changes to Sections 7 - 12

Town Clerk Roig advised that the presentation only included the Sections that contained substantial changes.

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

(J) Salary for Councilmembers and Mayor: Town Clerk Roig advised the change was made to the salary amount to \$30,000 and the cost of living language was removed as previously approved. The Board concurred with all changes.

Section 9. Town Planning and Development.

Town Clerk Roig advised a memo from Mr. David Quigley was provided for Section 9. Vice Chair DeArmas requested David Quigley Planning and Zoning Manager, to explain the memo contents. Mr. Quigley advised the memo outlined the changes to Section 9 *Town Planning and Development*. He advised the memo was a summary of the history of the Planning and Zoning Board and Site Plan Committee. The Board concurred with all changes.

Section 10. Police Department

David Donzella asked if there was a reason the County was not mentioned. Town Clerk Roig advised that as discussed by Chief of Police Dale Engle, the Section was amended to reflect Florida State Statute. The Board concurred with all changes.

Section 11. Fire Department

Town Clerk Roig advised she worked with Chief Downey on the changes to this Section. The changes proposed were incorporated and terminology used was also incorporated. The Board concurred with all changes.

3.3 Review of Section 13-17

Town Clerk Roig advised Section 17 was created at the end of all of the sections. This Section incorporated the *District Boundaries*. The Section was added at the end of the Charter and would be moved if deemed necessary.

Section 13. Elections.

Town Clerk Roig explained the changes to the Section which outlined the general election process.

Town Clerk Roig provided an overview of the subsections:

A. *General Election*. Section outlined that elections shall be determined in accordance with State of Florida law and by the Supervisor of Elections.

B. Section stated that the Councilmembers and the Mayor are elected on the first Tuesday in November every four (4) years.

C. *Residency and state requirements*. Town Clerk Roig Town Clerk Roig explained that she researched the difference between a qualified elector and a registered voter. Town Clerk Roig explained a person may be qualified but may not necessarily be registered in the books to vote.

D. This section established that The Town Clerk of the Town of Davie shall be the official representative of the Town of Davie in all transactions with the Supervisor of Elections of Broward County, Florida in matters related to the Town elections.

E. This section discussed jurisdiction and the power that Broward County has in holding or conducting a municipal election in the Town of Davie, acknowledging that State law superseded.

F. *Procedure for Candidates to Qualify for Office and Payment of the Municipal Qualifying Fee.* Town Clerk Roig explained when a candidate qualified for office there was an assessment fee made up of 3% which goes to the State of Florida and 1% which goes to the Town. She stated that language was added to this Section for the reimbursement process in the event a candidate drops out of the race. The State will not reimburse the candidate, however, the State gives authority to local jurisdictions to decide whether they want to return the 1% fee or not.

Sidney Calloway inquired if there were any conversations regarding qualifying by petition.

Town Clerk Roig advised qualifying by petition was governed by Florida Statute. The Town had no jurisdiction over qualifying by petition. Town Clerk Roig advised the language can be added how the Statute is written.

Sidney Calloway inquired as to whether it was clear that the Town can only allow qualifying by paying the qualifying fee.

Town Clerk Roig explained if you qualify by petition, that fee was waived.

Sidney Calloway asked if State Statute trumped the Charter.

Town Clerk Roig advised Florida Statute had to be followed for this procedure. Town Clerk Roig explained the petition process was set by State Statute which could be referenced in the Charter.

J. *Form of Ballots.* This Section discussed the ballots and how the Town can have certain language for ballots but there was a Statute that governs the form. This would also apply if the Town wanted to have a local election.

K. *Conduction Elections.* This Section outlined the process of conducting elections in accordance with State Statute. Town Clerk Roig advised the Town also worked in conjunction with Broward County Supervisor of Elections.

L. *Initiating Referendums.* This Section outlined the process of initiating referendums. The section was formerly under Section 7 *Town Council, Mayor, and Legislation.*

The Board concurred with all changes.

Section 14 - Fees of Offices; Nuisances; Sanitation.

Town Clerk Roig advised this Section was cleaned for grammatical errors and reworded to clarify the language. The Board concurred with all changes.

Section 15. - Severability.

Town Clerk Roig advised there were no changes to this section. The Board concurred with all changes.

Section 16. - Gender Neutral References.

Town Clerk Roig advised that this Section was amended to refer to specific titles and other titles mentioned in the Charter would be added.

David Donzella asked if there was a need for other department heads to be mentioned. Town Clerk Roig advised that only those mentioned in the Charter needed to be listed. Chair Evans stated that the Board wanted to include language that included whenever a specific title was used throughout the Charter, it would be referred as gender neutral. The Board concurred with all changes.

Section 17 - District Boundaries

Town Clerk Roig advised that this was a Section which was removed from Section 7 *Town Council, Mayor, and Legislation* and placed under a new stand-alone section. Town Clerk Roig went over the changes to this section which included grammatical corrections and clarifying the language to reflect one of the district boundaries review triggers to take place at the completion of each decennial U.S. Census. The Board concurred with all changes.

Section 11 Fire Department

Motion: Motion by David Donzella, seconded by Ellen Christopher to approve Section 11 *Fire Department* as amended. All voted in favor.

Section 13. - Elections.

Motion: Motion by Ellen Christopher, seconded by Aimee Zadak to approve Section 13 *Elections* as amended to include the language of qualifying via petition. All voted in favor.

Section 14. - Fees of Offices; Nuisances; Sanitation.

David Donzella asked how the Town defined the word nuisances.

Town Clerk Roig advised it might relate to code enforcement.

Ken DeArmas stated that any public nuisance would go through the special magistrate.

Motion: Motion by Ken DeArmas, seconded by Adrienne Kaltman to approve Section 14 *Fees of offices; nuisances; sanitation* as amended. All voted in favor.

Section 15.- Severability.

Motion: Motion by Ken DeArmas, seconded by Sidney Calloway to approve Section 15 *Severability*. All voted in favor.

Section 16. - Gender Neutral References.

Motion: Motion by Ken DeArmas, seconded by David Donzella to approve Section 16 *Gender Neutral References*. All voted in favor.

Town Clerk Roig advised the section could be reworded to state that any title for any position would be used in a gender-neutral basis instead of listing the titles. Wherever in which the Charter contained terms that addressed position titles, they would be referred to as gender neutral. The board agreed.

Motion: Ellen Christopher made a motion, seconded by Ken DeArmas to withdraw the motion made to approve Section 16 *Gender Neutral References*. All voted in favor.

Motion: Motion by Ellen Cristopher, seconded by Ken DeArmas to approve Section 16 *Gender Neutral References* to state that it will be by title only as appropriate. All voted in favor.

Section 17 - District Boundaries

Town Clerk advised there was an additional correction for Section 17 *District Boundaries*. In subsection (2)(b) there should be an “or” at the end. In subsection (2)(c) there should be a period at the end of the sentence.

Motion: Motion by Ellen Christopher, seconded by Aimee Zadak to approve Section 17 *District Boundaries* with corrections. All voted in favor.

3. OLD BUSINESS

4. NEW BUSINESS

4.1 Oath of Office, David Donzella

David Donzella advised his intention was to memorialize the oath of office process within the Charter in order to guarantee the oath would be conducted to appointed staff. Donna Evans asked if he just wanted it for the Town Council.

Davie Donzella stated he wanted the oath memorialized for department heads and Town Council.

Ellen Christopher stated he noted Pembroke Pines did this and she conducted research which reflected that most cities did not include specific language in their Charter. Pembroke Pines included the language which stated “Every officer of the City, whether elected or appointed under the provisions of this Charter, or under any ordinance of the City, shall, before assuming the duties of his office, take and subscribe, before some judicial officer, duly qualified elected official or notary of this State, the following oath.”

Town Clerk Roig advised which positions completed an oath which included the Police Chief, Fire Chief, Town Council and board/committee members. She also advised that elected officials must take the oath as part of their official capacity.

Donna Evans inquired if the Board wanted to memorialize this in the language.

David Donzella restated his intention for elected and appointed officials to take an oath and have it memorialized in the Charter. He did not oppose the rank and file for the Police Department and the Fire Department taking a paper oath.

Town Attorney LoConte advised there were four considerations to keep in mind:

1. It could not infringe on First or Fourteenth Amendment rights.
2. Employment may not be conditioned on an oath that one has not engaged in, or will not engage in, protected speech activities.
3. Employment may not be conditioned on an oath denying past or abjuring future associational activities protected by the Constitution.
4. An oath must not be so vague that persons of ordinary intelligence must guess at its meaning.

Donna Evans asked if Mr. Donzella wanted a new section to be created for this language.

Ellen Christopher asked if everyone who was elected had a specific oath.

Town Clerk Roig advised they submit an oath of office to the Broward Supervisor of Elections and take an oath in front of the Town Council when they are elected.

David Donzella advised he had a note to have the language regarding elected or appointed officials take an oath of office in front of a judicial officer be added in a section which was most appropriate.

Town Clerk Roig recommended the language be added to Section 6 *Administrative Department* at the end. Town Clerk Roig advised she can come up with basic language with the Town Attorney and introduce the language at the next meeting.

Ellen Christopher inquired to which positions this applied to.

Donna Evans advised anyone appointed or elected had to receive an oath either written or verbal.

Town Clerk Roig stated the Board was referring to certain staff members not the elected officials because that language is already included in their section.

David Donzella asked if the Town Clerk administered oaths to staff.

The Town Clerk advised she did not administer oaths to staff.

Donna Evans confirmed that a section would be added at the end of Section 6 *Administrative Department* which stated oath of office was mandated.

5. ITEMS FOR NEXT AGENDA

Town Clerk Roig advised she would email the excel spreadsheet with the sections discussed this evening and it would be reviewed at the next meeting.

Chair Evans confirmed the next meeting was scheduled for January 21, 2020.

There being no further business to discuss, the meeting was adjourned at 7:20 p.m.

01/21/2020

Date Approved

Chair/Vice Chair