



**CITY OF PARKLAND  
CHARTER REVIEW BOARD  
TUESDAY, NOVEMBER 28, 2017 – 6:00 PM  
6600 UNIVERSITY DR  
PARKLAND, FL 33067**

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**I. CALL TO ORDER  
PLEDGE  
ROLL CALL**

**II. MINUTES APPROVAL**

**A. CHARTER REVIEW BOARD - SEP 26, 2017 6:00 PM**

**III. COMMENTS FROM THE PUBLIC**

**IV. COMMENTS FROM THE BOARD CHAIR AND BOARD MEMBERS**

**V. APPROVAL OF THE AGENDA**

**VI. NEW BUSINESS**

***A. Article VII: Emergency Ordinances***

7.01 - Procedure.

In addition to the procedure provided by Florida Statutes for passing emergency ordinances, within ninety (90) days after an emergency ordinance is passed by the City Commission it shall be ratified and reaffirmed in accordance with Florida Statutes for normally passing ordinances, or the emergency ordinance is voided.

***B. Article VIII: Sale of City Property***

8.01 - Procedure for sale.

No right, title or interest of the City in and to any property, real or personal, valued in excess of fifty thousand dollars (\$50,000.00) shall be sold except under authority of an ordinance passed by the affirmative vote of at least four (4) Commissioners at a regular Commission meeting.

**VII. OLD BUSINESS**

**A. *ARTICLE III. - The Mayor and City Commission***

3.02 - Districts. At least three hundred sixty (360) and not more than four hundred eighty (480) days prior to the municipal election to be held in November 2008 and at least three hundred sixty (360) and not more than four hundred eighty (480) days prior to the municipal general election held every four (4) years thereafter, the City Commission shall by ordinance divide the City into four (4) commission districts. The districts shall be drawn as nearly as is practicable, on an equal population basis by contiguous boundaries. The districts shall be designated by numbers 1 through 4. At the commencement of the redistricting process, the City Manager shall submit to the City Commission the names of three independent consultants with experience in drawing boundaries on either the municipal, county, state or federal levels. The consultants may not be employees of the City of Parkland. The City Commission shall retain one of three consultants for the purpose of drawing commission districts. The consultant, in consultation with the City Manager or his designee, shall develop at least two redistricting plans for submission and consideration by the City Commission. At least fifteen days prior to the first reading of any ordinance on redistricting Commission districts, the City Commission shall hold a workshop at which the consultant shall be present and at which the public shall have an opportunity to be heard on the proposals submitted to the City Commission for consideration. The City Commission shall make the final decision as to any redistricting mandated pursuant to this section and may either accept, reject, or modify the plans submitted to it for review. The redistricting shall be adopted by ordinance. The drawing of district boundaries pursuant to this section shall not prevent any sitting City Commissioner from completing his/her term of office.

**B. *Authority/Procedure for Agenda Items***

New Section in the Charter, or an administrative rule, regarding authority/procedures for putting items on the agenda.

**VIII. COMMENTS FROM THE CITY ATTORNEY****IX. ADJOURNMENT**

PLEASE BE ADVISED THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY OR COMMISSION WITH RESPECT TO ANY MATTERS CONSIDERED AT SUCH HEARING OR MEETING HE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE HE WILL NEED TO ENSURE THAT A VERBATIM RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. (FLORIDA STATUTE 286.0105)

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITY ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE CITY CLERK NO LATER THAN 48 HOURS PRIOR TO THE MEETING AT (954) 753-5040 FOR ASSISTANCE.



**CITY OF PARKLAND**

Meeting: Tuesday, November 28, 2017

**AGENDA SUMMARY**

Agenda Item:

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**DISCUSSION**

**SHORT TITLE:** City Attorney Memo

**SUBMITTED BY:** Jennifer Johnson

**DEPARTMENT:** Charter Review Board

**SPONSOR:**

**ORIGIN OF REQUEST:**

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**STAFF RECOMMENDATION**

**GOALS & OBJECTIVES**

**Goal(s):**

**Objective(s):**

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**BACKGROUND & PURPOSE**

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**FISCAL IMPACT**

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**ITEM APPROVAL**



# WEISS SEROTA HELFMAN COLE & BIERMAN

AT THE CROSSROADS OF BUSINESS, GOVERNMENT & THE LAW

## MEMORANDUM

**TO: Charter Review Board**

**FROM: Andrew S. Maurodis, City Attorney**

**DATE: November 20, 2017**

**RE: Proposed Charter Amendments**

As a follow up to our last meeting, I have revised the language relating to redistricting and drafted a new provision relating to the authority to set the City Commission agenda.

### REDISTRICTING

The Board expressed a desire to modify the language discussed at the last meeting as it relates to the solicitation process for redistricting consultants. I was asked to draft language requiring a second attempt at a competitive solicitation if the first attempt yielded only one proposer. If the second attempt again results in only one proposer, then the Planning Director would choose the consultant. Here is some proposed new language (**in bold**);

- **3.02 - Districts.**

At least three hundred sixty (360) and not more than four hundred eighty (480) days prior to the municipal election to be held in November 2008 and at least three hundred sixty (360) and not more than four hundred eighty (480) days prior to the municipal general election held every four (4) years thereafter, the City Commission shall by ordinance divide the City into four (4) commission districts. The districts shall be drawn as nearly as is practicable, on an equal population basis by contiguous boundaries. The districts shall be designated by numbers 1 through 4. ~~At the commencement of the redistricting process, the City Manager shall submit to the City Commission the names of three~~

~~independent consultants with experience in drawing boundaries on either the municipal, county, state or federal levels. The consultants may not be employees of the City of Parkland. The City Commission shall retain one of three consultants for the purpose of drawing commission districts.~~ The City Commission shall retain the services of an independent consultant to assist it in the redistricting process. The consultant shall be chosen pursuant to a competitive Request for Proposal solicitation process in accordance with the City's procurement code. **No selection shall be made by the Commission unless two qualified proposals are received; provided that, after two successive solicitation attempts which do not result in responses by at least two qualified proposers, the Planning Director shall retain a consultant deemed qualified to provide the services.** The consultant, in consultation with the City Manager or his designee, shall develop at least two redistricting plans for submission and consideration by the City Commission. At least fifteen days prior to the first reading of any ordinance on redistricting Commission districts, the City Commission shall hold a workshop at which the consultant shall be present and at which the public shall have an opportunity to be heard on the proposals submitted to the City Commission for consideration. The City Commission shall make the final decision as to any redistricting mandated pursuant to this section and may either accept, reject, or modify the plans submitted to it for review. The redistricting shall be adopted by ordinance. The drawing of district boundaries pursuant to this section shall not prevent any sitting City Commissioner from completing his/her term of office.

Attachment: CA Memo (City Attorney Memo)

## CITY COMMISSION AGENDA

The Board discussed a possible amendment to the Charter to set forth a procedure for setting the City Commission Agenda. There was a consensus that any regulations in this regard should place authority in the City Manager with a majority of the Commission having the right to direct matters to be placed on a future agenda or add to an existing agenda. The following language is suggested for discussion:

***The City Manager shall prepare the City Commission Agenda for all Regular and Special Meetings and shall have the sole authority to decide, consistent with compliance with applicable State and Federal Law, which items shall be placed on an agenda. The Commission may, by majority vote, direct the City Manager to place an item on a forthcoming agenda or permit***

***an item to be added to an agenda at any meeting by an affirmative vote of at least three members.***

In discussing this item, I suggest the Board consider whether it wishes to have this as a Charter Amendment or propose an ordinance on the subject to allow the flexibility to change the policy based upon the City's experience with such a change.

### **Required Three Votes for Action**

In researching other charters, I came across language related to the requirement for three affirmative votes to take action which is more comprehensive than the language I earlier suggested. It is not necessarily preferable, but worth noting. The Delray Beach Charter contains the following provision:

*Except as otherwise provided in the Charter, no action of the Commission shall be valid or binding unless adopted by the affirmative votes of at least three (3) members of the Commission, and, if any motion fails to achieve the affirmative vote of at least three (3) members of the Commission, then such motion shall be deemed to have failed and no action shall be taken by that motion. In the event that there are less than three (3) members of the Commission who are eligible to vote on a particular matter due to vacancy or required abstention pursuant to applicable state or county law, then the remaining member(s) of the Commission may vote and approve such matter by unanimous vote.*

What interested me about this language is that it covers the situation where a commissioner is unable to vote because of a conflict. The default for such situations is that, while the commissioner cannot vote due to a conflict, that commissioner is considered present for the purposes of a quorum. This language sets this out clearly and also accounts for situations where there are commission vacancies. I bring this to your attention so that we can at least consider all alternatives.

Attachment: CA Memo (City Attorney Memo)