



**City of Cooper City
Charter Review Board Agenda
City Hall Auditorium
Tuesday, February 4, 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 January 8, 2020 meeting *(tabled from previous meeting)*
- b. Minutes for January 21, 2020 meeting *(forthcoming)*

5. ITEMS FOR DISCUSSION

- a. Review of draft language as prepared by City Attorney (see attached)
- b. Discussion on and prioritization of proposed charter changes

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 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
JANUARY 8, 2020
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

Jim Federici

Bob Sands

Jimmy Goulet

John Sims

Those absent: Tom Jones

3. PUBLIC COMMENT

There were no public comments.

4. CONSENT AGENDA

- a. Minutes for December 10, 2019 meeting

Motion: Moved by John Sims 2nd by Josh Giancarlo, all in favor.

5. ITEMS FOR DISCUSSION

- A. City Attorney, Jacob Horowitz reviewed the memorandum produced by his office on the potential charter changes thus far.

Motion: David Nall made a motion to approve Section 1.05 without changes, as presented. Seconded for discussion by Josh Giancarlo. Discussion took place. All in favor, motion carried.

Section 3.03 Discussion took place regarding residency of a minimum of one (1) year, to elect by districts.

Motion: David Nall made a motion to eliminate district running for elected office 2nd by Jimmy Goulet. Discussion took place which included limits on talent pool and limits or representation. Vote: 3 nay: Lori Green, Josh Giancarlo and Bob Sands, 6 yes: Ryan Shoulder, David Nall, William Athas, Jim Federici, John Sims, Jim Federici and Jimmy Goulet. Motion passed.

Motion: David Nall made a motion, 2nd by Josh Giancarlo to have City Attorney, draft language based on the Wilton Manors model where no districts and top vote getter obtains seat. All in favor.

Section 3.12

Motion: Josh Giancarlo made a motion to have the City Attorney draft language to state 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 receipt of certified election results from the Supervisor of Elections. Seconded by Ryan Shrouder
All in favor.

Returned to Section 3.04, no discussion.

Section 3.05, no discussion.

Section 3.06

Motion: John Sims made a motion to ask the City Attorney to draft language to make all compensation subject to referendum. Seconded by Jimmy Goulet. Ryan Shrouder made a friendly amendment to exclude benefits from Commissioners.

Vote: All in favor except William Athas

Section 3.07 Consensus to have City Attorney review other cities for filing fees and report back.

Section 3.08

Motion: Ryan Shrouder made a motion to move elections to coincide with other non-partisan elections in August, which would allow for a

runoff if 51% votes not received. Seconded by Jim Federici for discussion. Motion tabled.

Section 3.10 No discussion.

Section 3.11 No discussion.

Section 3.12 No discussion.

Section 3.13 No discussion.

Section 3.14 No discussion.

Section 4.01

Motion: Ryan Shrouder made a motion to direct the City Attorney to draft language requiring three votes to hire a City Manager. Seconded by William Athas.

All in favor.

Section 4.02

Motion: Ryan Shrouder made motion to direct the City Attorney to draft language to make Section 4.02 consistent with Section 4.01.

Seconded by Josh Giancarlo.

All in favor

Section 4.03

Motion: Ryan Shrouder made a motion to strike Section 4.03 in its entirety. Seconded by Lori Green.

All in favor

Motion: John Sims made a motion to adjourn. Seconded by Josh Giancarlo, all in favor.

Meeting adjourned at 9:14 p.m.

**CITY OF COOPER CITY
CHARTER REVIEW BOARD MINUTES
JANUARY 8, 2020
6:30 PM**

1. CALL TO ORDER

The meeting was called to order at 6:31p.m.

2. ROLL CALL

Absent Chair Bob Sands and Board Member Josh Giancarlo were absent from the meeting. Vice Chair Ryan Shrouder chaired the meeting.

3. PUBLIC COMMENTS

None

4. CONSENT AGENDA

MOTION: Jim Federici made a motion to table the minutes for January 8, 2020. Seconded by William Athas. Unanimously approved.

5. ITEMS FOR DISCUSSION

City Attorney Horowitz reviewed the options provided in backup and discussion ensued.

Section 3.01-3.03 (voting districts)

MOTION: William Athas moved to move forward with Option C (all commissioners and Mayor shall be elected at large and shall be the top two vote getters), David Nall seconded the motion.

Vote: Aye: David Nall, Jim Federici, Tom Jones, William Athas, John Sims, Jimmy Goulet

Nay: Ryan Shrouder, Lori Green

Section 3.06 (Compensation; expenses)

MOTION: Ryan Shrouder moved as written in Exhibit "B" of the City Attorney's memorandum. Seconded by William Athas

Vote: All in favor, motion carried

Section 3.07 (Filing Fees and Notice of Candidacy)

MOTION: David Nall motioned to table until the end of the meeting. William Athas seconded the motion.

Vote: All in favor, motion carried

Section 4.01 City Manager

MOTION: John Sims moved to approve as written in Exhibit “C” of the City Attorney’s memorandum. David Nall seconded the item for discussion.
Vote: All in Favor, motion carried

Section 4.02 City Clerk

MOTION: David Nall motioned to eliminate the reference to the Commission’s role in appointing or removing the city clerk. Seconded by John Sims
Vote: All in favor, motion carried

Section 4.04 Administrative Assistant

MOTION: John Sims moved to eliminate Section 4.04. Seconded by Jimmy Goulet
Vote: All in favor, motion carried

John Sims requested to re-address a Charter Amendment on Section 3.13 that was on the ballot in 2006. City Attorney Horowitz asked for time to research.

Section 5.02 Submission of Budget

Staff recommended to move the draft budget deadline submission to August 15 which is similar to other cities.

MOTION: John Sims moved to have subsection (1) state August 15. Seconded by Tom Jones
Vote: All in favor, motion carried

Staff also recommended reducing the number of public budget meetings, from two public input meetings and two Commission input meetings, to one of each. Board requested the City Attorney draft proposal to reduce the number of public meetings.

Section 5.03 – Section 5.09 No changes recommended

Section 5.10 Independent audit of city accounts

Commissioner Pulcini spoke and recommended rotating auditing partners every five years, to reflect SEC standards. There was a consensus from the board to have the City Attorney draft language.

Section 5.11, 5.12 – No changes recommended

Section 5.13 Requirements for public bidding

Staff recommended eliminating 5.13 since the City enacted an ordinance reflecting the same this past year. The board requested that staff provide more information including the ordinance and provide a written request for the change.

Section 5.14 - No changes recommended

Section 5.15 Requirements for referendum (See Section 3.13)

Board directed the City Attorney to draft language to place a limit on debt and expenditures.

Section 5.16 Expenditure for professional services

City Attorney Horowitz recommended this section be revised in accordance with state law and will provide language as such.

Section 5.17 No changes recommended

Section 7.01 No changes recommended

Section 7.02 Charter Review Board

The Board asked City Attorney Horowitz to draft language regarding the ability for ballot referendums to go directly to ballot with unanimous support of the Charter Review Board.

Section 8.01, 8.02 No changes recommended

Section 8.03 Rights of officers and employees

MOTION by John Sims to remove entirety. Seconded by Jimmy Goulet
All in favor, motion carried

Section 8.04 No changes recommended

Section 8.07 No changes recommended

The meeting adjourned at 8:19

CITY OF COOPER CITY

MEMORANDUM NO. 2020-003

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: January 31, 2020

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

At the Charter Review Board’s (the “Board”) regular meeting on January 21, 2020, the Board directed the City Attorney’s Office to prepare a number of proposed charter amendments for review and consideration.

I. Section 5.02 (Submission of Budget and Message)

The proposal attached as Exhibit “A” requires the city manager to submit a proposed budget to the city commission on or before August 15. The Charter currently requires that the budget be submitted by July 1. The proposal further requires the manager to conduct at least one (1) public meeting prior to the submittal of the budget to the city commission, and at least one (1) public meeting with the city commission after the budget has been submitted. The Charter currently requires no less than two (2) public meetings prior to submittal to the commission and with the commission.

The proposed amendment does not impact the statutory requirement to conduct two (2) public budget hearings in September prior to the adoption of the budget by the city commission.

II. Section 5.10 (Independent Audit of City Accounts)

The proposal attached as Exhibit “B” provides that no certified public accountant or partner at a firm of such accountants who is responsible for the City’s audit shall participate in the audit if that individual has performed audit services for the City in each of the five (5) previous fiscal years. This limitation is consistent with the auditor rotation requirements established by the Securities Exchange Act of 1934.

This proposal also eliminates the current requirement that the City rotate auditors every three (3) years.

III. Section 5.15 (Requirements for Referendum)

The proposal attached as Exhibit “C” establishes limits on debt and expenditures. As proposed, the City may only borrow money, contract loans and issue bonds payable from ad valorem taxes

if the total amount of the City's outstanding debt at any one times does not exceed one percent (1%) of the City's total taxable assessed value.

The proposal further provides that, unless adopted in the budget for a particular fiscal year, no single expenditure of capital project shall exceed fifteen percent (15%) of the city's most recent annual operating budget of the general fund, unless approved by the electorate. This restriction would not apply to expenditures from the City's enterprise funds, transfers between city funds or expenditures for projects that commenced in a prior fiscal year.

The city attorney's office worked closely with the finance director to draft this proposal; and there are a number of considerations that may warrant further consideration from the Board. For instance, the City's proposed agreement with the Broward Sheriff's Office constitutes an expenditure which exceeds 15% of the City's operating budget. In an effort to address such an issue, the proposal contemplates expenditures that are not otherwise budgeted.

IV. Section 5.16 (Expenditure for Professional Services)

This section provides that contracts for architects and engineers, among certain other professional services, may be entered into without public competitive bidding. Section 287.055, F.S., know as the Consultant's Competitive Negotiations Act, establishes specific competitive bidding requirements for professional services such as architects and engineers.

Since Section 5.16 of the Charter currently conflicts with state law, this provision is unenforceable to the extent of such conflicts. The City Attorney's Office is researching whether this section may be amended without a referendum in order to comply with state law. Alternatively, a "housekeeping" amendment would also be able to ensure that this provision complies with state law.

V. Section 7.02 (Charter Review Board)

The proposal attached as Exhibit "D" requires the city commission to present any charter amendment receiving a unanimous vote of all members of the Charter Review Board to the electors of the City. Currently the City Commission has discretion to determine which recommended charter amendments, if any, will be placed on the ballot for consideration.

VI. Section 8.03 (Rights of Officers and Employees)

The Board directed that we prepare a proposal striking this section. This section is obsolete, as it contemplates rights of officers and employees that were in existence at the time the Charter was adopted.

The Board may consider directing the preparation of a "housekeeping" amendment, which would address this section, along with other obsolete Charter provisions.

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

EXHIBIT “A”

Section 5.02. Submission of budget and message.

(1) The city manager shall on or before ~~July 1~~August 15 of each year submit to the commission a budget for the ensuing fiscal year, together with a message, which shall outline proposed financial policies, describe important features of the budget; explain any major changes from the current year in financial policies, expenditures and revenues; summarize the city's current and overall financial and debt position and include such other material as he/she deems desirable, and as the commission or charter may require.

(2) Prior to the submittal of the budget to the city commission as described in paragraph (1) above, the city manager shall have ~~no less than two (2)~~at least one (1) open public meetings which shall be properly noticed as described below. Published notice covering each of the such meetings shall appear in at least one daily newspaper of general circulation within the city, to be published once at least ten (10) days prior to the meeting dates, along with an additional form of public notice to city residents and businesses to be provided by mail or otherwise, in order to invite public input for recommended funding for projects and programs of public interest. The recommendations resulting from the public input process shall be presented to the city commission for review and consideration. Upon completion of the public input meetings described above, the city manager shall have ~~no less than two (2)~~at least one (1) open public meetings with the city commission for the purpose of reviewing and considering the recommendations resulting from the public input process and enabling the city manager to obtain input from the city commission on recommended funding for projects and programs of public interest.

EXHIBIT “B”

Section 5.10. Independent audit of city accounts.

The city commission shall provide for an independent annual audit of all City accounts, as required by Section 218.39, Florida Statutes, as amended, and may provide for more frequent or special purpose audits as the city commission deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of city's officers. No certified public accountant or partner at a firm of such accountants who is responsible for the City's audit shall participate in the City's audit if that individual has performed audit services for the City in each of the five (5) previous fiscal years. ~~The certified public accountant or firm of such accountants utilized for the require annual audit shall be rotated at least every three (3) years to a new certified public accountant or firm of such accountants, in accordance with the competitive selection process provided by Section 218.391, Florida Statutes, as amended.~~ The certified public accountant or firm of such accountants shall report directly to and communicate directly with the city commission. Upon completion, such independent audits shall be furnished directly to the city commission. The city commission may by resolution provide further requirements for an independent audit.

EXHIBIT “C”

Section 5.15. Requirements for referendum and expenditure of public funds.

- 1) The City of Cooper City may borrow money, contract loans and issue bonds payable from ad valorem taxes only if the total of the city's outstanding debt at any one time does not exceed one percent (1%) of the city's total taxable assessed value and maturing more than twelve months after issue only to finance or refinance capital projects authorized by law and only when approved by a vote of the electors of the city. The city shall have full power and authority to issue municipal bonds or to borrow funds for municipal purposes to the extent authorized by and subject to the limitations provided in the Constitution of the State of Florida, the Municipal Home Rule Law, other applicable statutes and this charter.

- 2) Unless included in the adopted budget for a particular fiscal year, no single expenditure or capital project shall exceed fifteen percent (15%) of the city's most recent annual operating budget of the general fund, unless approved by a vote of the electors of the city at a referendum election. This restriction shall not apply to expenditures from the city's enterprise funds, transfers between city funds, or expenditures for projects that commenced in a prior fiscal year.

EXHIBIT “D”

Section 7.02. Charter Review Board.

For the purpose of assuring the regular review and update of this Charter, commencing in December 2015 and every fourth year thereafter, the city commission shall appoint a Charter Review Board consisting of ten (10) members, who are qualified to serve on an advisory board pursuant to applicable provisions of this charter and the city code. The mayor and commissioners shall each select two (2) members. The members of the board shall review the city charter, as set forth in the scope of work determined by the city commission in the resolution appointing such members. The board shall submit to the city commission within six (6) months of their appointment such alterations, revisions, and amendments, if any, to the charter, as in its judgment are desirable. The city commission, in its sole and exclusive discretion, may permit the board an extension of six (6) months' time if the commission determines that the scope of work will require additional time.

The city commission shall present any recommended charter amendment receiving a unanimous vote of all members of the Charter Review Board to the electors of the City of Cooper City for consideration. The City Commission shall have the sole and exclusive discretion to determine which other recommendations, if any, for alterations, revisions or amendments made by the board shall be presented to the electors of the City of Cooper City for consideration.

The city commission may appoint a Charter Review Board as set forth above at any time it determines that there is a need to make such an appointment.