



**REGULAR OF THE CHARTER REVIEW BOARD - MINUTES**  
**Tuesday, November 28, 2017 at 6:00 PM**

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**I. CALL TO ORDER**

Chair Nathaniel Klitsberg called the Tuesday, Nov. 28, 2017, Charter Review Board meeting, being held in Commission Chambers to order at 5:59 p.m.

**PLEDGE**

Chair Klitsberg led the Pledge of Allegiance.

**ROLL CALL**

Present were:

Anthony Avello	Board Member
Nathaniel Klitsberg	Board Member
Gary Rosner	Board Member
Alison Bieler	Board Member
Andrea Jacobs	Board Member
John Kelly	Board Member
Dodie Lazowick	Board Member

Others Present were:

Golden Johansson	1st Alternate Board Member
Andrew Maurodis	City Attorney
Jennifer Johnson	City Clerk

Clerk Johnson stated that Rob Robes resigned from his position as 2nd Alternate Nov. 17, 2017. It has been determined that it will not be necessary to appoint another person in his position, because the Charter Review process is nearly complete.

**II. MINUTES APPROVAL**

Charter Review Board - Regular - Sep 26, 2017 6:00 PM

No comments or suggestions. The mover was inaudible. Accepted by unanimous vote.

REGULAR CHARTER REVIEW BOARD MINUTES

November 28, 2017

PAGE 2

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>AYES:</b>	Avello, Klitsberg, Rosner, Bieler, Jacobs, Kelly, Lazowick

**III. COMMENTS FROM THE PUBLIC**

None.

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

Chair Klitsberg thanked everyone for being at the meeting, and hoped everyone had a wonderful Thanksgiving. Klitsberg announced that Board member Johannson was also in attendance.

**V. APPROVAL OF THE AGENDA**

A consensus of the Board determined the next meeting date will be Tuesday, Dec. 19, 2017 at 7 p.m.

<b>RESULT:</b>	<b>ADOPTED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Alison Bieler, Board Member
<b>SECONDER:</b>	Anthony Avello, Board Member
<b>AYES:</b>	Avello, Klitsberg, Rosner, Bieler, Jacobs, Kelly, Lazowick

**VI. NEW BUSINESS**

**A. ARTICLE VII: EMERGENCY ORDINANCES**

City Attorney, Andy Maurodis, read Article VII: Emergency Ordinances. Maurodis stated there is not much to change. Chapter 166 of the Florida Statutes is the homerule statute, and defines emergency ordinances. Other than modernizing it, I don't think this constitutes a Charter change.

Klitsberg added that homerule is getting shorter and shorter. He asked if the emergency ordinance requires an affirmative vote of four (4) members.

Mauordis stated yes.

The consensus of the Board was to keep the section as is.

**B. ARTICLE VIII: SALE OF CITY PROPERTY**

City Attorney, Andy Maurodis read Article VIII. - Sale of City Property, stating the \$50,000 threshold for selling property was drafted in 1973. It is fairly liberal, and some other cities are not. I have seen some cities get around it by providing a 99-year lease, or some sort of threshold. It is not often, but if there were to be an issue selling property over \$50,000 then

Commission would have to approve.

Chair Klitsberg asked when the last time the City sold anything that was more than \$50,000.

Maurodis stated he doesn't recall.

## **VII. OLD BUSINESS**

### **A. ARTICLE III. - THE MAYOR AND CITY COMMISSION**

City Attorney, Andy Maurodis, stated he drafted a memo with follow up of what you requested regrading redistricting. You wanted to make sure that is only one applied, then we give it a second try. The City has a competitive solicitation process, and if you get one you get one. I guess the concept is that it is not politicized. Frankly, it looks a little clunky. It will work. If you get one, you just have to re-solicit.

Member Bieler asked what the thought process was for giving it to the Planning Director.

Maurodis stated that with drawing districts, you want it to be as non-political possible. It's their districts, and some will be running at the time of redistricting.

Member Bieler followed with why not give it to the City Manager to do rather than the Planning Director.

Maurodis, I would think, demographics and mapping speaks more to the Planning Director than the City Manager.

Member Bieler stated it could be City Manager, or designee or in collaboration with the Planning Director. It seems odd to not have the Chief Executive Officer of the City do something directed by the Charter.

Maurodis stated the City Manager does work for the Commission.

Member Bieler added that the Planning Director could be fired by the manager, and it doesn't seem to give you the result you are hoping for.

Maurodis stated that if you get one proposal each time, the City Commission could go with the one proposal.

Member Avello asked if the item would be disseminated.

Maurodis stated yes.

Member Avello asked if the City only received one proposal, if they could choose that proposal.

Maurodis stated that is lawful to do that. Sometimes you have to look at why you only got

## REGULAR CHARTER REVIEW BOARD MINUTES

November 28, 2017

PAGE 4

one bid. Look and determine if the specs were too difficult.

Klitsberg stated that he would like to see a second go-around.

Member Kelly stated he was initially against this. In Coconut Creek it fell upon the Planning Director and the City Attorney. As a manager, I wanted to be out of the politics. So it would be to the City Manager or designee.

Maurodis stated you don't typically don't find the Planning Director in these items.

Member Bieler added that it could be "the City Manager in consultation with the Planning Director".

Maurodis stated he thinks he would remove consultation out. Frankly it is a more comfortable concept of having the City Manager.

Member Bieler asked if this type of solicitation could be part of the CCNA process.

Maurodis stated no. CCNA is specific to engineers, architects, surveyors, etc. We would do this through our RFP process. The scope does not lend itself to a bid process.

Member Bieler asked who it goes out to. Not sure how wide of net you have to cast.

Maurodis said it would be in the newspaper, and we generally send it to people who have applied in the past and the universities.

Clerk Johnson clarified the City is statutorily required to advertise in the paper, but also post to the City website, and we post to Demand Star. Within both of those formats, there are distribution lists in which people subscribe to receive notification of opportunities based on their qualifications.

Member Lazowick stated she likes the City Manager or designee. I also think the two solicitations can be [inaudible]. Say you get one proposal the first time, but have to go out a second time. Firms that submit for the second solicitation should have submitted for the first. People who want the work will submit a proposal, and the Commission should have the option to pick the one that submitted if they are responsive.

Maurodis stated that was his biggest discomfort. Especially if a firm is qualified.

The consensus of the Board is use City Manager or designee. Plus, add some sort of language that states the City Commission can select from one proposal on the second go-around.

### **B. AUTHORITY/PROCEDURE FOR AGENDA ITEMS**

City Attorney, Andy Mauordis, stated this was pre-empted to create language allowing the

## REGULAR CHARTER REVIEW BOARD MINUTES

November 28, 2017

PAGE 5

Manager to set the agenda. It doesn't mean the manager cannot take a suggestion from a Commissioner. One, by the vote of three, they can add an item for the next meeting. At the point the manager has to put it on. Or, by the rule of three, an item can be added while they are on the dais. You want to allow for that flexibility.

Chair Klitsberg asked where the best place to put it would be.

Maurodis stated either Section 3.06 or Section 5. Only other place.

Member Bieler suggested a section E, under Meetings, and call it agenda.

Chair Klitsberg and Maurodis suggested Meeting Agenda.

Maurodis stated there are something you don't have a choice for an agenda items. For instance, the budget.

Chair Klitsberg asked if the Mayor should have some sort of authority to place items on the agenda, separate and apart from the [inaudible]

Multiple speakers concluded no.

Member Bieler asked if there needs to be something in the section that it would only apply to regular meetings.

Maurodis stated he had it applied to both. I would love to change the language but I don't think it merits a charter change.

Member Bieler asked if would make sense to delete B, and put this language in its place.

Chair Klitsberg stated you would need to separate amendments on the ballot.

Maurodis agreed. There are reasons I don't think. Notice shall be posted at City Hall, published in the newspaper. That's not even a state requirement under the Sunshine Law.

Member Bieler asked when the last time the Commission had a special meeting.

Maurodis replied October. It was regarding debris removal.

Member Kelly stated in Coconut Creek he had sole authority even though sometimes I didn't want sole authority. What we did, was to have them mention it a workshop, and then we would put it on the next agenda.

Maurodis stated that in every case, the manager is going to use his/her skills to determine what goes on. Otherwise they won't be manager very long.

REGULAR CHARTER REVIEW BOARD MINUTES

November 28, 2017

PAGE 6

City Attorney, Andy Maurodis, stated he doesn't necessarily like the language provided regarding a quorum. In this case, you would need three affirmative votes for any action to take place. Maurodis stated he does search other City Charters, for examples, and he kind of likes the position Delray Beach takes.

*DELRAY BEACH Charter Provision reads:*

*(C) Quorum and Voting.*

*(1) A quorum for the transaction of business shall consist of three (3) members, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the Rules of the Commission.*

*(2) Voting on ordinances, resolutions, and motions shall be as set forth below and shall be recorded in the minutes.*

*(3) 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.*

Member Lasowick stated to take the last sentence off.

Member Bieler stated you should be able to pick up a vote, because someone could call in if there were three people in the room.

Chair Klitsberg stated this goes back to this weird situation when we had three people, and big things were decided that night. I think the vote was split 2-to-1 and I don't like.

Member Bieler agreed and said she does not like that idea.

Member Lazowick stated you could take off the last sentence and then you have your intent.

Chair Klitsberg stated he cannot imagine a scenario like that again.

Member Bieler added if that did happen again you could always defer the item for a proper vote.

Member Kelly asked what the City policy is for selling City property over \$50,000.

Maurodis stated that staff would have the estimated amount of the property appraised/valued, and bring it the Commission to approval the sale.

Member Kelly asked if Maurodis knew what the RFP multiplier is.

Maurodis stated he did not know.

REGULAR CHARTER REVIEW BOARD MINUTES

November 28, 2017

PAGE 7

Member Lazowick stated the City does not have a set multiplier.

The consensus of the Board is to add another section, 3.06(e), entitled Meeting Agenda.

**VIII. COMMENTS FROM THE CITY ATTORNEY**

None.

**IX. ADJOURNMENT**

There being nothing further to discuss, Board member Kelly, motioned to adjourn. Chair Klitsberg adjourned the meeting at 6:37 p.m.

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City Clerk, Jennifer Johnson

ATTEST:

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Chair, Nathaniel Klitsberg

The above signature is the City Clerk of the City of Parkland, Florida, and the information provided herein are the Minutes of the Charter Review Board held Tuesday, November 26, 2017, which were formally approved and adopted by the Charter Review Board on

*Note to Reader: If the Minutes you have received are not signed, or completed as indicated above, this means they are not the official minutes of the Charter Review Board. They will become official Minutes only after review and approval, which may involve amendments, additions or deletions as set forth above. a*

**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.**

REGULAR CHARTER REVIEW BOARD MINUTES

November 28, 2017

PAGE 8