



REGULAR OF THE CHARTER REVIEW BOARD - MINUTES
Tuesday, December 19, 2017 at 6:00 PM

I. CALL TO ORDER

Chair, Nathaniel Klitsberg, called the Tuesday, Dec. 19, 2017, Charter Review Board Meeting, being held in Commission Chambers to order at 5:58 p.m.

PLEDGE

Chair Klitsberg led the Pledge of Allegiance.

ROLL CALL

Present were:

Anthony Avello	Board Member
Nathaniel Klitsberg	Board Member
Golden Johansson	1st Alternate Board Member
Alison Bieler	Board Member
Andrea Jacobs	Board Member
John Kelly	Board Member
Dodie Lazowick	Board Member

Absent were:

Gary Rosner	Board Member
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Others Present were:

Andrew Maurodis	City Attorney
Jennifer Johnson	City Clerk

II. MINUTES APPROVAL

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RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Anthony Avello, Board Member
SECONDER:	John Kelly, Board Member
AYES:	Avello, Klitsberg, Johansson, Bieler, Jacobs, Kelly, Lazowick
ABSENT:	Rosner

III. COMMENTS FROM THE PUBLIC

None.

IV. COMMENTS FROM THE BOARD CHAIR AND BOARD MEMBERS

Chair Klitsberg wished everyone Happy Holidays.

V. APPROVAL OF THE AGENDA

Chair Klitsberg stated the Board would address the items on old business first. By unanimous consensus the members of the Board approved the agenda.

VI. OLD BUSINESS

A. ARTICLE III. MAYOR AND CITY COMMISSION

1. SECTION 3.06(E): MEETING AGENDA

City Attorney, Andy Maurodis, described the additional section request adding "Meeting Agenda" the Charter. The suggested changes are acceptable.

The consensus of the Board was to keep the language Maurodis drafted.

2. SECTION: 3.02 DISTRICTS

City Attorney, Andy Maurodis, stated the language change is an effort to receive more than just one proposal. The other change was to delegate the process to the City Manager as a last resort.

Chair Klitsberg stated the one attempt may be perceived in less favorable light, and the idea of two solicitations would appear to be fair. If none, the City Manager would select a qualified bidder.

Member Johansson stated the content of the message the Board is trying to say, is difficult. I'm looking at it, reading it, and really trying to determine what they are trying to say. Is there was way to clean it up a bit.

Member Lazowick stated she had an issue with requiring a second solicitation. When you

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bid, you put money into that process. If you have one viable team to respond, and now you are making them apply again. It takes away the competitiveness. It is an unfair advantage to the team that responded the first time. I don't have problem as long as it is deemed by the Commission that it is a viable team.

Maurodis added that if you try and perfect it too much, you run into unintended consequences. If you say it be done through competitive solicitation, and now that we have a purchasing manager, we may get more responses. the effort is good. I think you are ok just saying through a competitive solicitation. The Commission has the right to resolicit, and when you mandate a second bid, it may be a level of detail you don't need.

Member Lazowick stated she would not be in favor of a second solicitation. She suggested to give the Commission the authority to select a qualified firm, even if only one, at the first solicitation.

Member Bieler agreed and said it was reasonable. People will bid because they want the work. She questioned the use of "qualified proposal". Everyone can bid, and then you decide who meets or does not meet the qualifications.

Maurodis stated he should have used the responsive and responsible. However, if you say through a competitive solicitation then you don't have to get to that.

Chair Klitsberg asked about the current procurement code and what would happen if only one person bids.

Maurodis replied, if only one person responds then the Commission has the right to reject the bids and solicit again. This is less likely with a purchasing person on board. In most cases, if the firm is qualified and the search was good, the Commission will accept the bid.

Chair Klitsberg suggested taking out the highlighted portion, ending it at the City's Procurement Code.

Member Lazowick agreed with the change.

Member Johannson said she like the change. She did not want it to be too specific.

The consensus of the Board was to edit the current version to be limited to, "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."

VII. NEW BUSINESS

1. 2018 CHARTER REVIEW BOARD WORKPLAN

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Chair Klitsberg stated we are in the home stretch. Most of the remaining items will not change.

City Attorney, Andy Maurodis, stated he anticipated having everything ready for presentation to the Commission at the final meeting in March. He will begin working on the final edits/adjustments, and you can vote on them. Then you will direct me to begin assembling the report for presentation to the Commission.

Member Bieler brought up the termination of the City Manager clause. Does it need to be more streamlined

Maurodis stated it is not bad. It gives the right to a hearing. You could streamline it to say...

Member Bieler asked if the statements in the Charter are also in the contract. Does there need to be any procedure?

Maurodis replied you make a good point. Our contracts always say they serve at the convenience of the City Commission. This provision provides broader rights than their contract.

Member Bieler stated this is important. Given the history, and believing the Charter should have some flexibility. You want to make a smooth transition for when a City Manager is leaving. These things are very emotional for the employee, the Commission, etc. These decisions happen fast, and you want to avoid drawn out situations.

Maurodis said there is a way to try and fix, and that is to add language that would include for a motion by the Commission to add the topic to the next meeting agenda. You would then force a cooling off period.

Chair Klitsberg said he is not in favor of changing the language at this movement because we just appointed a City Manager, and the climate is not ready for it. This process has not failed in the past, and not sure if this is the time to do such. We are not fixing a problem by suggesting to streamline the item.

Member Bieler said she thinks we need to the City Commission the opportunity to handle their employee as they see fit. I have a problem with outlining particular clauses in a contract, then setting a process in the Charter. It is a conflict. The lifespan of City Manager is typically 3-5 years. Provisions are in place to eliminate politics, but anybody in the business knows that it is politics. Essentially this adds conditions of employment to City's Constitutional documents. Things happen fast.

Member Kelly said he does not see a problem with the provision. As a former City Manager I knew that is three people didn't want me I didn't want to be there either. You can also add that they have to be removed for cause.

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Member Bieler stated it is more philosophical.

Member Avello agreed with Member Bieler. I don't want an issue with the City Manager, an employee of the City, to use this dais as some sort of show or hearing when there is some sort of dispute. We should look to streamline.

Member Kelly asked about the timing considering we just brought in a new City Manager.

Member Avello stated he does not see an issue with the timing, and we don't meet for another five years. Now is the time. We all know Bob Payton, and think he is doing a great job. This has nothing to do with the current position, but more with the contents of the provision.

Member Bieler said they got through the process of replaces the City Manager, but it certainly warrants them actually think about the issue and if it were to come up again. It's their decision, but we are here to review the Charter. Philosophically I would hate to restrain them in the future. It seems like a perfect time, and it has nothing to do with Bob.

Chair Klitsberg said it is going to wind up being at a City Commission meeting anyway. It is not going to be sort of a surprise. Absent there being something catastrophic.

Member Johannson confirmed the Board's suggestion to have the City Manager set the agenda. Then there would have to be a motion to bring up the subject, and three would then have to agree to put it add it to the agenda. They would then discuss and then call a special meeting.

Maurodis clarified the proposed amendment allows them to bring it up at that meeting, and vote on it.

Chair Klitsberg said his gut does not agree with the change.

Member Lazowick said she leans to not making the change. There is always a spectacle when you remove a City Manager. If we change it, make it simple with one sentence that says, "accord with the manager's contract." They already know what the terms of the contract are, and how they can be removed.

The consensus of the Board is to have the City Attorney draft a few options to the language for consideration.

VIII. COMMENTS FROM THE CITY ATTORNEY

None.

IX. ADJOURNMENT

There being nothing further to discuss, Board Member Kelly motioned to adjourn. There being nothing further to discuss, the meeting adjourned at 6:31 p.m.

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Transcribed and submitted by City Clerk – Jennifer Johnson

ATTEST:

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 Meeting held Tuesday, December 19, 2017, which were formally approved and adopted by the Charter Review board on Tuesday, January 30, 2018.

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.

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