



**City of Cooper City  
Charter Review Board Agenda  
City Hall Auditorium  
Wednesday, January 8, 2020  
6:30 p.m.**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PUBLIC COMMENTS**

*(Limited to three minutes per speaker.)*

**4. CONSENT AGENDA**

- a. Minutes for December 10, 2019 meeting

**5. ITEMS FOR DISCUSSION**

- a. Review of draft language as prepared by City Attorney (see attached)
- b. Continuation of charter review (beginning at Section 3.04)

**6. ADJOURNMENT**

**NOTICE:** This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Office of the City Clerk, 954-434-4300 ext. 220, no later than two days prior to such proceeding. One or more members of the City of Cooper City Advisory Boards and City Commission may attend and may participate at the meeting. Anyone wishing to appeal any decision made by the Charter Review Board with respect to any matter considered at such meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Agenda items may be viewed online at [www.coopercityfl.org](http://www.coopercityfl.org) or at the Office of the City Clerk, City of Cooper City, 9090 SW 50 Place, Cooper City, Florida, 33328, 954-434-4300.

**CITY OF COOPER CITY  
CHARTER REVIEW BOARD MINUTES  
DECEMBER 10, 2019  
6:30 PM**

1. CALL TO ORDER
  - a. Meeting called to order by the Chair at 6:30 PM
  
2. ROLL CALL

Those in attendance:  
Ryan Shrouder  
David Nall  
Joshua Giancarlo  
Lori Green  
William Athas  
Thomas Jones  
Jim Federici  
Bob Sands  
Jimmy Goulet

Those absent:  
John Sims
  
3. PUBLIC COMMENTS

Mayor Ross thanked the Charter Review Board. Stated the process is an arduous task. Stated change is good.

Resident Marty Sherwood, proposed an amendment to the Charter adding a position of City Financial Manager. Additionally he proposed a change in the number of years for auditor from the current three (3) to five (5) or ten (10) years.

Commissioner Pulcini proposed a change of rules to five (5) year and to adopt the same rules as the PCAOB (Public Company Accounting Oversight Board) Mr. Pulcini proposes the position of Financial Manager be able to go to the Commission directly.
  
4. CONSENT AGENDA

a. Minutes for November 12, 2019 meeting

**Motion:** Moved by Mr. Shrouder to accept the consent agenda, 2nd by Mr. Nall, all aye. Motion Passed.

5. ITEMS FOR DISCUSSION

Discussion took place as to how to proceed. Suggestions were made to start at the beginning of the Charter and go line by line. Consensus is to move to 1.05 as no issues before that.

Discussion took place regarding the term “permanent” in Section 1.05 of the Charter. Thought to create uncertainty. City Attorney agrees a definition should accompany if left in or perhaps remove the language. Consensus is to ask the City Attorney to draft language by looking at other municipalities re: Section 1.05 by streamlining our current language and remove the word permanent.

Consensus to move to Section 3.01.

Mr. Nall spoke to the similarities between sections 3.01 and 3.03. Additionally proposing change the qualifying length of residency from 6 months to 1 year in order to run for office.

Mr. Nall suggested eliminating the district requirements in order to run for office and to move to at large.

**Motion:** Mr. Nall, have City Attorney draft language using two scenarios, one removing the district residing requirement and one keeping the district residing requirement.

Seconded by Mr. Jones, all aye, motion passed unanimously.

**Motion amended:** to include residential requirement of one year, all aye, amendment to motion passed unanimously.

Consensus to move ahead to Section 3.12

Discussion ensued regarding the language item (1). Question was raised to Commissioner Pulcini, who was in the audience, requesting he speak to the issue that took place during this past election cycle and certification of results had not yet taken

place and therefore the Oath of Office did not take place in accordance with the current Charter.

**Motion:** Mr. Shrouder stated, 72 hours following the certification of Election results by the Supervisor of Elections, the Oath of Office is to take place. Further clarification to be at 6:30 p.m. on the third business day following receipt of the certified election results.

Motion was seconded by Mr. Nall, all aye, motion passed.

Returned to Section 3.02.

Discussion took place regarding vacant seats of Elected Officials.

Chair Sands stated that at the next meeting the board will start at Section 3.04.

#### 6. ADJOURNMENT

The meeting adjourned at 7:58 p.m.

**CITY OF COOPER CITY**

**MEMORANDUM NO. 2019-035**

TO: Bob Sands, Chair  
Members of the Charter Review Board

CC: Kathryn Sims, Interim City Manager / City Clerk

FROM: Jacob G. Horowitz, City Attorney *JGH*

DATE: December 31, 2019

RE: City of Cooper City (“City”) / Charter Amendments

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At the Charter Review Board’s (the “Board”) regular meeting on December 10, 2019, the Board directed the City Attorney’s Office to prepare a number of proposed charter amendments for review and consideration.

**I. Section 1.05 (Advisory Boards)**

The proposal attached as Exhibit “A” eliminates the reference to “permanent” boards. The proposal provides that the city commission may, from time to time, establish boards to provide advice or recommendations to the city commission or to render decisions on certain matters that may be expressly delegated by the city commission.

Subject to Article II, Section 5(a) of the Florida Constitution, which prohibits certain dual office-holding, no person shall serve simultaneously on more than two (2) city advisory boards.

At the Board’s request, also attached are the charter provisions which address boards and/or committees from Wilton Manors, Southwest Ranches, Oakland Park, Coral Springs, and Margate.

For reference, the following cities’ charters make no reference to boards and/or committees: Parkland, Tamarac, Pembroke Pines, Fort Lauderdale, Hillsboro Beach, Plantation, and Hollywood.

**II. Section 3.01 – 3.03 (Voting / Districts)**

At the Board’s request, the City Attorney’s Office has prepared two (2) proposals related to voting and commission districts. These proposals are attached as Exhibit “B (Option A)” and Exhibit “B (Option B).”

A. Option A

Option A maintains the existing voting districts and provides that, commencing with the election in November 2022, the commissioners from District 1 and District 2 shall be elected by the electors residing within their district. Commencing with the election in November 2024, the commissioners from District 3 and District 4 shall be elected by the electors residing within their district. The mayor continues to be elected at-large.

Each commissioner shall be required to reside continuously within their district for at least one (1) year prior to qualifying as a candidate. The mayor shall reside continuously within the city for at least one (1) year prior to qualifying as a candidate.

#### B. Option B

Option B eliminates the current voting districts and provides that, commencing with the election in November 2022, candidates shall qualify at large to run for the offices of Commissioner 1 and Commissioner 2. Commencing at the election in November 2024, candidates shall qualify at large for the offices of the Mayor, Commissioner 3 and Commissioner 4. All members of the city commission shall be elected, at large, by the electors of the City.

The mayor and each commissioner shall be required to reside continuously in the City for at least one (1) year prior to qualifying as a candidate.

The proposal also deletes Section 3.03, which currently contemplates the existing commission districts and provides for redistricting.

Note that, while all candidates run at large, this proposal requires all candidates to identify which commission seat they are seeking. Some cities, such as Oakland Park and Wilton Manors, have all candidates running at large for multiple seats on the commission. The candidates receiving the highest number of votes are deemed to be elected. In other words, if there are two (2) open seats on the commission, the two (2) candidates receiving the highest number of votes are deemed to be elected.

#### **III. Section 3.12 (Swearing In)**

The proposal attached as Exhibit “C” provides that newly elected members of the city commission shall take the oath of office at 6:30 p.m. on the third business day following the receipt of certified election results from the Supervisor of Elections.

Please contact our office if there is any additional information that we can provide.

**Section 1.05. ~~Boards and agencies~~ Advisory Boards.**

~~(1)~~ (1) City boards, ~~authorities, commissions and agencies.~~ The city commission may, from time to time and as it deems necessary, establish boards to provide advice or recommendations to the city commission or to render decisions on certain matters that may be delegated by the city commission. "Boards" shall include, but not be limited to, committees and task forces.

~~The commission may at any time by ordinance create and appoint members to boards, authorities, and commissions in connection with any necessary public functions of the city. The ordinance creating such bodies shall specify the powers and duties of the body or agency and the number, qualifications and terms of office of the members thereof. No person shall serve simultaneously on more than one (1) permanent board, authority, commission or agency during the term of office.~~

~~Advisory boards. The commission may at any time by resolution create and appoint members to any advisory board, committee or commission established in connection with any public function of the city. The resolution creating such advisory boards, committees or commissions shall specify the powers and duties thereof and the members shall serve at the pleasure of the commission unless otherwise specified in said resolution of appointment. No person shall serve simultaneously on more than one permanent advisory board, committee or commission during the term of office.~~

~~The commission may at any time abolish any existing advisory board and transfer the duties of same to any other board, employee or department.~~

~~The city manager or the manager's representative shall be an ex officio member of all such advisory boards, committees and commissions.~~

~~(1)(2)~~ (2) General provisions. Members of city boards, ~~authorities, commissions and agencies, and advisory boards, committees and commissions created under subsections (1) and (2)~~ shall be residents of the city and shall serve without compensation. Subject to Article II, Section 5(a) of the Florida Constitution, no person shall serve simultaneously on more than two (2) city advisory boards.

Such boards, authorities, commissions, agencies and advisory bodies shall be part of the municipal government and shall utilize insofar as practicable the services of the regular departments of the city, under the guidance and supervision of the city manager.

## Sec. 23. - City boards.

- (1) The city commission may establish, from time to time and as it deems necessary, boards to provide advice or recommendations to the city commission or render decisions on certain matters delegated by the city commission. "Board" shall include, but shall not be limited to, committees and task forces.
- (2) Service on the city's boards shall be voluntary and part-time. Individuals serving on city boards shall be permitted to engage in outside/concurrent employment consistent with Chapter 112, F.S., as applicable and as may be amended. Any required disclosures associated with such outside/concurrent employment shall be consistent with and limited to the requirements of Chapter 112, F.S., as may be amended.
- (3) The city commission may authorize reimbursement for any costs or expenses incurred by individuals serving on the city's boards.

(Ord. No. 992, § 2, 11-8-11)

Sec. 8.08. - Boards and committees.

- (a) The Town Council may establish, from time to time as it deems necessary and appropriate, boards and committees to provide advice or recommendations to the Town Council or to render decisions on certain matters delegated by the Town Council.
- (b) Service on the Town's boards and committees shall be voluntary and part-time. Individuals serving on Town boards and committees shall be permitted to engage in outside/concurrent employment consistent with Chapter 112, F.S., as applicable and as may be amended. Any required disclosures associated with such outside/concurrent employment shall be consistent with and limited to the requirements of Chapter 112, F.S., as may be amended from time to time.

(Ord. No. 2014-004, § 2(exh. A), 6-12-2014, ref. of 11-4-2014)

## Sec. 2.12. - Boards and agencies.

- (a) *City boards, authorities, commissions and agencies.* The city commission may at any time create by ordinance boards, authorities and commissions in connection with any necessary public functions of the city. The ordinance creating such bodies shall specify the powers and duties of the body or agency and the number, qualifications and terms of office of the members thereof.
- (b) *Advisory boards.* The city commission may at any time by ordinance create any advisory board, committee or commission established in connection with any public function of the city. The ordinance creating such advisory boards, committees or commissions shall specify the powers and duties thereof. Members shall be appointed by resolution and shall serve at the pleasure of the commission unless otherwise specified. The commission may at any time abolish any existing advisory board by ordinance and transfer the duties of same to any other board, employee or department. The city manager or his representative shall be an ex-officio member of all such advisory boards, committees and commissions.
- (c) *General provisions.* Members of city boards, authorities, commissions and agencies, and advisory boards, committees and commissions created under subsections (a) and (b) above shall serve without compensation unless otherwise stipulated, but shall receive necessary expenses approved by the commission and supported by proper documentation. Such boards, authorities, commissions, agencies and advisory bodies shall be part of the municipal government and shall utilize the services of the regular departments of the city including the office of city attorney.
- (d) *Forfeiture of office.* Any member of any board, authority, commission or agency or any advisory board, committee or commission created in pursuance of this Charter who becomes a candidate for any public elective office in the City of Oakland Park shall automatically forfeit his office on any such board or agency.

(Ord. No. O-87-4, § 3, 3-10-87)

Section 6.05. - Creation of additional boards, commissions, offices, departments.

The Commission may designate or create such other offices, departments, divisions, boards, or commissions, as necessary for the administration of the affairs of the city, and provide for the duties and powers of the officers and employees of such office, department, division, board or commission.

(Ord. No. 2014-109, § 2, 5-7-14, election of 11-4-14)

**Section 3.09. - City departments, offices, agencies and boards.**

The following are hereby created and permanently established as departments and boards of the City of Margate, Florida:

- (1) The Police Department of the City of Margate;
- (2) The Fire-Rescue Department of the City of Margate;
- (3) The Planning and Zoning Board of the City of Margate;
- (4) The Board of Adjustment of the City of Margate; and
- (5) The City Commission may establish by ordinance all further City agencies and boards and shall prescribe their functions and duties, subject to this Charter, by ordinance.
- (6) The City Manager may establish, consolidate, combine, or dissolve all further City departments and offices and shall prescribe the functions and duties of all City Departments except for the Department of the City Clerk and City Attorney. Funding for departments and offices shall be as provided for in the City budget, or by budget amendment, as approved by the City Commission.

( Ord. No. 2014-3, § 3, 5-21-2014, passed at election 11-4-2014)

**Code references**— Boards, committees, etc., § 2-17 et seq.; city departments, § 2-141 et seq.

## **Option A – Districts; vote within each district**

### Section 3.01. City commission, powers and composition.

There shall be a city commission, with all the legislative powers of the city vested therein, consisting of five (5) members, one of whom shall be the mayor, who shall be electors of the city. ~~All Commencing with the election in November 2022, the commissioner from District 1 and the commissioner from District 2~~commissioners, one of whom shall be the duly elected mayor; shall be elected by the electors residing within their district. Commencing with the election in November 2024, the commissioner from District 3 and the commissioner from District 4 shall be elected by the electors residing within their district. The mayor shall be elected at large by the electors of the city. The four (4) commissioners shall be residents of the election district from which they are elected and shall have resided continuously in said election district for six (6) months at least one (1) year prior to qualifying as a candidate, as provided in Section 3.02(1) below. The mayor shall reside continuously in the city for at least one (1) year prior to qualifying as a candidate, as provided in Section 3.02(1) below.

### Section 3.02. Qualifications, elections and terms.

(1) Qualifications of the commissioners. Any citizen who is a registered elector and whose principal place of residence is within the corporate limits of Cooper City, and who has resided continuously in the city and within the election district from which he or she seeks to be elected for six (6) monthsone (1) year prior to qualifying as a candidate for the office shall be eligible to hold the office of mayor or commissioner. When any member of the commission ceases to possess the foregoing qualifications as specified in this Section and/or Section 3.01, that member shall immediately forfeit the office, shall be removed from the commission and shall be replaced according to the procedures concerning vacancies found in Section 3.10 of this Article. However, in the event that an adjustment is made in the configuration of election districts pursuant to Section 3.03, said adjustment shall not be applied in any manner that would affect or impair the qualifications of a commissioner who was qualified when elected.

The commission shall be the judge of the qualifications of its members and of the grounds for forfeiture of office. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspaper of general circulation in the city and posted to the City's website and at City Hall, at least one week in advance of the hearing.

(2) Election and terms of office. The mayor and all commissioners shall be elected to a term of four (4) years. Such election shall be held on the first Tuesday after the first Monday in November of any even number calendar year in accordance with ch. 2004-443 and 2005-318, Laws of Florida, as amended.

(3) Term Limitations. The mayor and commissioners are limited to serving three (3) consecutive four (4) year terms. In no event may a person serve as mayor and/or commissioner for more than three (3) terms cumulatively without relinquishing either office for a period of one

(1) full term -- four (4) years. In the event that a person is appointed or elected to complete, in whole or in part, a remaining portion of an incomplete term of office of mayor or commissioner in order to fill a vacancy created by the resignation, suspension, removal, forfeiture of office or death of the previous office-holder, the time served in office by the person so appointed or elected to fill the vacancy in office, pursuant to Section [3.10](#) of this Article, shall not be counted towards the term limitations provided by this paragraph (3).

**Option B – Eliminate Districts; elected at-large**

Section 3.01. City commission, powers and composition.

~~(1) There shall be a city commission, with all the legislative powers of the city vested therein, consisting of five (5) members, one (1) of whom shall be the mayor. Commencing at the election in November 2022, candidates shall qualify at large for the offices of Commissioner 1 and Commissioner 2. Commencing at the election in November 2024, candidates shall qualify at large for the offices of Mayor, Commissioner 3 and Commissioner 4. All members of the city commission shall be elected, at large, by the electors of the city.~~

~~(2) The mayor and each commissioner shall be residents of the city and shall have resided continuously in the city for at least one (1) year prior to qualifying as a candidate, as provided in Section 3.02(1), below.~~

~~who shall be electors of the city. All commissioners, one of whom shall be the duly elected mayor, shall be elected at large by the electors of the city. The four (4) commissioners shall be residents of the election district from which they are elected and shall have resided continuously in said election district for six (6) months prior to qualifying as a candidate, as provided in Section 3.02(1) below.~~

Section 3.02. Qualifications, elections and terms.

(1) Qualifications of the commissioners. Any citizen who is a registered elector and whose principal place of residence is within the corporate limits of Cooper City, and who has resided continuously in the city ~~and within the election district from which he or she seeks to be elected~~ for ~~six (6) months~~ one (1) year prior to qualifying as a candidate for the office shall be eligible to hold the office of commissioner. When any member of the commission ceases to possess the foregoing qualifications as specified in this Section and/or Section 3.01, that member shall immediately forfeit the office, shall be removed from the commission and shall be replaced according to the procedures concerning vacancies found in Section 3.10 of this Article. ~~However, in the event that an adjustment is made in the configuration of election districts pursuant to Section 3.03, said adjustment shall not be applied in any manner that would affect or impair the qualifications of a commissioner who was qualified when elected.~~

The commission shall be the judge of the qualifications of its members and of the grounds for forfeiture of office. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspaper of general circulation in the city and posted to the City's website and at City Hall, at least one week in advance of the hearing.

(2) Election and terms of office. The mayor and all commissioners shall be elected to a term of four (4) years. Such election shall be held on the first Tuesday after the first Monday in November of any even number calendar year in accordance with ch. 2004-443 and 2005-318, Laws of Florida, as amended.

(3) Term Limitations. The mayor and commissioners are limited to serving three (3) consecutive four (4) year terms. In no event may a person serve as mayor and/or commissioner for more than three (3) terms cumulatively without relinquishing either office for a period of one (1) full term -- four (4) years. In the event that a person is appointed or elected to complete, in whole or in part, a remaining portion of an incomplete term of office of mayor or commissioner in order to fill a vacancy created by the resignation, suspension, removal, forfeiture of office or death of the previous office-holder, the time served in office by the person so appointed or elected to fill the vacancy in office, pursuant to Section 3.10 of this Article, shall not be counted towards the term limitations provided by this paragraph (3).

~~Section 3.03. Election districts.~~

~~(1) — The city commission shall establish four (4) election districts by ordinance, each containing as close to one-quarter (25%) of the total population of the city as possible in a contiguous region without dividing any residential community, and so that no election district has a population variance of more than 10% from any other election district. An election district map and a description of the districts shall be prepared which shall be available to the public.~~

~~(2) — (a) Following the amendment of this section 3.03 at the election of November 6, 2012, the commission shall by ordinance, which is adopted at least six (6) months prior to the commencement of the candidate qualifying period for the November 2014 regular city commission election, adjust the election district configurations so that no election district has a population variance of more than 10% from any other election district.~~

~~(b) The commission shall review the election districts to determine if the population of the city remains evenly distributed within the four (4) districts within six (6) months after the release of any U.S. Decennial Census.~~

~~(3) — Upon completion of the review required by paragraph (2)(b) above, in the event that the commission finds that the population of the city is not distributed among the election districts as required by paragraph (1) above, and further finds that the redistribution of population may be accomplished without dividing any residential community, the commission shall by ordinance, which is adopted no less than six (6) months prior to the commencement of the candidate qualifying period for the next regular city commission election, adjust the election district configurations accordingly.~~

~~(4) Further, if it shall come to the attention of the commission subsequent to the adjustment of election districts pursuant to paragraph (2)(a) or paragraph (3) above, that a population variance of more than 10% between the population of election districts has arisen, the commission shall again adjust the election district configurations accordingly, upon finding that the redistribution of population may be accomplished without dividing any residential community and upon finding that such adjustment may be accomplished no less than six (6) months prior to the commencement of the candidate qualifying period for the next regular city commission election.~~

Section 3.07. Filing fees and notice of candidacy.

Any candidate seeking election as commissioner shall file with the city clerk a written notice of candidacy, stating the designated number of the district-commission seat to which they seek to be elected, and a statement that the candidate will serve if elected. The filing of such notice shall be done pursuant to the same timeframes as candidates who qualify for county offices as provided in Section 99.061(2), Florida Statutes. At the time of filing such notice, the candidate shall pay a non-refundable filing fee of One Hundred Dollars (\$100.00). Candidates shall also be required to pay the state election assessment as required by section 99.093, Florida Statutes.

**Section 3.12. Procedure and meetings.**

- (1) Organization. ~~On the first Monday following each regular election, and certification by the Supervisor of Elections, or as soon as may be practicable thereafter if there has been a disputed election,~~ At 6:30 p.m. on the third business day following the receipt of certified election results from the Supervisor of Elections, -the commission shall meet in its usual meeting place. At this time, the newly-elected commissioners shall take the Oath of Office and assume the duties of their office.