

**CITY OF COOPER CITY
CHARTER REVIEW BOARD
JANUARY 27, 2016
6:00 PM**

1. Call to Order/Roll Call

Chair de Jesus opened the meeting at 6:22 PM.

Present were Howard Meltzer, Sean Sullivan, Frank Lanza, Toni Megna, Dr. Marlon Clarke, Lorenzo Calhoun and Chair de Jesus. Joseph Grave was absent.

2. Approval of Minutes

January 6, 2016

MOTION: To approve the minutes of the meeting of January 6th as provided.

Moved by Ms. Megna. Seconded by Mr. Lanza

Howard Meltzer requested and received confirmation that there would be a brief description of back-up provided for the Agenda Items in future minutes, so that readers could have a better idea of the material being voted on.

Chair de Jesus further suggested that any questions or requests for additions or deletions in the minutes be addressed upon receipt of electronic disbursement for review.

All aye. Motion passed unanimously.

3. Public Input

Skip Klauber, 10241 Guatemala Street, explained that his intention was to have the Board review FSA 166.02 as it relates to the establishment of advisory boards and expressed his position that the CRB, was created in opposition to state statute and the City's own Charter provisions.

- Chair de Jesus explained that the scope of the CRB responsibility is to examine the City Charter and that the questions posed by Mr. Klauber do not address the charter specifically.

- As a courtesy, City. Atty. Wolpin verified that the Charter Review was created fairly and within the defined parameters of both the state requirements and the City's own Charter Section 702.

Walt Jolliff, 11095 Bismarck Place, questioned the contiguity of the City's current election districts and suggested that the position of City Manager is best filled by entertaining a wide pool of qualified candidates and should not be restricted to only residents of Cooper City.

- City Manager Loucks presented the City's Election District Map to demonstrate the contiguity of the districts and the City Clerk provided the engineer's certification of the same from the Election Redistricting project of 2013.

4. Old Business

a. 4.01 City Manager (4)(M)- Accepting draft of clarification language provided by the City Attorney.

MOTION: To accept the City Attorney's draft containing clarifying Charter language to be presented to the City Commission for recommendation.

Moved by Mr. Calhoun. Seconded by Dr. Clarke. All aye on roll call vote. Motion passed unanimously.

b. 3.03 Election Districts (1) -

Review of consultant's report and discussion of possible language clarification. Ordinance 13-6-1, which was provided as back up to the item, describes the configuration of the election districts and the methods used to ensure that districts are comprised the population specifications contained within Exhibits "A" and "B" of the ordinance.

The back-up material was reviewed and discussed.

No action was taken on this Item.

1. Review of applicable Broward County Code of Ethics sections adopted by the City.

*Broward County Ordinance 2011-19 was provided as back-up for this item. It was reviewed and discussed by the Board with clarification from City Atty. Wolpin as to its applicability.

No action was taken on this Item.

2. Review of the City's Personnel Policy relevant to ethics and conduct.

*Section 1.27 Ethical Standards of the City's personnel policy was provided as back-up to this item and was reviewed by the Board. Chair de Jesus received verification from the City Atty. that the excerpt provided applies to City employees.

No action was taken on this Item.

5. New Business

Charter amendment suggestions- presented for discussion.

1. Submitted for review by Commissioner Curran.
 - a. Charter Section 4.01. City Manager

*The Board agreed by consensus to direct the City Attorney to add the following language to the end of the applicable section for adoption at the next Charter Review Board Meeting:

The City Commission shall, by ordinance, resolution and/or employment contract, establish a job description for the office of city manager and shall provide standards for the work schedule and terms and conditions of employment of the city manager, which shall be consistent with the city manager's duties and responsibilities under the city charter and with the city manager's exempt status as a full-time, salaried, executive employee under the federal Fair Labor Standards Act.

1. (2) Qualifications

*The Board agreed by consensus to direct the City Attorney to add the following language to the end of the applicable section for adoption at the next Charter Review Board Meeting:

Further, the City Commission shall, by employment contract or as a condition within the City Commission Resolution appointing the City Manager, require the City Manager to establish residency within the corporate limits

of the City within one (1) year from the date of his or her appointment as City Manager, and to maintain City residency for the duration of his or her City service, unless said residency requirement is waived, extended or released by resolution which is adopted by the City Commission. The City residency requirement shall also be applicable to any person already serving as City Manager of the City at the time that this provision is approved by the electors of the City, except that, in such circumstances, City residency shall be established by the City Manager within six (6) months after the effective date of this provision, and shall thereafter be maintained by the City Manager, subject to the waiver, extension and release provisions which are set forth above.

Commissioner Curran accepted the previously approved changes to Section 4.01 4 (M)

A. (4)(C) -

Section 4.01 (4) (C)

MOTION: To strike the language *subject to confirmation by the city commission* from this section.

Moved by Howard Meltzer. Seconded by Sean Sullivan.

Motion failed. 5-2 with Howard Meltzer and Sean Sullivan voting yes.

*The Board agreed to direct the City Attorney to add the following language to the end of the applicable section for adoption at the next Charter Review Board Meeting:

The terms "department heads" and "designated assistant department heads", as used in this paragraph (C), also applies to those persons who are not employees of the city but perform the functions or duties of a department head or designated assistant department head of the city. The term "confirmation", as used in this paragraph (C), requires examination and approval by majority vote of the city commission.

MOTION: To approve the language outlined above to be drafted by the City Attorney for submission to the Charter.

Moved by Lorenzo Calhoun. Seconded by Frank Lanza.

Motion passed 5-2 with Board members Meltzer and Sullivan dissenting.

B. Section 4.01 (4) (E)

*The Board agreed by consensus to direct the City Attorney to add the following language to the end of the applicable section for adoption at the next Charter Review Board Meeting:

after inviting and considering individual commissioner input and public input.

C. (4)(M) - **Previously removed as accepted under Item 4a.**

b. Charter Section 4.02. City Clerk; appointment and duties.

(1) Appointment

*The Board agreed by consensus to direct the City Attorney to add the following language to the end of the applicable section for adoption at the next Charter Review Board Meeting:

The appointment or removal of the City Clerk by the City Manager shall be subject to examination and approval by majority vote of the City Commission, in the same way as the City Commission examines and approves appointments and removals of department heads and designated assistant department heads under City Charter Section 4.01 (4)(C)

(2) Duties

No action was taken on this Item.

6. **Resident Correspondence**

Submission from Skip Klauber

- Letter to Chair referencing FSA 166.021(4)

Information provided by Mr. Klauber and topic of discussion was previously covered under Public Input.

***The Board agreed that the deadline to have any submissions or requests for New Business on the next Agenda in by Monday, February 1, 2016.**

7. **Adjournment**

The meeting was adjourned at 8:40 PM

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, not later than two days prior to such proceeding. One or more members of the City of Cooper City Commission and Advisory Boards may be in attendance and may participate as the public does 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 or at the Office of the City Clerk, City of Cooper City, 9090 SW 50 Place, Cooper City, Florida, 33328, 954-434-4300.