



**2019 – 2020
REPORT OF THE
CHARTER REVIEW BOARD**

ADOPTED: FEBRUARY 24, 2020

2019-2020 REPORT OF THE CHARTER REVIEW BOARD

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I. INTRODUCTION

This report is provided pursuant to Wilton Manors (City) Ordinance No. 2019-002, enacted on February 26, 2019, which created the Charter Review Board (“Board”). The ordinance calls for five (5) individuals to be appointed to study the existing City Charter (“Charter”) with the view to improve the Charter to provide for the preservation of the general health, welfare and safety of the inhabitants of the City, and to make recommendations to the City Commission (“Commission”) for changes, additions, or deletions. While multiple issues could be consolidated into a single ballot question, the Board wanted to avoid any concerns of “logrolling”. The Board is recommending one (1) ballot measure as a repeal item. The item would repeal several obsolete sections of the Charter.

The purpose of the report is twofold: 1. For the Board to provide advisory recommendations to the Commission along with the Board’s process, justification as to whether a recommendation should go forward; and 2. To provide a historical reference for future Boards. Some topics the Board considered may continue to come up in future years, and the report will provide history and research considered by the current Board when reaching its decisions.

The Board (2019-2020) has chosen to recommend the Commission approve three (3) ballots items for the voters’ consideration. Additionally, the Board has recommended the Commission to consider four (4) recommendations by ordinance and one (1) recommendation by resolution. The decision was reached after holding 10 meetings which included input from city staff, city attorney, members of the public, and two (2) public hearings as required by ordinance.

The report contains a summary of the topics discussed and actions taken by the Board, described in Section III, Summary of Charter Review Board Recommendations.

The Board operated under Roberts Rules of Order. During our initial review of the Charter to flag concerns or items to discuss, the Board would express a consensus to do so. At later meetings, the Board revisited those Articles and Sections of the Charter, and at least 3 Board members had to vote affirmatively for a recommendation to move forward to the Commission. **After exhaustive deliberations and redrafting, the Board voted unanimously on all matters being recommended for action.**

The Board was staffed by the city manager, city attorney, and a contracted stenographer. The city clerk researched information on behalf of the Board. The Board was at no time directed by city staff. While the Board’s powers are limited to act only in an advisory capacity to the City Commission, city staff has been an invaluable resource to support for the Board to carry out its responsibility. Board meetings lasted no more than 2 hours to ensure the Board remained focused on its agenda, and the Chair met and worked with the city manager in between meetings to prepare the agenda and review and address outstanding issues.

Recognizing the diversity of viewpoints throughout the City, the Board viewed everyone as an important stakeholder and valued input throughout our process. The city manager’s office set up an email address for residents to submit public comment, and the public had 2 opportunities voice their concerns at meetings of the Board. Board members also engaged stakeholders outside of meetings. Public comment assisted the Board to improve on proposals and ballot language.

While members of the Board are volunteers, efforts were made to reach out to the public by use of the City's newsletter and weekly E-News, flyers, website, neighborhood associations, and local news publications.

In accordance with the enacting ordinance, proposed Charter amendments and/or revisions with associated ballot language must be submitted to the Commission no later than March 1, 2020. The Commission shall place the Board's proposal amendment and/or revisions with the associated ballot language approved by the Board on the November 3, 2020 general election ballot, unless rejected or modified by a majority of the Commission.

II. CHARTER REVIEW BOARD MEMBERS AND SUPPORT STAFF

a. BOARD MEMBERS



(Left to right: Christopher Ryan, Vice Chair Scott Newton, Chair Michael Rajner, Doug Blevins, Salvatore Torre)

DOUG BLEVINS (appointed by Commissioner Paul Rolli) has been a resident and active community volunteer in Wilton Manors for seventeen years. He has been appointed to several city boards including Board of Adjustment, City Hall Task Force, President of Wilton Manors Main Street, Wilton Drive Task Force, currently vice-chair of the Wilton Drive Improvement District and proud to be a current member of the Wilton Manors Charter Review Board. Doug was a past Mayoral and City Commission Candidate for Wilton Manors. Doug was previously active in Fort Lauderdale as a member of the city's Code Enforcement Board, past president of the South Middle River Civic Association and was awarded volunteer of the year for District II in Fort Lauderdale in 2001. Doug is a full-time Realtor and Design Consultant and looks forward to continuing his dedication and service to the Island City of Wilton Manors. Doug is grateful to the continued support of city staff and our elected officials.

SCOTT NEWTON (appointed by Mayor Justin Flippen) is a third-generation resident of Wilton Manors and long-time public servant. Mr. Newton's service to the City includes 18 years on the City Commission, including four years as Mayor. Prior to his election to the City Commission, he served on the Planning and Zoning Board and the Board of Adjustment. Mr. Newton was an active member of local service organizations including the Kiwanis Club, the Wilton Manors Business Association, and is the Past President of Wilton Manors Little League Baseball.

MICHAEL RAJNER (appointed by Commissioner Julie Carson) has resided in the City of Wilton Manors for 15 years and earned a Bachelor of Social Work degree from Florida Atlantic University. He currently serves as Chair of the Wilton Manors Charter Review Board, and the Broward County Human Rights Board, a quasi judicial board that adjudicates on matters of discrimination for protections provided through the Broward County Human Rights Act. Some of Michael's past public board service includes Chair of the Wilton Manors Community Affairs Advisory Board, and Chair of the 2011-2013 Broward County School Board Redistricting Steering Committee. He was raised in New Jersey, he began to engage in state legislative matters as a legislative aide to a state senator. Since relocating to South Florida, Rajner has collaborated on several local, state, and national legislative efforts.

CHRISTOPHER RYAN (appointed by Gary Resnick) is a native of Broward County, a graduate of St Thomas Aquinas High School and a resident of Wilton Manors since 1992. Mr. Ryan earned both his Bachelor of Science and Juris Doctorate degrees at the University of Florida. Mr. Ryan practices law in Dania Beach and is board certified in City, County, and Local Government Law and received an AV rating by Martindale-Hubbell. Mr. Ryan served as Chair of both the Wilton Manors Board of Adjustment and the Broward County Historical Commission. Mr. Ryan currently serves as counsel for Broward Navy Days, Inc. Which is the non-profit organization that sponsors the annual Port Everglades Fleet Week event.

SALVATORE TORRE (appointed by Vice Mayor Tom Green) (Salvatore Torre is an active member of the Wilton Manors community over the past ten years.

Mr. Torre first served on the Wilton Drive Task Force. Followed by an appointment to the Wilton Manors Budget Review Advisory Committee serving eight years, six years as Chairperson. Currently serving as an appointed member of the city's Charter Review Board. He ran twice for a seat on the City Commission and now enjoys actively supporting others' campaigns. Mr. Torre frequently attends City Commission meetings, often speaking about issues he supports. In addition to his service to the City of Wilton Manors, Mr. Torre serves as long-time President of the Westside Association of Wilton Manors (WAWM) and on the Executive Board of Friends of the Wilton Manors Library. For the past five years, Mr. Torre has written a regular opinion piece on local news and issues for the Wilton Manors Gazette, a supplement to the South Florida Gay News.

b. SUPPORT STAFF

The Charter Review Board recognizes the contributions of City staff, legal advisors, consultants, neighborhood partners, and local media that assisted the Board to fulfill its mission. Appreciation is extended to:

Members of the City Manager's Office who provided staffing assistance, conducted research, assisted with public outreach, technical support, and facilitated meetings:

Leigh Ann Henderson, City Manager	Pamela Landi, Assistant City Manager
Johnnie Goodnight, Office Manager	Faith Lombardo, City Clerk
Patricia Staples, Deputy City Clerk	John Anderson, IT Manager

The City Attorney and legal staff for their research, drafting of draft ordinances, and providing advice and counsel:

Kerry Ezrol, City Attorney
Quentin Morgan, Assistant City Attorney
Montisha Mann, Legal Assistant

Bridgette Chiapetta from Prototype, for professionally clerking all meetings of the Board and expeditiously drafting meeting minutes.

The three (3) Wilton Manors neighborhood associations: CANA, ENA, and WAWM, for providing time at their meetings for updates from the Board Chair and their commitment to ensuring that their respective memberships were informed of the work of the Board.

III. CHARTER REVIEW BOARD PROCESS AND TIMELINE

The City Commission’s charge for the Charter Review Board did not include any specific direction to examine particular issues. The Board reviewed the entire City Charter and identified articles and sections needing to be revised and updated. The Board also considered issues such as term limits and designation of commission seats which the City Commission has previously engaged in dialogue, but put off any formal action until a Charter Review Board was established to review and make any potential recommendations.

The Board met once monthly as outlined in the table below:

MEETING DATE	AGENDA TOPICS/ACTIONS
May 20, 2019	<ul style="list-style-type: none"> • Organizational Meeting • Reviewed Scope and Duties of Charter Review Board • Elected Chair and Vice Chair • Reviewed of Sunshine, Ethics, and Public Records Laws • Discussed Outreach Efforts
June 17, 2019	<ul style="list-style-type: none"> • Reviewed of Charter Amendment Process • Reviewed Articles I - VIII and Flag Items for Discussion
July 15, 2019	<ul style="list-style-type: none"> • Reviewed Articles IX - XV and Flag Items for Discussion
August 19, 2019	<ul style="list-style-type: none"> • Reviewed and Discussed Information Researched by the City Clerk • Identified Additional Charter Issues for Future Discussion
September 16, 2019	<ul style="list-style-type: none"> • Continued Discussion of Flagged Items • Reviewed City Staff Recommendations • Requested, Revised, & Reviewed Draft CRB Recommendations
October 21, 2019	<ul style="list-style-type: none"> • Reviewed City staff Recommendations • Requested, Revised, & Reviewed Draft CRB Recommendation • Discussed Charter Review Board in Charter (role, name, powers) • Adopted Dates and Format for Public Hearings • Created a Report Writing Committee
November 18, 2019	<ul style="list-style-type: none"> • Reviewed and Finalized Draft CRB Recommendations for Public Hearing
December 16, 2019	<ul style="list-style-type: none"> • 1st Public Hearing on CRB Proposed Recommendations
January 21, 2020	<ul style="list-style-type: none"> • 2nd Public Hearing on CRB Proposed Recommendations
February 18,2020	<ul style="list-style-type: none"> • Meeting rescheduled to February 24, 2020
February 24, 2020	<ul style="list-style-type: none"> • Reviewed/Finalized CRB Report to City Commission on Recommendations

March 24, 2020	<ul style="list-style-type: none"> • Special meeting to adopt February 24, 2020 minutes
March 24, 2020	<ul style="list-style-type: none"> • Workshop with City Commission to review Recommendations

The Chair of the Charter Review Board regularly attended most meetings of the Commission, and about every two months provided the Commission and residents with a verbal update at the Commission meeting on the Board's progress. The public was also reminded of upcoming meetings and agenda items. Additionally, the Chair presented on the Charter Review Board process at meetings of the 3 neighborhood associations, authored articles for the City's Town Crier, and communicated with local reporters.

DATE	OUTREACH ACTIVITY
May 23, 2019	Chair presented on Charter Review Board process at Eastside Neighborhood Association's membership meeting
June 11, 2019	Chair provided CRB Update at City Commission meeting, announced officers elected and encouraged public input
July 1, 2019	Charter Review Board update published in July/August 2019 issue of Town Crier
August 14, 2019	Chair presented on Charter Review Board process at Combined Neighborhood Association membership meeting
August 27, 2019	Chair provided CRB Update at City Commission meeting, provided timeline and list issues CRB considering
October 4, 2019	New Pelican published article on Charter Review Board process
November 1, 2019	Charter Review Board update published in November/December 2019 issue of Town Crier
November 12, 2019	Chair provided CRB Update at City Commission meeting, announced public hearings
December 27, 2019	New Pelican published article on Charter Review Board process
January 1, 2020	Charter Review Board update published in January/February 2020 issue of Town Crier
January 27, 2020	New Pelican published article on Charter Review Board process
January 28, 2020	Chair provided CRB Update at City Commission meeting, reported on outcome of 1 st public hearing
March 6, 2020	New Pelican published article on Charter Review Board process

IV. RECOMMENDATIONS

BALLOT 1 (formerly Proposal 1)
BALLOT TITLE: “TERM LIMITS FOR COMMISSIONER AND MAYOR”
BALLOT QUESTION: “Shall Article IIIA of the City Charter be amended to provide a term limit of 12 consecutive years of service for elected officials, as Mayor for six 2-year terms, as Commissioner for three 4-year terms, or as a combination of service in both offices; and require elected officials to take a minimum 2-year absence after the 12 consecutive years of service before being eligible to again serve as either Mayor or Commissioner?”
JUSTIFICATION: The Board believes the City’s electorate should have the opportunity to vote on a proposal to establish term limits for our Commissioners and Mayor. The Board engaged in a lengthy dialogue to recommend a proposal whereby elected officials would be term limited after 12 consecutive years of service, regardless of which office they serve. In order to run again for Commissioner or Mayor, individuals would have to be absent from the Commission for 2 years. The Board believes the terms of each respective office should remain unchanged.

ORDINANCE NO. 2019-XXX

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AN ORDINANCE OF THE CITY OF WILTON MANORS, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE CITY OF WILTON MANORS AMENDING ARTICLE IIIA ENTITLED "LEGISLATIVE" BY SPECIFICALLY AMENDING SECTION 2 ENTITLED "ELECTION AND TERMS", AND SECTION 3 ENTITLED "MAYOR", OF THE CHARTER OF THE CITY OF WILTON MANORS, FLORIDA; PROVIDING FOR TERM LIMITS OF THREE (3) CONSECUTIVE FOUR (4) YEAR TERMS FOR COMMISSIONERS FOR TERMS BEGINNING ON OR AFTER THE NOVEMBER 3, 2020 ELECTION; PROVIDING FOR SIX (6) CONSECUTIVE TWO (2) YEAR TERMS FOR THE MAYOR FOR TERMS BEGINNING ON OR AFTER THE NOVEMBER 3, 2020 ELECTION; PROVIDING FOR A TWO (2) YEAR PERIOD OF ABSENCE FROM OFFICE AFTER SERVICE OF TWELVE (12) CONSECUTIVE YEARS BEFORE BEING ELIGIBLE TO SERVE AGAIN AS COMMISSIONER OR MAYOR; PROVIDING FOR A NOTICE OF ADVERTISEMENT OF THE REFERENDUM ELECTION TO BE PUBLISHED IN ACCORDANCE WITH THE CODE OF ORDINANCES AND THE CHARTER OF THE CITY OF WILTON MANORS, FLORIDA, AS WELL AS THE STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF WILTON MANORS, FLORIDA, AT THE NEXT GENERAL ELECTION OF NOVEMBER 3, 2020, AND SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE PLACE AND TIMES WHERE SAID ELECTION IS TO BE HELD; PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

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1 **WHEREAS**, Chapter 166, Florida Statutes, as amended, provides for a
2 methodology of Charter amendments supplementary to and not in conflict with the
3 Charter of the City of Wilton Manors, Florida; and

4 **WHEREAS**, Chapter 166, Florida Statutes, as amended, provides that such an
5 amendment may be submitted to a referendum vote by the City Commission of the City
6 of Wilton Manors, Florida, in an ordinance format; and

7 **WHEREAS**, the Charter Review Board of the City of Wilton Manors, Florida
8 has recommended amendments to Article IIIA, Sections 2, and 3 of the City's Charter
9 to impose term limits, and require a two (2) year period of absence from office after the
10 term limit has been reached prior to being able to serve as mayor or commissioner
11 again; and

12 **WHEREAS**, the proposed amendment to the City's Charter shall be put before
13 the registered electors of the City in a duly called referendum at the general election on
14 November 3, 2020, to amend Article IIIA of the City's Charter by specifically
15 amending Sections 2 and 3 to provide for term limits, and for a two (2) year period of
16 absence after the term limit has been reached prior to being able to serve as mayor or
17 commissioner again commencing with the next elected terms for the Mayor and
18 Commissioners.

19 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION**
20 **OF THE CITY OF WILTON MANORS, FLORIDA:**

21

1 **Section 1:** The foregoing “WHEREAS” clauses are hereby ratified as being
2 true and correct and are hereby made a specific part of this Ordinance upon adoption
3 hereof.

4 **Section 2:** Article IIIA of the Charter of the City of Wilton Manors, entitled
5 “Legislative,” shall be amended by the specific amendment of Section 2 entitled
6 “Elections and terms” as follows:

7 Commissioners shall be electors of the City. Commencing in 2008, the regular
8 election of city commissioner shall be held on the first Tuesday after the first Monday
9 in November of every even numbered calendar year, in accordance with State of Florida
10 Law. The city commission, has by ordinance, and pursuant to State law, changed the
11 date of the regular election in any even numbered calendar year from March to
12 November. However, the change in election date will not be effective until at least
13 eighteen (18) months after approval of the ordinance. Two (2) city commissioners shall
14 be elected during one (1) election year and two (2) city commissioners shall be elected
15 during the following election year for four-year terms. A commission candidate shall be
16 domiciled in the city for six (6) months prior to qualifying for office. All persons
17 elected to serve as commissioner on or after November 3, 2020, shall be limited to three
18 (3) four (4) year terms for twelve (12) consecutive years of service as city
19 commissioner. For the purposes of fulfilling the requirements of this provision, the time
20 -serving other than a regular four (4) year term of elected office shall be excluded from
21 the term limitation set forth herein. An individual appointed or elected to serve an
22 unexpired term as commissioner shall not have such time counted in the term limitation
23 hereby established. A commissioner who has completed twelve (12) consecutive years
24 of service must remain out of office for at least two (2) years before being eligible to
25 serve again as a commissioner or mayor. Consecutive terms serving as either mayor or
26 commissioner shall be counted towards the term limitation for either position.

27 **Section 3:** Article IIIA of the Charter of the City of Wilton Manors, entitled
28 “Legislative,” shall be amended by the specific amendment of Section 3 entitled
29 “Mayor” as follows:

30 The mayor shall be an elector of the city elected to a two-year term by the
31 electors of the city. At the first city commission meeting after each regular
32 election, the city commission shall elect one (1) of its members as vice mayor.
33 The mayor shall be a member of the city commission, shall preside at meetings
34 of the city commission and shall vote, shall be recognized as head of the city

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1 government for all ceremonial purposes, by the governor for purposes of
2 military law, for service of process, execution of contracts, deeds and other
3 documents and as the city official designated to represent the city in all
4 agreements with other governmental entities or certifications to other
5 governmental entities; but shall have no administrative duties except as required
6 to carry out the responsibilities herein. The vice mayor shall act as mayor during
7 the absence or disability of the mayor. A mayoral candidate shall be domiciled
8 in the city for six (6) months prior to qualifying for office. All persons elected to
9 serve as mayor on or after November 3, 2020 shall be limited to six (6) two year
10 terms for a total of twelve (12) consecutive years of service as mayor. For the
11 purposes of fulfilling the requirements of this provision, the time serving other
12 than a regular two (2) year term of elected office shall be excluded from the
13 term limitation set forth herein. An individual appointed or elected to serve an
14 unexpired term as mayor shall not have such time counted in the term limitation
15 hereby established. A mayor who has completed twelve (12) consecutive years
16 of service must remain out of office for at least two (2) years before being
17 eligible to serve again as a commissioner or mayor. Consecutive terms serving
18 as either mayor or commissioner shall be counted towards the term limitation for
19 either position as commissioner or mayor.

20
21 **Section 4:** The Ballot Title shall be as follows:

22
23 TERM LIMITS FOR COMISSIONERS AND MAYOR

24
25 **Section 5:** At the General Election of November 3, 2020, the following
26 question shall be placed on the ballot for consideration by the qualified electors of the
27 City of Wilton Manors, Florida, and shall read as follows:

28 Shall Article IIIA of the City Charter be amended to provide term limits of
29 twelve (12) years for mayor and commissioners; specifically, a limit of (3)
30 consecutive four (4) year terms for commissioners; and a limit of six (6)
31 consecutive two (2) year terms for mayor; and require commissioners and the
32 mayor take a two (2) year absence after twelve (12) consecutive years of service
33 before being eligible to serve again as mayor or commissioner?

34
35 YES () NO ()

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38 **Section 6:** **Advertisement.** The City Clerk of the City of Wilton

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1 Manors is hereby authorized and directed to advertise the referendum election
2 contemplated herein all in accordance with the Code of Ordinances of the City of Wilton
3 Manors, Florida, as well as the State of Florida Election Code.

4 **Section 7: Referendum Election.** Pursuant to Section 166.031(1), Florida
5 Statutes, the City Commission of the City of Wilton Manors hereby calls a special
6 election to be conducted with the State of Florida General Election on November 3,
7 2020, for the purpose of placing the referendum to a vote of the electors of the City of
8 Wilton Manors.

9 **Section 8: Place of Election.** The election shall be conducted within the
10 geographical limits of the City, at polling locations determined in conjunction with the
11 Broward County Supervisor of Elections.

12 **Section 9: Codification.** It is the intention of the City Commission
13 of the City of Wilton Manors, that upon approval by the electorate of the City at the
14 November 3, 2020, election, the provisions of Section 6 of this Ordinance shall become
15 and be made a part of the Charter of the City of Wilton Manors, Florida, and that the
16 Sections of this ordinance may be renumbered, re lettered and the word "Ordinance"
17 may be changed to "Section," "Article," or such other word or phrase in order to
18 accomplish such intention.

19 **Section 10: Severability.** If any clause, section, or other part of this
20 Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or
21 invalid, such unconstitutional or invalid part shall be considered as eliminated and in no
22 way affecting the validity of the other provisions of this Ordinance.

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1 **Section 11: Conflicts.** That all Ordinances or parts of Ordinances,
2 Resolutions, or parts of Resolutions in conflict herewith, be and the same are repealed
3 to the extent of such conflict.

4 **Section 12. Effective Date.** That this Ordinance shall take effect
5 immediately upon adoption. The amended charter as set forth in Section 6 above shall
6 be effective upon approval by the electorate of the City at the November 3, 2020,
7 election.

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32 **PASSED ON FIRST READING BY THE CITY COMMISSION OF THE CITY OF**
33 **WILTON MANORS, FLORIDA, THIS _____ DAY OF _____, 2020.**
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**PASSED AND ADOPTED ON SECOND AND FINAL READING BY THE CITY
COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA THIS ____
DAY OF _____, 2020.**

CITY OF WILTON MANORS, FLORIDA

By: _____
JUSTIN S. FLIPPEN, MAYOR

ATTEST: RECORD OF COMMISSION VOTE: 1ST
Reading

_____	MAYOR FLIPPEN	_____
FAITH LOMBARDO	VICE MAYOR GREEN	_____
CITY CLERK	COMMISSIONER CARSON	_____
	COMMISSIONER RESNICK	_____
	COMMISSIONER ROLLI	_____

I HEREBY CERTIFY that I have
approved the form of this Ordinance.

KERRY L. EZROL, ESQ.
CITY ATTORNEY

RECORD OF COMMISSION VOTE: 2ND
Reading

	MAYOR FLIPPEN	_____
	VICE MAYOR GREEN	_____
	COMMISSIONER CARSON	_____
	COMMISSIONER RESNICK	_____
	COMMISSIONER ROLLI	_____

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BALLOT 2 (formerly Proposal 4)

BALLOT TITLE:

“FORFEITURE OF OFFICE FOR MISSING FOUR UNEXCUSED CONSECUTIVE REGULAR CITY COMMISSION MEETINGS”

BALLOT QUESTION:

“Shall Article IIIA of the City Charter be amended to provide for the forfeiture from office of a commissioner or mayor due to unexcused absence from four (4) consecutive regular city commission meetings?”

JUSTIFICATION:

The Board is recommending a measure to ensure for greater accountability of the City's elected officials to ensure for participation in City business. The Commission has the authority to develop its own rules and establish a policy for excused absences.

ORDINANCE NO. 2019-XXX

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AN ORDINANCE OF THE CITY OF WILTON MANORS, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE CITY OF WILTON MANORS, FLORIDA AMENDING ARTICLE IIIA, ENTITLED “LEGISLATIVE,” BY SPECIFICALLY AMENDING SECTION 5 ENTITLED “VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES”, PROVIDING FOR FORFEITURE OFFICE OF A COMMISSIONER OR MAYOR DUE TO UNEXCUSED ABSENCE FROM FOUR (4) CONSECUTIVE REGULAR MEETINGS OF THE CITY COMMISSION; PROVIDING FOR A NOTICE OF AN ADVERTISEMENT OF THE REFERENDUM ELECTION TO BE PUBLISHED IN ACCORDANCE WITH THE CODE OF ORDINANCES AND THE CHARTER OF THE CITY OF WILTON MANORS, FLORIDA, AS WELL AS THE STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF WILTON MANORS, AT THE NEXT GENERAL ELECTION OF NOVEMBER 3, 2020 AND SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE PLACE AND PLACES WHERE SAID ELECTION IS TO BE HELD; PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, Chapter 166, Florida Statutes, as amended, provides for a methodology of Charter amendments supplementary to and not in conflict with the Charter of the City of Wilton Manors, Florida; and

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1 **WHEREAS**, Chapter 166, Florida Statutes, as amended, provides that such an
2 amendment may be submitted to a referendum vote by the City Commission of the City
3 of Wilton Manors, Florida, in an ordinance format; and

4 **WHEREAS**, the Charter Review Board of the City of Wilton Manors, Florida
5 has recommended amendments to the City’s Charter relating to the forfeiture of office
6 and filling of vacancies of the City’s mayor and city commissioners; and

7 **WHEREAS**, the proposed amendments to the City’s Charter shall be put before
8 the registered electors of the City in a duly called referendum at the general election on
9 November 3, 2020, to amend Article IIIA of the City’s Charter by specifically
10 amending Section 5 to provide for the forfeiture of office due to an elected official’s
11 unexcused absence at four (4) consecutive meetings and filling of extraordinary
12 vacancies of the offices of the mayor and city commission.

13 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION**
14 **OF THE CITY OF WILTON MANORS, FLORIDA:**

15 **Section 1.** The foregoing “WHEREAS” clauses are hereby ratified as being
16 true and correct and are hereby made a specific part of this Ordinance upon adoption
17 hereof.

18 **Section 2.** Article IIIA of the Charter of the City of Wilton Manors, entitled
19 “Legislative,” shall be amended by the specific amendment of Section 5 entitled
20 “Vacancies; forfeiture of office; filling of vacancies,” as follows:

21 **Sec. 5. – Vacancies; forfeiture of office; filling of vacancies.**

22 (a) *Vacancies.* The office of mayor or city commission shall become

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1 vacant upon his/her death, resignation, removal from office in
2 any manner authorized by law or forfeiture of his office, such
3 forfeiture to be declared by the remaining members of the city
4 commission.

5
6 (b) *Forfeiture of office.* A mayor or city commissioner shall forfeit
7 his office if he/she: (1) lack at any time during his/her term of
8 office any qualification for the office prescribed by this Charter
9 or by law, ~~or~~ (2) violates any standard of conduct or code of
10 ethics established by law for public officials, such violation to be
11 determined by remaining members of the city commission, or (3)
12 absence by the mayor or any commissioner from four (4)
13 consecutive regular meetings of the city commission, unless such
14 absence is excused by the city commission, by formal action duly
15 entered into the minutes.

16
17 (c) *Filling of vacancies.* A vacancy in the office of the mayor or on
18 the city commission shall be filled in one (1) of the following
19 ways:

20
21 (1) If there is less than six (6) months remaining in the
22 unexpired term or if there is less than six (6) months
23 before the next regular city election, the commission by a
24 majority vote of the remaining members shall choose a
25 successor to serve until the newly elected mayor or city
26 commission is qualified. If two (2) years remain in the
27 term of the vacated seat at the time of the next regular
28 election, that seat shall be filled by election for the
29 remaining two (2) years;

30 (2) If there is more than six (6) months remaining in the
31 unexpired term and no regular city election is scheduled
32 within six (6) months, the city commission shall fill the
33 vacancy on an interim basis as provided in subsection (1),
34 and shall schedule a special election to be held not sooner
35 than sixty (60) days, nor more than ninety (90) days,
36 following the occurrence of the vacancy.

37 Notwithstanding any quorum requirements established herein, if
38 at any time the membership of the mayor/city commission is
39 reduced to less than a quorum the remaining members may, by

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CODING: Words in ~~strike through~~ type are deletions from existing law;
Words in underlined type are additions.

1 majority vote, appoint additional members under either (1) or (2)
2 above.

3

4 (d) *Extraordinary vacancies.* In the event that all members of the city
5 commission are removed by death, disability, or forfeiture of office,
6 the Governor shall appoint an interim city commission that shall call
7 a special election as provided in paragraph (c) above and such
8 election shall be done in such manner as to fill the unexpired terms
9 until the next regular municipal election.
10

11 **Section 3.** The Ballot Title shall be as follows:

12 FORFEITURE OF OFFICE FOR MISSING FOUR UNEXCUSED
13 CONSECUTIVE REGULAR CITY COMMISSION MEETINGS

14 **Section 4.** At the General Election of November 3, 2020, the following
15 question shall be placed on the ballot for consideration by the qualified electors of the
16 City of Wilton Manors, Florida, and shall read as follows:

17 Shall Article IIIA of the City Charter be amended to provide for the forfeiture
18 from office of a commissioner or the mayor due to unexcused absence from four
19 (4) consecutive regular city commission meetings?

20 YES () NO ()

21 **Section 5: Advertisement.** The City Clerk of the City of Wilton Manors is
22 hereby authorized and directed to advertise the referendum election contemplated herein
23 all in accordance with the Code of Ordinances of the City of Wilton Manors, Florida, as
24 well as the State of Florida Election Code.

25 **Section 6. Referendum Election.** Pursuant to Section 166.031(1), Florida
26 Statutes, the City Commission of the City of Wilton Manors hereby calls a special

1 election to be conducted with the State of Florida General Election on November 3,
2 2020, for the purpose of placing the referendum to a vote of the electors of the City of
3 Wilton Manors.

4 **Section 7. Place of Election.** The election shall be conducted within the
5 geographical limits of the City, at polling locations determined in conjunction with the
6 Broward County Supervisor of Elections.

7 **Section 8. Codification.** It is the intention of the City Commission
8 of the City of Wilton Manors, that upon approval by the electorate of the City at the
9 November 3, 2020, election, the provisions of Section 4 of this Ordinance shall become
10 and be made a part of the Charter of the City of Wilton Manors, Florida, and that the
11 Sections of this ordinance may be renumbered, re lettered and the word "Ordinance"
12 may be changed to "Section," "Article," or such other word or phrase in order to
13 accomplish such intention.

14 **Section 9. Severability.** If any clause, section, or other part of this
15 Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or
16 invalid, such unconstitutional or invalid part shall be considered as eliminated and in no
17 way affecting the validity of the other provisions of this Ordinance.

18 **Section 10. Conflicts.** That all Ordinances or parts of Ordinances,
19 Resolutions, or parts of Resolutions in conflict herewith, be and the same are repealed
20 to the extent of such conflict.

21 **Section 11. Effective Date.** That this Ordinance shall take effect
22 immediately upon adoption. The amended charter as set forth in Section 4 above shall

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Page 5 of 6

CODING: Words in ~~strike through~~ type are deletions from existing law;
Words in underlined type are additions.

1 be effective upon approval by the electorate of the City at the November 3, 2020,
2 election.

3 **PASSED ON FIRST READING BY THE CITY COMMISSION OF THE CITY OF**
4 **WILTON MANORS, FLORIDA, THIS ____ DAY OF _____, 2020.**

5
6 **PASSED AND ADOPTED ON SECOND AND FINAL READING BY THE CITY**
7 **COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA THIS ____**
8 **DAY OF _____, 2020.**

9
10
11 CITY OF WILTON MANORS, FLORIDA

12
13
14 By: _____
15 JUSTIN S. FLIPPEN, MAYOR

16
17
18 ATTEST: RECORD OF COMMISSION VOTE: 1ST
19 Reading

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21
22 _____ MAYOR FLIPPEN _____
23 FAITH LOMBARDO VICE MAYOR GREEN _____
24 CITY CLERK COMMISSIONER CARSON _____
25 COMMISSIONER RESNICK _____
26 COMMISSIONER ROLLI _____

27 I HEREBY CERTIFY that I have
28 approved the form of this Ordinance.

29
30 _____
31 KERRY L. EZROL, ESQ.
32 CITY ATTORNEY

33
34 RECORD OF COMMISSION VOTE: 2ND
35 Reading

36
37 MAYOR FLIPPEN _____
38 VICE MAYOR GREEN _____
39 COMMISSIONER CARSON _____
40 COMMISSIONER RESNICK _____
41 COMMISSIONER ROLLI _____

CODING: Words in ~~strike through~~ type are deletions from existing law;
Words in underlined type are additions.

BALLOT 3 (formerly (Proposal 8)

BALLOT TITLE:

“REPEAL OBSOLETE ARTICLES IIIA. SECTIONS 14 AND 22 AND ARTICLE V.”

BALLOT QUESTION:

“Article IIIA. Section 14 of the City Charter provides for a City Treasurer, and Section 22 provided for a transitional City Commission in 1985, and Article V of the City Charter provides that the City Clerk shall be the tax collector and collect local business taxes as well. Shall the City Charter be amended to repeal Article IIIA, Sections 14 and 22, and Article V in their entirety?”

JUSTIFICATION:

The Commission has since transitioned from the changes in 1985 and this Article IIIA, Section 22 is no longer needed in the Charter. The city no longer has a city treasurer or tax collector. The Board recommends these obsolete provisions be repealed by a referendum of the electorate.

ORDINANCE NO. 2019-XXX

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AN ORDINANCE OF THE CITY OF WILTON MANORS, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE CITY OF WILTON MANORS AMENDING ARTICLE IIIA ENTITLED “LEGISLATIVE” BY SPECIFICALLY REPEALING SECTION 14 ENTITLED “CITY TREASURER; POWERS AND DUTIES” IN ITS ENTIRETY, AND SECTION 22 ENTITLED “CITY COMMISSION, MAYOR, AND VICE MAYOR; TRANSITIONAL”; SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE CITY OF WILTON MANORS REPEALING ARTICLE V ENTITLED “REVENUE AND TAXATION” IN ITS ENTIRETY; PROVIDING FOR A NOTICE OF ADVERTISEMENT OF THE REFERENDUM ELECTION TO BE PUBLISHED IN ACCORDANCE WITH THE CODE OF ORDINANCES AND THE CHARTER OF THE CITY OF WILTON MANORS, FLORIDA, AS WELL AS THE STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF WILTON MANORS, FLORIDA, AT THE NEXT GENERAL ELECTION OF NOVEMBER 3, 2020, AND SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE PLACE AND TIMES WHERE SAID ELECTION IS TO BE HELD; PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, Chapter 166, Florida Statutes, as amended, provides for a methodology of Charter amendments supplementary to and not in conflict with the Charter of the City of Wilton Manors, Florida; and

1 **WHEREAS**, Chapter 166, Florida Statutes, as amended, provides that such an
2 amendment may be submitted to a referendum vote by the City Commission of the City
3 of Wilton Manors, Florida, in an ordinance format; and

4 **WHEREAS**, the Charter Review Board of the City of Wilton Manors, Florida
5 has recommended amending Article IIIA of the City’s Charter entitled, “Legislative”
6 by specifically repealing Section 14 entitled “City treasurer; powers and duties” in its
7 entirety as being obsolete; and

8 **WHEREAS**, the Charter Review Board of the City of Wilton Manors, Florida
9 has recommended amending Article IIIA of the City’s Charter entitled, “Legislative”
10 by specifically repealing Section 22 entitled “City commission, mayor, and vice mayor;
11 transitional” in its entirety as being obsolete, and

12 **WHEREAS**, the Charter Review Board of the City of Wilton Manors, Florida
13 has recommended repealing Article V of the City’s Charter entitled, “Revenue and
14 Taxation” in its entirety as being obsolete; and

15 **WHEREAS**, the City Commission finds that the proposed amendment to the
16 City’s Charter shall be put before the registered electors of the City in a duly called
17 referendum at the general election on November 3, 2020, by amending Article IIIA
18 entitled “Legislative” by specifically repealing Section 14 entitled “City treasurer;
19 power and duties” and Section 22 entitled “City commission, mayor, and vice mayor;
20 transitional”, and by specifically repealing Article V entitled “Revenue and Taxation” in
21 their entirety as a result of them being obsolete.

22 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION**

1 **OF THE CITY OF WILTON MANORS, FLORIDA:**
2

3 **Section 1:** The foregoing “WHEREAS” clauses are hereby ratified as being
4 true and correct and are hereby made a specific part of this Ordinance upon adoption
5 hereof.

6 **Section 2:** Article IIIA of the Charter of the City of Wilton Manors, entitled
7 “Legislative,” is hereby amended by specifically repealing Section 14 entitled “City
8 treasurer; powers and duties” and Section 22 entitled “City commission, mayor, and
9 vice mayor; transitional”, and by specifically repealing Article V entitled “Revenue and
10 Taxation” in their entirety.

11 **Section 3:** The Ballot Title shall be as follows:

12 REPEAL OBSOLETE ARTICLES IIIA, SECTIONS 14 AND 22 AND
13 ARTICLE V.
14

15
16 **Section 4:** At the General Election of November 3, 2020, the following
17 question shall be placed on the ballot for consideration by the qualified electors of the
18 City of Wilton Manors, Florida, and shall read as follows:

19 Article IIIA, Section 14 of the City Charter provides for a City Treasurer, and
20 Section 22 provided for a transitional City Commission in 1985, and Article V
21 of the City Charter provides that the City Clerk shall be the City’s tax collector
22 and collect local business taxes as well. Shall the City Charter be amended to
23 repeal Article IIIA, Sections 14 and 22, and Article V in their entirety?
24

25 YES () NO ()
26

27 **Section 5:** **Advertisement.** The City Clerk of the City of Wilton
28 Manors is hereby authorized and directed to advertise the referendum election
29 contemplated herein all in accordance with the Code of Ordinances of the City of

1 Wilton Manors, Florida, as well as the State of Florida Election Code.

2 **Section 6. Referendum Election.** Pursuant to Section 166.031(1), Florida
3 Statutes, the City Commission of the City of Wilton Manors hereby calls a special
4 election to be conducted with the State of Florida General Election on November 3,
5 2020, for the purpose of placing the referendum to a vote of the electors of the City of
6 Wilton Manors.

7 **Section 7. Place of Election.** The election shall be conducted within the
8 geographical limits of the City, at polling locations determined in conjunction with the
9 Broward County Supervisor of Elections.

10 **Section 8: Codification.** It is the intention of the City Commission
11 of the City of Wilton Manors, that upon approval by the electorate of the City at the
12 November 3, 2020, election, the provisions of Section 4 of this Ordinance shall become
13 and be made a part of the Charter of the City of Wilton Manors, Florida, and that the
14 Sections of this ordinance may be renumbered, re lettered and the word "Ordinance"
15 may be changed to "Section," "Article," or such other word or phrase in order to
16 accomplish such intention.

17 **Section 9: Severability.** If any clause, section, or other part of this
18 Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or
19 invalid, such unconstitutional or invalid part shall be considered as eliminated and in no
20 way affecting the validity of the other provisions of this Ordinance.

1 CITY ATTORNEY

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RECORD OF COMMISSION VOTE: 2ND
Reading

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MAYOR FLIPPEN _____

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VICE MAYOR GREEN _____

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COMMISSIONER CARSON _____

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COMMISSIONER RESNICK _____

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COMMISSIONER ROLLI _____

ORDINANCE 1 (formerly Proposal 3)

Recommendation for the City Commission to adopt an ordinance to amend Article III “Boards, Committees, Commissions,” and create Section 2-48 entitled “City Boards: Term Limits; Service on Multiple Boards,”:

“Sec. 2-48. – City Boards: Term Limits; Service on Multiple Boards

- (1) For board terms commencing on or after November 3, 2020, individuals serving on city boards shall not be permitted to serve on more than (2) separate boards, committees, or commissions concurrently. This subsection shall not apply to the General Employees’ and Police Officers Pension Board of Trustees, the Firefighters Pension Board of Trustees, and the Wilton Drive Improvement District.
- (2) For board terms commencing on or after November 3, 2020, an individual serving on two (2) separate boards concurrently may only serve as an officer on one (1) board, committee, or commission.
- (3) For board terms commencing on or after November 3, 2020, all persons appointed to serve on a city board, committee, or commission shall be limited to three (3) terms of service for each respective board, committee, or commission. An individual appointed to serve an unexpired term as a member of a city board shall not have such time counted in the limitation hereby established. All persons who have served for three (3) consecutive terms on a city board must remain off the board for at least two (2) years before being eligible to be appointed to the same board.

JUSTIFICATION:

The Board believes that this recommendation would help bring more diversity and opportunity to benefit our City’s Boards, Committees, and Commissions. The city attorney has advised the Commission has the authority to enact this recommendation by ordinance.

ORDINANCE NO. 2019-XXX

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AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA, AMENDING CHAPTER 2 OF THE CITY CODE, ARTICLE III, ENTITLED “BOARDS, COMMITTEES, COMMISSIONS,” AND IN PARTICULAR TO CREATE SECTION 2-48 ENTITLED “CITY BOARDS AND COMMITTEES: TERM LIMITS; SERVICE ON MULTIPLE BOARDS AND COMMITTEES”; PROVIDING FOR TERM LIMITS FOR BOARD AND COMMITTEE MEMBERS; LIMITING BOARD AND COMMITTEE MEMBERS TO TWO BOARDS OR COMMITTEES; PROVIDING FOR A LIMITATION TO SERVE AS OFFICER ON ONLY ONE CITY BOARD OR COMMITTEE; PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the Charter Review Board of the City of Wilton Manors, Florida has recommended amendments to Article III, “Boards, Committees, Commissions,” Creating Section 2-48, “City Boards and Committees: Term Limits; Service on Multiple Boards and Committees”, to provide term limits for board and committee appointees, to limit the number of boards or committees an individual may serve on to two boards or committees, and impose a limitation on board and committee appointees restricting them to serve as an officer on only one City board or committee; and

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30
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WHEREAS, the City Commission of the City of Wilton Manors, Florida deems it to be in the best interests of the citizens and residents of the City to amend the Code of Ordinances as set forth herein.

32
33

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION

1 **OF THE CITY OF WILTON MANORS, FLORIDA:**

2
3 **Section 1:** The foregoing “WHEREAS” clauses are hereby ratified as being
4 true and correct and are hereby made a specific part of this Ordinance upon adoption
5 hereof.

6 **Section 2:** Article III of the City Code of the City of Wilton Manors, entitled
7 “Boards, Committees, Commissions,” shall be amended by the creation of Section 2-48
8 entitled “City Boards and Committees: Term Limits; Service on Multiple Boards or
9 Committees,” as follows:

10 **Sec. 2-48. – City Boards and Committees: Term limits; and Service on**
11 **multiple Boards or Committees**

- 12
- 13 (1) For board or committee terms commencing on or after November
- 14 3, 2020, individuals serving on city boards or committees shall
- 15 not be permitted to serve on more than two (2) separate boards,
- 16 committees, or commissions concurrently. This subsection shall
- 17 not apply to the General Employees’ and Police Officers Pension
- 18 Board of Trustees, the Firefighters Pension Board of Trustees,
- 19 and the Wilton Drive Improvement District.
- 20
- 21 (2) For board or committee terms commencing on or after November
- 22 3, 2020, an individual serving on two (2) separate boards or
- 23 committees concurrently may only serve as an officer on one (1)
- 24 board, committee, or commission.
- 25
- 26 (3) For board or committee terms commencing on or after November
- 27 3, 2020, all persons appointed to serve on a city board,
- 28 committee, commission shall be limited to three (3) terms of
- 29 service for each respective board, committee, or commission. An
- 30 individual appointed to serve an unexpired term as a member of a
- 31 city board or committee shall not have such time counted in the
- 32 limitation hereby established. All persons who have served for
- 33 three (3) consecutive terms on a city board or committee must

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remain off the board or committee for at least two (2) years before being eligible to be appointed to the same board or committee.

Section 3: Codification.

It is the intention of the City Commission

of the City of Wilton Manors, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code and Ordinances of the City of Wilton Manors, Florida, and that Sections of this Ordinance may be renumbered, re-lettered and the word “Ordinance” may be changed to “Section,” “Article,” or such other word or phrase in order to accomplish such intention.

Section 4: Severability.

If any clause, section, or other part of this

Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

Section 5: Conflicts.

That all Ordinances or parts of Ordinances,

Resolutions, or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

Section 6. Effective Date.

That this Ordinance shall take effect

immediately upon adoption.

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PASSED ON FIRST READING BY THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA, THIS ____ DAY OF _____, 2020.

PASSED AND ADOPTED ON SECOND AND FINAL READING BY THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA THIS ____ DAY OF _____, 2020.

CITY OF WILTON MANORS, FLORIDA

By: _____
JUSTIN S. FLIPPEN, MAYOR

ATTEST:

RECORD OF COMMISSION VOTE: 1ST
Reading

FAITH LOMBARDO
CITY CLERK

MAYOR FLIPPEN _____
VICE MAYOR GREEN _____
COMMISSIONER CARSON _____
COMMISSIONER RESNICK _____
COMMISSIONER ROLLI _____

I HEREBY CERTIFY that I have
approved the form of this Ordinance.

KERRY L. EZROL, ESQ.
CITY ATTORNEY

RECORD OF COMMISSION VOTE: 2ND
Reading

MAYOR FLIPPEN _____
VICE MAYOR GREEN _____
COMMISSIONER CARSON _____
COMMISSIONER RESNICK _____
COMMISSIONER ROLLI _____

ORDINANCE 2 (formerly Proposal 5)

Recommendation for the City Commission to adopt an ordinance to amend the City Charter to include gender-neutral pronouns by eliminating gender preference language within the Charter of the City of Wilton Manors will promote equality.

Example:

“There shall be a city manager who shall be the chief administrative officer of the city. ~~He~~The city manager shall be responsible to the city commission for the administration of all city affairs placed in ~~his~~the city manager’s charge by or under this Charter.”

JUSTIFICATION:

The Board believes this recommendation is needed to move away from gender limited language in an effort to promote equality. The city attorney has advised the Commission has the authority to enact this recommendation by ordinance.

NOTE: *Please reference Appendix C. Current City Charter (with gender neutral mark-up) for complete language being proposed.*

ORDINANCE 3 (formerly Proposal 6)

Recommendation for the City Commission to adopt an ordinance to amend Article II "General Municipal Powers", Section 1 "Enumeration of Powers", of the City Charter as follows:

~~The commission within the limitations of this Act shall have the power by ordinance:~~

~~(4th) To make regulations to prevent the introduction and spread of infections and contagious disease into the city and to make quarantine laws for the purpose and to enforce the same within five (5) miles of the city limits when the same are not in conflict with the quarantine laws and regulations of the state or of the United States; provided that this jurisdiction shall not extend of the territory of any other municipality.~~

~~(9th) To provide the city with a supply of water for public purposes and to sell the same to private individuals for profit, by waterworks to be within or beyond the boundaries of the city, and for that purpose to acquire, build, construct or lease or permit others to acquire, build, construct or lease waterworks and a water system, and to dig artesian wells. The city commission may contract with other municipalities or private individuals for the supply of water to be furnished the inhabitants and citizens of the City of Wilton Manors whose water plants or facilities for furnishing water may be outside the city limits. The city commission may also grant a license and privilege to any person, firm, corporation or municipality to use its streets, alleys, and ways for water mains, fire hydrants, and such other water distribution system as is necessary for the serving of the inhabitants and citizens of the city with water and fire protection.~~

~~(10th) To provide for the prevention and extinguishment of fires and to organize and establish fire departments. The city commission may contract with other fire departments, located beyond its limits, for its services in providing the inhabitants and citizens of the City of Wilton Manors with fire protection, and is authorized to pay a reasonable sum for the services of said fire department or departments.~~

~~(11th) To provide for the lighting of the city by electricity, gas or other illuminating material and to sell gas or electricity to others for profit, within or beyond the boundaries of the municipality.~~

~~(15th) To license, tax, and regulate carriages, wheelchairs, cars, vehicles, motors, omnibuses, wagons and drays, and to fix the rate to be charged for the carriage of persons and property within the city limits and to the public works and property without the city limits.~~

~~(37th) To prohibit the dumping of filth, garbage, shells, trash, refuse or other things in the waters of any body of water within the city limits, or any body of water adjacent to or adjoining the city limits.~~

~~(38th) To have and to exercise jurisdiction over the commission of all offenses against the public health, decency or morals within the said city and within one (1) mile of the corporate limits of said city.~~

The City of Wilton Manors shall have all powers granted a city under the Constitution and Laws of the State of Florida as fully and completely as though they were specifically enumerated in this Charter.

JUSTIFICATION:

The Board recognizes that this Article includes outdated language and recommends the Commission adopt this proposal to simplify the Charter's language and to broaden the Commission's authority to be consistent with the Florida Constitution, Statute, and Home Rule Authority. The city attorney has advised the Commission has the authority to enact this recommendation by ordinance.

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ORDINANCE NO. 2019-XXX

AN ORDINANCE OF THE CITY OF WILTON MANORS, FLORIDA, AMENDING ARTICLE II, ENTITLED “GENERAL MUNICIPAL POWERS,” AND IN PARTICULAR AMENDING SECTION 1 ENTITLED “ENUMERATION OF POWERS” OF THE CITY’S CHARTER; PROVIDING FOR THE GENERAL MUNICIPAL POWERS OF THE CITY; PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Wilton Manors, Florida (“City”) is a municipal corporation, duly organized and operating under the Constitution and the Laws of the State of Florida; and

WHEREAS, Article II, Section 1 of the City’s Charter enumerates the specific powers given to the City Commission; and

WHEREAS, the City’s Charter Review Board has recommended modifications to Article II, “General Municipal Powers,” and in particular has recommended the amendment of Section 1, “Enumeration of Powers” to provide for the powers of the City Commission; and

WHEREAS, the City Commission of the City of Wilton Manors, Florida deems it to be in the best interests of the citizens and residents of the City to amend the City Charter as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA:

1 **Section 1:** The foregoing “WHEREAS” clauses are hereby ratified as being
2 true and correct and are hereby made a specific part of this Ordinance upon adoption
3 hereof.

4 **Section 2:** Article II of the Charter of the City of Wilton Manors, entitled
5 “General Municipal Powers,” shall be amended by the specific amendment of Section 1
6 entitled “Enumeration of Powers,” as follows:

7 **Sec. 1. – Enumeration of powers.**

8 ~~The commission within the limitations of this Act shall have the power by~~
9 ~~ordinance:~~

10 ~~(4th) To make regulations to prevent the introduction and spread of~~
11 ~~infections and contagious disease into the city and to make quarantine~~
12 ~~laws for the purpose and to enforce the same within five (5) miles of the~~
13 ~~city limits when the same are not in conflict with the quarantine laws and~~
14 ~~regulations of the state or of the United States; provided that this~~
15 ~~jurisdiction shall not extend of the territory of any other municipality.~~

16 ~~(9th) To provide the city with a supply of water for public purposes and~~
17 ~~to sell the same to private individuals for profit, by waterworks to be~~
18 ~~within or beyond the boundaries of the city, and for that purpose to~~
19 ~~acquire, build, construct or lease or permit others to acquire, build,~~
20 ~~construct or lease waterworks and a water system, and to dig artesian~~
21 ~~wells. The city commission may contract with other municipalities or~~
22 ~~private individuals for the supply of water to be furnished the inhabitants~~
23 ~~and citizens of the City of Wilton Manors whose water plants or facilities~~
24 ~~for furnishing water may be outside the city limits. The city commission~~
25 ~~may also grant a license and privilege to any person, firm, corporation or~~
26 ~~municipality to use its streets, alleys, and ways for water mains, fire~~
27 ~~hydrants, and such other water distribution system as is necessary for the~~
28 ~~servng of the inhabitants and citizens of the city with water and fire~~
29 ~~protection.~~

30 ~~(10th) To provide for the prevention and extinguishment of fires and to~~
31 ~~organize and establish fire departments. The city commission may~~
32 ~~contract with other fire departments, located beyond its limits, for its~~
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~~services in providing the inhabitants and citizens of the City of Wilton Manors with fire protection, and is authorized to pay a reasonable sum for the services of said fire department or departments.~~

~~(11th) To provide for the lighting of the city by electricity, gas or other illuminating material and to sell gas or electricity to others for profit, within or beyond the boundaries of the municipality.~~

~~(15th) To license, tax, and regulate carriages, wheelchairs, cars, vehicles, motors, omnibuses, wagons and drays, and to fix the rate to be charged for the carriage of persons and property within the city limits and to the public works and property without the city limits.~~

~~(37th) To prohibit the dumping of filth, garbage, shells, trash, refuse or other things in the waters of any body of water within the city limits, or any body of water adjacent to or adjoining the city limits.~~

~~(38th) To have and to exercise jurisdiction over the commission of all offenses against the public health, decency or morals within the said city and within one (1) mile of the corporate limits of said city.~~

The City of Wilton Manors shall have all powers granted to a city under the Constitution and Laws of the State of Florida as fully and completely as though they were specifically enumerated in this Charter.

Section 3: Codification. It is the intention of the City Commission of the City of Wilton Manors, that the provisions of this Ordinance shall become and be made a part of the Charter of the City of Wilton Manors, Florida, and that Sections of this Ordinance may be renumbered, re-lettered and the word “Ordinance” may be changed to “Section,” “Article,” or such other word or phrase in order to accomplish such intention.

Section 4: Severability. If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or

1 invalid, such unconstitutional or invalid part shall be considered as eliminated and in no
2 way affecting the validity of the other provisions of this Ordinance.

3 **Section 5: Conflicts.** That all Ordinances or parts of Ordinances,
4 Resolutions, or parts of Resolutions in conflict herewith, be and the same are repealed
5 to the extent of such conflict.

6 **Section 6. Effective Date.** That this Ordinance shall take effect
7 immediately upon adoption.

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1 **PASSED ON FIRST READING BY THE CITY COMMISSION OF THE CITY OF**
2 **WILTON MANORS, FLORIDA, THIS _____ DAY OF _____, 2019.**

3
4 **PASSED AND ADOPTED ON SECOND AND FINAL READING BY THE CITY**
5 **COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA THIS _____**
6 **DAY OF _____, 2019.**

7
8
9 CITY OF WILTON MANORS, FLORIDA

10
11
12 By: _____
13 JUSTIN S. FLIPPEN, MAYOR

14
15
16 ATTEST:

RECORD OF COMMISSION VOTE: 1ST
Reading

17
18
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20 _____
21 FAITH LOMBARDO
22 CITY CLERK

MAYOR FLIPPEN _____
VICE MAYOR GREEN _____
COMMISSIONER CARSON _____
COMMISSIONER RESNICK _____
COMMISSIONER ROLLI _____

23
24
25 I HEREBY CERTIFY that I have
26 approved the form of this Ordinance.

27
28 _____
29 KERRY L. EZROL, ESQ.
30 CITY ATTORNEY

31
32 RECORD OF COMMISSION VOTE: 2ND
33 Reading

34
35 MAYOR FLIPPEN _____
36 VICE MAYOR GREEN _____
37 COMMISSIONER CARSON _____
38 COMMISSIONER RESNICK _____
39 COMMISSIONER ROLLI _____
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ORDINANCE 4 (formerly Proposal 7)

Recommendation for the City Commission to adopt an ordinance to amend Article IV "Elections", Section 2 entitled "Date of Election, Candidates Qualifying Fee and Acceptance of Candidacy," of the City Charter as follows:

"The name of any elector who must be a resident of the city shall be printed upon the ballot and become a candidate for any office after he has paid to the city clerk a qualifying fee in the amount of fifty dollars (\$50.00) and has filed with the city clerk his written acceptance of such candidacy, which acceptance shall state that if elected he will qualify and serve in such office during the term for which he is elected. It shall be the duty of the city clerk forthwith on the paying of said qualifying fee and filing of such acceptance to make and deliver to such candidate a written certificate acknowledging the receipt of said qualifying fee and such acceptance. The payment of said qualifying fee and filing of such acceptance must be done ~~no earlier than noon on the second day in January nor later than noon on the sixteenth day in January of the calendar year in which the election is to be held, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m.~~ at any time after noon of the 1st day for qualifying, which shall be the 71st day prior to the primary election in Broward County, but not later than noon of the 67th day prior to the date of the primary election in Broward County. If a candidate fails to comply with the provisions of this section, his name shall not appear on the ballot."

Justification:

In March 2006, Wilton Manors voters approved a referendum to move the City election from March to November, effective 2008. The Charter Review Board identified that Charter language relating to candidate qualification deadline was not consistent with the November election date. The city clerk has been correctly administering oversight consistent with Florida Law and Broward County Special Act (House Bill 1153), with a qualifying deadline in the month of June. This recommendation is necessary to ensure the City's Charter is consistent with the current November election date. The city attorney has advised that this amendment does not require a referendum and the Commission can amend the Charter by adoption of an ordinance.

ORDINANCE NO. 2019-XXX

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**AN ORDINANCE OF THE CITY OF WILTON
MANORS, FLORIDA, AMENDING ARTICLE IV,
ENTITLED “ELECTIONS,” AND IN PARTICULAR
AMENDING SECTION 2 ENTITLED “DATE OF
ELECTION; CANDIDATES QUALIFYING FEE
AND ACCEPTANCE OF CANDIDACY” OF THE
CITY’S CHARTER; PROVIDING FOR THE DATES
OF PAYMENT OF THE QUALIFYING FEE AND
THE DATE OF QUALIFYING FOR OFFICE;
PROVIDING FOR CODIFICATION, PROVIDING
FOR SEVERABILITY, PROVIDING FOR
CONFLICTS AND PROVIDING FOR AN
EFFECTIVE DATE.**

17 **WHEREAS**, the City of Wilton Manors, Florida (“City”) is a municipal
18 corporation, duly organized and operating under the Constitution and the Laws of the
19 State of Florida; and

20 **WHEREAS**, Chapter 166, Florida Statutes, as amended, provides for a
21 methodology of Charter amendments supplementary to and not in conflict with the
22 Charter of the City, Florida; and

23 **WHEREAS**, chapter 2012-253, Laws of Florida, provides that for
24 municipalities holding elections in November, candidates for office in such elections
25 must file the required paperwork and pay the qualifying fee pursuant to the same
26 timeframes as candidates who qualify for county offices as provided in section
27 99.061(2), Florida Statutes; and

28 **WHEREAS**, the City’s Charter Review Board has recommended modifications
29 to Article IV, “Elections,” and in particular has recommended the amendment of

1 Section 2, “Date of Election; Candidates Qualifying Fee and Acceptance of Candidacy”
2 to provide for the date of payment of the qualifying fee and the date of qualifying for
3 office to be consistent with State law; and

4 **WHEREAS**, the City Commission of the City of Wilton Manors, Florida deems
5 it to be in the best interests of the citizens and residents of the City to amend the City
6 Charter as set forth herein.

7 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION**
8 **OF THE CITY OF WILTON MANORS, FLORIDA:**

9
10 **Section 1:** The foregoing “WHEREAS” clauses are hereby ratified as being
11 true and correct and are hereby made a specific part of this Ordinance upon adoption
12 hereof.

13 **Section 2:** Article IV of the Charter of the City of Wilton Manors, entitled
14 “Elections,” shall be amended by the specific amendment of Section 2 entitled “Date of
15 Election; Candidates Qualifying Fee and Acceptance of Candidacy,” as follows:

16 **Sec. 2. – Date of election; candidates qualifying fee and acceptance of**
17 **candidacy.**

- 18 (a) All general elections relating to a municipal office in the City of
19 Wilton Manors shall be held on the first Tuesday after the first
20 Monday in November of every even numbered calendar year, in
21 accordance with State of Florida Law.
22
- 23 (b) The name of any elector who must be a resident of the city shall
24 be printed upon the ballot and become a candidate for any office
25 after he has paid to the city clerk a qualifying fee in the amount
26 of fifty dollars (\$50.00) and has filed with the city clerk his
27 written acceptance of such candidacy, which acceptance shall
28 state that if elected he will qualify and serve in such office during
29 the term for which he is elected. It shall be the duty of the city

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clerk forthwith on the paying of said qualifying fee and filing of such acceptance to make and deliver to such candidate a written certificate acknowledging the receipt of said qualifying fee and such acceptance. The payment of said qualifying fee and filing of such acceptance must be done ~~no earlier than noon on the second day in January nor later than noon on the sixteenth day in January of the calendar year in which the election is to be held, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. at any time after noon of the 1st day for qualifying, which shall be the 71st day prior to the primary election in Broward County, but not later than noon of the 67th day prior to the date of the primary election in Broward County.~~ If a candidate fails to comply with the provisions of this section, his name shall not appear on the ballot.

(c) A duly elected municipal officer shall take office within fourteen (14) days after the general election with the specific day to be decided by city ordinance.

Section 3: Codification. It is the intention of the City Commission of the City of Wilton Manors, that the provisions of this Ordinance shall become and be made a part of the Charter of the City of Wilton Manors, Florida, and that Sections of this Ordinance may be renumbered, re-lettered and the word “Ordinance” may be changed to “Section,” “Article,” or such other word or phrase in order to accomplish such intention.

Section 4: Severability. If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

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Section 5: Conflicts. That all Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

Section 6. Effective Date. That this Ordinance shall take effect immediately upon adoption.

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PASSED ON FIRST READING BY THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA, THIS ____ DAY OF _____, 2019.

PASSED AND ADOPTED ON SECOND AND FINAL READING BY THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA THIS ____ DAY OF _____, 2019.

CITY OF WILTON MANORS, FLORIDA

By: _____
JUSTIN S. FLIPPEN, MAYOR

ATTEST:

RECORD OF COMMISSION VOTE: 1ST
Reading

FAITH LOMBARDO
CITY CLERK

MAYOR FLIPPEN _____
VICE MAYOR GREEN _____
COMMISSIONER CARSON _____
COMMISSIONER RESNICK _____
COMMISSIONER ROLLI _____

I HEREBY CERTIFY that I have
approved the form of this Ordinance.

KERRY L. EZROL, ESQ.
CITY ATTORNEY

RECORD OF COMMISSION VOTE: 2ND
Reading

MAYOR FLIPPEN _____
VICE MAYOR GREEN _____
COMMISSIONER CARSON _____
COMMISSIONER RESNICK _____
COMMISSIONER ROLLI _____

RESOLUTION 1 (formerly Proposal 9)

1. Limit participation by phone for City Commission meetings;
2. Postpone action on new business items that were not publicly advertised and added under "Additions/Changes/Deletions", except when permissible by Florida Statute; and
3. Provide for an additional period of public comment for up to two (2) minutes at the end of each Commission agenda.

JUSTIFICATION:

1. The Board recognizes that the participation by phone of a Commissioner and Mayor at meetings can be disruptive and unproductive. The Commission has the authority to adopt rules for its meetings and govern phone participation. Some city's ban the practice of participation by phone for Commission meetings.
2. The Board believes that matters not publicly advertised, unless consistent with Florida Statute, should not be voted on when added to a Commission meeting, especially when the item has a negative fiscal impact on the City.
3. Often there have been agenda items where either insufficient agenda back-up materials are provided to the public, or an item is discussed where the public may have information that could be important to the business of the Commission. The Board incorporated a second opportunity for the public to speak at its meetings and found this did not create any extra burden. Few individuals from the public remain until the end of Commission meetings, and the Board does not feel this would create any extra burden for the Commission for conduct its business.

The city attorney has advised the Commission has the authority to enact this recommendation by resolution.

V. ITEMS CONSIDERED, BUT NO ACTION RECOMMENDED

Designation of Commission Seats – the Board discussed a proposal to designate specific at-large seats for commissioner candidates. The proposal was intended to promote an alternative selection process in the City, however, the Board reversed its decision to send this proposal to the Commission for consideration.

Revisit Charter Amendment – the Board engaged in dialogue to potentially revisit a 2011 referendum in which voters approved for the City to opt-out of the County's Ethics Ordinance. The Board recognized the divisiveness of the referendum and that the 2018 Florida Constitutional Revision Commission amendment relating to lobbying and public officials would impose a prohibition on lobbying which addressed members concerns.

Succession Plan in the Event of an Extraordinary Vacancies – the Board discussed the possibility of recommending a succession plan in the event 3 more members of the City Commission were no longer able to serve as a result of death, forfeiture, removal, etc., and the Commission was unable to achieve a quorum to conduct business. There were concerns that any given Florida governor would not necessarily share the same values as Wilton Manors residents. In these circumstances, the Florida Constitution provides the governor the appoint replacements to fill the vacancies, however, the governor is not compelled to take any action.

Notice for Special Meetings (not emergency meetings) – the Charter currently states that 24 hours' notice is required for special meetings of the City Commission, however, the Broward County Charter requires the County and all Broward municipalities to provide 48 hours' notice for special meetings. While the City is subject to the County's requirement, the Board did not make a recommendation to update the City's Charter.

Appointments to Boards, Committees, and Commissions – the Board decided to not move forward with a discussion on appointment to Board, Committees, and Commissions similar to that of the Charter Review Board.

APPENDIX A. ORDINANCE 2019-002 – CHARTER REVIEW BOARD

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1 B. The Charter Review Board shall consist of five (5) members.

2
3 C. Members of the Charter Review Board shall serve without
4 compensation.

5
6 D. Each member of the City Commission shall have the right to appoint one
7 member to the Charter Review Board. The appointment of all members to the
8 Charter Review Board shall be memorialized by a Resolution of the City
9 Commission.

10
11 E. Each member of the Charter Review Board shall have resided within the
12 City for a period of not less than one hundred eighty (180) days immediately prior
13 to their appointment.

14
15 F. The term of each member of the Charter Review Board shall expire the
16 day after the general election held after the first Monday in November after the
17 year in which said members were appointed, or as otherwise provided for in the
18 Resolution of the City Commission appointing the members to the Charter Review
19 Board. Any vacancy shall be filled by the City Commission in the same manner as
20 the original appointment was made, for the remainder of the member's unexpired
21 term.

22
23 G. All members of the Charter Review Board shall be electors of the City.

24
25 H. Current Florida Legislators, current members of the City Commission,
26 current members of the Broward County Commission, current Constitutional
27 Officers, the current City Manager, current City Employees, current Vendors of the
28 City, and Lobbyists registered in the City may not serve on the Charter Review
29 Board.

30
31 I. The City shall maintain copies of all written, recorded, and electronic
32 records of the Charter Review Board in conformance with the laws of the State of
33 Florida, as may be amended.

34
35 J. All Charter Review Board meetings shall be open to the public and shall
36 be in compliance with section 286.011, Florida Statutes, as amended.

37
38 K. The latest edition of Robert's Rules of Order shall, in general, serve as
39 governing rules of parliamentary procedure for the Charter Review Board. These
40 rules of procedure may be suspended when appropriate as determined by a majority
41 of the Charter Review Board.

42
43 L. In the event a member of the Charter Review Board no longer resides in
44 the City, or is no longer an elector of the City, the member does thereby

1 automatically resign the member's position on the Board, and the member's seat
2 shall be filled by the City Commission, in the same manner as the original
3 appointment was made, for the remainder of the member's unexpired term.
4

5 **Sec. 2-177.- Powers and Duties of the Charter Review Board.**
6

7 A. The Charter Review Board shall meet on a periodic basis, as needed, to
8 identify and address issues of concern to the City relevant to its Charter. The
9 Charter Review Board shall study the existing City Charter with the view to
10 improve the Charter to provide for the preservation of the general health, welfare
11 and safety of the inhabitants of the City, and to make recommendations to the City
12 Commission for changes, additions or deletions to the Charter. The Charter Review
13 Board shall act only in an advisory capacity to the City Commission.
14

15 B. A quorum of the Charter Review Board shall consist of a majority of the
16 members physically present in person. No action shall be taken by the Charter
17 Review Board in the absence of a quorum. Other members of the Charter Review
18 Board may attend by video or telephone conference, but they shall not count
19 towards a quorum.
20

21 C. In exercising its powers, the Charter Review Board shall perform the
22 following:
23

24 (1) Elect a Chair, Vice-Chair and other officers as may deemed
25 necessary who shall serve at the pleasure of the Board; and

26 (2) Adopt such internal procedures and rules as may be necessary to
27 carry out its duties.
28

29 D. The Charter Review Board shall hold a minimum of two (2) public
30 hearings. A Charter amendment or revision shall not be submitted by the Charter
31 Review Board to the City Commission unless approved by a vote of at least three
32 (3) members of the Charter Review Board.
33

34 E. The Charter Review Board must submit to the City Commission any
35 proposed Charter amendments and/or revisions with associated ballot language no
36 later than the date set forth in the Resolution appointing the members to the Charter
37 Review Board. The City Commission anticipates that the submission to the City
38 Commission by the first Charter Review Board appointed hereunder shall be no
39 later than March 1, 2020.
40

41 F. The City Commission shall place the Charter Review Board's proposed
42 amendments and/or revisions with the associated ballot language approved by the

1 Charter Review Board on the general election ballot at the next general election,
2 unless rejected or modified by a majority of the City Commission.

3
4 **Sec. 2-178. - Expense Fund and Staffing.**

5
6 The City Commission shall provide sufficient funds in the annual budget for
7 each fiscal year that the Charter Review Board is in existence for the reasonable and
8 necessary expenses to be incurred by the Charter Review Board in performance of its
9 duties and functions. The City Manager shall provide such administrative staff and
10 clerical personnel as may be necessary to assist the Charter Review Board in the proper
11 performance of its duties and functions.

12
13 **Sec. 2-179. - Absence from meetings.**

14
15 Any member of the Charter Review Board who is not present at a meeting shall
16 be required to have recorded in the minutes of the next meeting the reason for absence.
17 Any member whose absences are unexcused for at least twenty-five (25) percent of the
18 meetings for a twelve-month period or for three (3) consecutive meetings, whichever
19 occurs first, does thereby automatically resign the member's position on the board and
20 the member's seat shall be filled by appointment of the city commission. After
21 providing advance notification, the absence of any member shall be deemed excused
22 under the following circumstances:

23
24 (1) When the member is performing an authorized alternative activity relating to
25 outside board business that directly conflicts with the meeting;

26
27 (2) The death of a member's immediate family member, defined as a spouse,
28 father, mother, brother, sister, stepparent, one who has stood in the place of a
29 parent (in loco parentis), child, or stepchild of a member;

30
31 (3) The death of a member's domestic partner, or domestic partner's father,
32 mother, brother, sister, stepparent, one who has stood in the place of a parent (in
33 loco parentis) of a domestic partner, child, or stepchild of a domestic partner;

34
35 (4) The member's hospitalization;

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37 (5) When the member is summoned to jury duty;

38
39 (6) When the member is issued a subpoena by a court of competent jurisdiction;
40 or

41
42 (7) When the member is observing a religious holiday.

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44 **Secs. 2-180—2-184. - Reserved.**

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SECTION 2. Conflicts. All Ordinances or parts of Ordinances, Resolutions or part of Resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

SECTION 3. Severability. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

SECTION 4. Codification. It is the intention of the City Commission of the City of Wilton Manors that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Wilton Manors, Florida, that the Sections of this ordinance may be renumbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

SECTION 5. Effective Date. This ordinance shall take effect on adoption.

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1 PASSED ON FIRST READING BY THE CITY COMMISSION OF THE CITY
2 OF WILTON MANORS, FLORIDA, THIS 12th DAY OF February,
3 2019.

4
5 PASSED AND ADOPTED ON SECOND AND FINAL READING BY THE CITY
6 COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA THIS 26th
7 DAY OF February, 2019.

8
9 CITY OF WILTON MANORS, FLORIDA

10
11
12 By: Justin S. Flippen
13 JUSTIN S. FLIPPEN, MAYOR
14
15

16 ATTEST:

17
18 Faith Lombardo
19
20 FAITH LOMBARDO
21
22 CITY CLERK
23

RECORD OF COMMISSION VOTE: 1ST
Reading

MAYOR FLIPPEN Aye
VICE MAYOR GREEN Absent
COMMISSIONER CARSON Aye
COMMISSIONER RESNICK Aye
COMMISSIONER ROLLI Aye

24
25 I HEREBY CERTIFY that I have
26 approved the form of this Ordinance.

27
28 Kerry L. Ezrol
29 KERRY L. EZROL, ESQ.
30 CITY ATTORNEY
31
32

33
34 RECORD OF COMMISSION VOTE: 2ND
35 Reading

36
37 MAYOR FLIPPEN Aye
38 VICE MAYOR GREEN Aye
39 COMMISSIONER CARSON Aye
40 COMMISSIONER RESNICK Aye
41 COMMISSIONER ROLLI Aye
42

**APPENDIX B. CITY ATTORNEY'S MEMORANDUM ON CHARTER
AMENDMENT PROCESS**

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**OFFICE OF THE CITY ATTORNEY
CITY OF WILTON MANORS, FLORIDA**

MEMORANDUM

TO: Michael Rajner, Chair
Members of the Charter Review Board

CC: Leigh Ann Henderson, City Manager
Pamela Landi, Assistant City Manager
Faith Lombardo, City Clerk
Patricia Staples, Deputy City Clerk
Michael D. Cirullo, Jr., Assistant City Attorney

FROM: Kerry L. Ezrol, City Attorney *KLE*

DATE: June 7, 2019

RE: City of Wilton Manors (“City”)/City Charter

This shall serve to provide some guidance about the Charter amendment process.

“Article VIII, section 2(a), Florida Constitution, provides that municipal charters may be amended pursuant to general or special law. The Florida Legislature, with the 1973 adoption of the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, granted municipalities broad home rule powers. In order to implement such a grant, section 166.021(4) and (5), Florida Statutes, repealed or converted into ordinances many of the provisions of municipal charters in existence at that time. Section 166.021(4), Florida Statutes, however, provides that nothing in Chapter 166, Florida Statutes, is to be construed as permitting any changes in a special law or municipal charter that affect:

‘the exercise of extraterritorial powers or which affect an area which includes lands within and without a municipality or any changes in a special law or municipal charter which affect the creation or existence of a municipality, the terms of elected officers and the manner of their election except for the selection of election dates and qualifying periods for candidates and for changes in terms of office necessitated by such changes in election dates, the distribution of powers among elected officers, matters prescribed by the charter relating to appointive boards, any change in the form of government, or any rights of municipal employees, without approval by referendum of the electors as provided in s. 166.031.’

Thus, municipal charter provisions adopted prior to 1973 that do not affect the above enumerated areas were either repealed or converted into ordinances and are subject to modification or repeal as are other ordinances.

Charters or charter provisions adopted or readopted subsequent to the adoption of the Municipal Home Rule Powers Act in 1973, however, may only be amended as provided in section 166.031, Florida Statutes. That section provides in subsection (1):

‘The governing body of a municipality may, by ordinance, or the electors of a municipality may, by petition signed by 10 percent of the registered electors as of the last preceding municipal general election, submit to the electors of said municipality a proposed amendment to its charter, which amendment may be to any part or to all of said charter except that part describing the boundaries of such municipality. The governing body of the municipality shall place the proposed amendment contained in the ordinance or petition to a vote of the electors at the next general election held within the municipality or at a special election called for such purpose.’

If the proposed amendment receives the favorable vote of a majority of the municipal electors voting in the referendum, the governing body is required to incorporate the amendment into the charter and file a copy of the revised charter with the Department of State, at which time the revised charter shall become effective.

As a general principle, concurrent legislation enacted by a municipality may not conflict with state law; if such conflict arises, state law will prevail. Moreover, a municipality cannot forbid that which the Legislature has authorized or required, nor may it authorize that which the Legislature has forbidden.

Section 166.031, Florida Statutes, sets forth the procedures to be observed in amending municipal charters, including a requirement that a proposed amendment shall be subject to approval by referendum of the voters. Thus, this office has previously stated that a municipal charter provision adopted or readopted after the creation of the Municipal Home Rule Powers Act in 1973 must be amended in accordance with section 166.031, Florida Statutes. For example, in Attorney General Opinion 75-223 this office specifically advised the City of Tamarac that its charter, readopted after 1973, could not be amended except as provided in section 166.031. Similarly, in Attorney General Opinion 79-80 this office stated that the Lake Wales City Commission could not unilaterally amend its municipal charter but could only propose an amendment that would be submitted to the municipal electors for their approval at a referendum held for that purpose. More recently, in Attorney General Opinion 97-53 this office concluded that a city commission could not delegate its canvassing board duties to a consolidated municipal canvassing board, absent an existing charter provision authorizing such a transfer or an amendment to the city's charter approved in a referendum by the city's electorate.

Moreover, this office has consistently stated that the charter amendment provisions in section 166.031, Florida Statutes, prevail over conflicting provisions in a municipal charter. Section 166.031(3), Florida Statutes, itself provides that a municipality may amend its charter as described above, even if the charter itself provides otherwise.

While the Legislature has enacted certain exceptions to the referendum requirements of section 166.031, Florida Statutes, nothing in the act provides a general exception to the referendum requirement for any charter amendment except those enumerated in section 166.021(4), Florida Statutes. As noted above, section 166.021(4) sought to ensure that the amendment of pre-home rule charters, which were otherwise repealed or converted into ordinances by the home rule powers act, would be required to comply with the new procedures for amending a charter set forth in section 166.031 for those areas enumerated.”

Florida Attorney General Opinion, 2003-36.

Since 1973, the following provisions of the Wilton Manors Charter have been readopted by Referendum:

1. In 1984, per Resolution 953:
 - a. Article IIIA, Sections 1 through 22;
 - b. Article IIIB, Sections 1 through 4;
 - c. Article IV, Sections 1 through 7;
 - d. Article IX, Section 2;
 - e. Article X, Section 2;
 - f. Article XII, Sections 1 through 6; and
 - g. Article XIV, Sections 3, 4, 8, 10 and 13.
2. 1984, per Resolution 1035:
 - a. Prop 2 – People’s Proposal – Article III – Council Manager Form of Government
3. In 1988, per Ordinance 659:
 - a. Article IIIA, Section 4.
4. In 2001, per Ordinance 828:
 - a. Article IIIA, Section 9(d)
5. In 2003, per Ordinance 848:
 - a. Article IIIA, Section 1
6. In 2004, per Ordinance 853:
 - a. Article IIIA, Section 4

7. In 2004, per Ordinance 854:
 - a. Article IIIA, Sections 2 and 3
8. In 2004, per Ordinance 856:
 - a. Article IIIA, Section 2
9. In 2004, per Ordinance 857:
 - a. Article IIIA, Section 15(d)
10. In 2004, per Ordinance 859:
 - a. Article IIIA, Section 15(e)
11. In 2010, per Ordinance 959:
 - a. Article IIIA, Section 9
12. In 2011, per Ordinance 990:
 - a. Article IIIA, Section 4
13. In 2011, per Ordinance 991:
 - a. Article IIIA, Section 11
14. In 2011, per Ordinance 992:
 - a. Article IIIA, Section 23

I respectfully suggest that you focus on the provisions of the Charter and make your recommendation to the City Commission without regard to whether the amendment may be done by Ordinance or Referendum.

APPENDIX C. CURRENT CITY CHARTER (WITH GENDER NEUTRAL MARK-UP)

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PART I - CHARTER^[1]

Footnotes:

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Editor's note— The City of Wilton Manors was originally created as a municipality under Chapter 165, Florida Statutes, and named the Village of Wilton Manors. The municipality was abolished by Laws of Fla., 1953, Ch. 29609, which established the present municipality, designated it the City of Wilton Manors and enacted the Charter which is printed herein as Part I. The original format of the Charter as enacted remains intact with the retention of the original section numbers. All amendments to the Charter are reflected by the history notes following the text of the various sections. In the absence of any such notes the provision is as originally enacted. In many instances corrections of obvious misspelled words and typographical errors have been made without notation. The catchlines of the various sections have been either added or enlarged to indicate the full content of the sections. Style and capitalization have been made uniform. Words added for clarification have been added in brackets [].

Charter reference— Ord. No. 848, adopted 10-14-03 provided for redesignation of "city council" to "city commission" and "city councilmen" to "city commissioner".

ARTICLE I. - INCORPORATION, BOUNDARIES AND GENERAL PROVISIONS

Sec. 1. - Incorporation; boundaries.

The Municipal Corporation known as the Village of Wilton Manors, Broward County, Florida, is hereby abolished and the Municipal Corporation to be known as the City of Wilton Manors is hereby created and established, and the territorial limits of the city hereby established shall be as follows:

BEGINNING at the center of the confluence of the North Fork of Middle River and the South Fork of Middle River in Section 25, Township 49 South, Range 42 East, Broward County, Florida; thence run westerly along the thread of the said South Fork of Middle River through Sections 25, 26, 35, 34, 27, and 28, of said Township 49 South, Range 42 East, to a point of intersection with the North line of said Section 28; thence run easterly along the North line of said Sections 28 and 27 to a point of intersection with the East line of River Ranches Subdivision, as recorded in Plat Book 30, at Page 17, Public Records of Broward County, Florida; thence run southerly along the East line of said River Ranches Subdivision to a point of intersection with the thread of the North Fork of Middle River; thence run easterly along the thread of said North Fork of Middle River through Sections 27, 26, and 25, to the point of beginning;

ALSO

All of the Resubdivision of River Terrace, according to the plat thereof recorded in Plat Book 36, Page 45, of the Public Records of Broward County, Florida.

EXCEPTING THEREFROM

Lots 1 through 10, inclusive; Lot 10A; Lots 11 through 22, inclusive; and Lots 1A through 5A, inclusive; all as shown by plat of Lazy Lake, as recorded in Plat Book 22, at Page 35, Public Records of Broward County, Florida.

(Laws of Fla., Ch. 61-3001, § 1)

Sec. 1.1. - Extension of boundaries.

The present corporate limits of the City of Wilton Manors be, and the same are, hereby extended and enlarged so as to include and so that said city shall embrace and have jurisdiction over, in addition to the territory now within its corporate limits, the following described land:

A parcel of land in Section 26, Township 49 South, Range 42 East, Broward County, Florida, more particularly known as a portion of N.E. 6th Avenue described and bounded as follows: On the North by a line parallel to and 20 feet South of the North boundary line of said Section 26; on the South by the North Fork of Middle River; on the West by the West boundary line of said Section 26; on the East by the East Right-of-Way line of N.E. 6th Avenue as same is now located, constructed and used; said lands situate, lying and being in Broward County, Florida.

That the said city shall have all of the jurisdiction, powers, authority, franchise and privileges over and within the territory described above and over the property located therein as if such land had been part of and within the corporate limits of the city as of the time of the adoption or enactment of such jurisdiction, powers, authority, franchises and privileges.

(Laws of Fla., Ch. 65-1978, § 3)

Editor's note— Laws of Fla., Ch. 65-1978, § 3, amended the Charter to effectuate the boundary changes set out above and designated as section 1.1 at the discretion of the editors.

Sec. 1.2. - Exclusion of land from corporate limits.

The land hereinafter described be, and the same is, hereby excluded from the corporate limits of the City of Wilton Manors, and the jurisdiction of the city over said property is hereby abolished.

A portion of Section 27, Township 49 South, Range 42 East, Broward County, Florida, more particularly known as a portion of Oakland Park Boulevard, described as follows: Begin at the Northeast corner of said Section 27; thence West along the North boundary line of said Section 27, a distance of 901.13 feet to a Point; thence Southeasterly along the arc of a circular curve to the right which radius is 2164.14 feet, delta of 5 degrees, 30 minutes and 36 seconds, an arc distance of 208.12 feet to a point of Reverse Curve; thence along the arc of a circular curve to the left which radius is 2164.14, delta of 5 degrees, 30 minutes and 36 seconds, an arc distance of 208.12 feet to a Point; thence East on a line parallel to and 20 feet South of the North boundary of said Section 27 to a point in the Easterly boundary line of said Section 27; thence North along the East boundary line of said Section 27 to the Northeast corner of said Section 27, a distance of 20 feet to the Point of Beginning; said lands situate, lying and being in Broward County, Florida.

(Laws of Fla., Ch. 65-1978, § 4)

Editor's note— Laws of Fla., Ch. 65-1978, § 4, amended the Charter to effectuate boundary changes set out above and designated as section 1.2 at the discretion of the editors.

Sec. 2. - Property rights and liabilities transferred and validated.

All right, title, interest and ownership of and to any and all property, real, personal and mixed, uncollected taxes held, owned and standing in the name of the municipality hereby abolished and all dues, claims, judgments, decrees and choses in action held or owned by the municipality hereby abolished and all defenses, set-offs and counterclaims now existing in favor of the municipality hereby abolished, shall pass to and be vested in the municipality hereby established; and all taxes levied and made by the municipality hereby abolished are hereby ratified, confirmed and validated.

Sec. 3. - Dedicated streets[,] alleys and parks; express and implied; acceptance by city.

All dedications of public streets, alleys, ways and parks whether such dedications are express or implied, all as shown on plats now on record in the office of the clerk of the Circuit Court of Dade County, Florida, and in the office of the clerk of the Circuit Court of Broward County, Florida, effecting or describing lands within the municipality, are each and every one of them accepted by the city hereby formed.

Sec. 4. - Indebtedness, contractual liability and bond issues validated.

All validated and enforceable indebtedness, obligations, and contracts of the municipality hereby abolished, including all bonds issued and outstanding, shall remain valid and enforceable notwithstanding the passage of this Act, and such indebtedness, obligations and contracts shall be imposed upon the new municipality which is hereby organized and created.

Sec. 5. - Continuance of present officers.

All officers heretofore elected or appointed and holding office under the municipality hereby abolished, shall continue to hold their respective offices and to discharge the duties thereof, until officers shall be duly elected or appointed and shall have qualified, as hereafter provided for under this Act.

Sec. 6. - Validation of existing ordinances.

All existing ordinances of the municipality hereby abolished, not in conflict with the provisions of this Act, shall remain in effect and unimpaired, amended or modified by the new municipality, which is hereby organized and created.

Sec. 7. - Perpetual succession of municipality; common seal.

The municipality hereby established shall be and continue to be a body politic and corporate, and as such, shall have perpetual succession and may sue, be sued and defend, Plead and implead, in all courts and places and may have and use a common seal and alter the same at pleasure.

ARTICLE II. - GENERAL MUNICIPAL POWERS

Sec. 1. - Enumeration of powers.

The commission within the limitations of this Act shall have the power by ordinance:

(1st) [Editorially deleted.]

(Laws of Fla., Ch. 57-1955, § 1)

(2nd) [Editorially deleted.]

(3rd) [Editorially deleted.]

(4th) To make regulations to prevent the introduction and spread of infections and contagious disease into the city and to make quarantine laws for the purpose and to enforce the same within five (5) miles of the city limits when the same are not in conflict with the quarantine laws and regulations of the state or of the United States; provided that this jurisdiction shall not extend over the territory of any other municipality.

(5th) [Editorially deleted.]

(6th) [Editorially deleted.]

(7th) [Editorially deleted.]

(8th) [Editorially deleted.]

(9th) To provide the city with a supply of water for public purposes and to sell the same to private individuals for profit, by waterworks to be within or beyond the boundaries of the city, and for that purpose to acquire, build, construct or lease or permit others to acquire, build, construct or lease waterworks and a water system, and to dig artesian wells. The city commission may contract with other municipalities or private individuals for the supply of water to be furnished the inhabitants and citizens of the City of Wilton Manors whose water plants or facilities for furnishing water may be outside the city limits. The city commission may also grant a license and privilege to any person, firm, corporation or municipality to use its streets, alleys, and ways for water mains, fire hydrants, and such other water distribution system as is necessary for the serving of the inhabitants and citizens of the city with water and fire protection.

(10th) To provide for the prevention and extinguishment of fires and to organize and establish fire departments. The city commission may contract with other fire departments, located beyond its limits, for its services in providing the inhabitants and citizens of the City of Wilton Manors with fire protection, and is authorized to pay a reasonable sum for the services of said fire department or departments.

(11th) To provide for the lighting of the city by electricity, gas or other illuminating material and to sell gas or electricity to others for profit, within or beyond the boundaries of the municipality.

(12th) [Editorially deleted.]

(13th) [Editorially deleted.]

(14th) [Editorially deleted.]

(Laws of Fla., Ch. 57-1955, § 2)

(15th) To license, tax, and regulate carriages, wheelchairs, cars, vehicles, motors, omnibuses, wagons and drays, and to fix the rate to be charged for the carriage of persons and property within the city limits and to the public works and property without the city limits.

(16th) [Editorially deleted.]

(Laws of Fla., Ch. 57-1955, § 3)

(17th) [Editorially deleted.]

(18th) [Editorially deleted.]

(19th) [Editorially deleted.]

(20th) [Editorially deleted.]

(21st) [Editorially deleted.]

(22nd) [Editorially deleted.]

(23rd) [Editorially deleted.]

(24th) [Editorially deleted.]

(25th) [Editorially deleted.]

(26th) [Editorially deleted.]

(27th) [Editorially deleted.]

(28th) [Editorially deleted.]

(29th) [Editorially deleted.]

(30th) [Editorially deleted.]

(31st) [Editorially deleted.]

(Laws of Fla., Ch. 57-1955, § 4)

(32nd) [Editorially deleted.]

(33rd) [Editorially deleted.]

(34th) [Editorially deleted.]

(35th) [Editorially deleted.]

(36th) [Editorially deleted.]

(37th) To prohibit the dumping of filth, dirt, garbage, shells, trash, refuse or other things in the waters of any body of water within the city limits, or any body of water adjacent to or adjoining the city limits.

(38th) [Editorially deleted.]

(39th) To have and to exercise jurisdiction over the commission of all offenses against the public health, decency or morals within the said city and within one (1) mile of the corporate limits of said city.

(40th) [Editorially deleted.]

(41st) [Editorially deleted.]

(42nd) [Editorially deleted.]

(43rd) [Editorially deleted.]

(44th) [Editorially deleted.]

(45th) [Editorially deleted.]

(46th) [Editorially deleted.]

(Ord. No. 848, 10-14-03)

Editor's note— This section has been editorially amended to delete all powers except extraterritorial powers as home rule powers of municipalities are derived from the state constitution and F.S. Ch. 166.

ARTICLE IIIA. - LEGISLATIVE^[2]

Footnotes:

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Editor's note— Res. No. 1035, passed by referendum Nov. 6, 1984, has been codified as superceding Art. III, §§ 1—20, pertaining to city government, to read as herein set out in Art. IIIA and Art. IIIB. See the Charter Comparative Table.

Sec. 1. - City commission; powers; composition.

There shall be a city commission with all legislative powers of the city vested therein consisting of four (4) members elected at-large by the qualified voters of the city, plus the mayor elected as hereinafter set forth.

(Res. No. 1035, 11-6-84; Ord. No. 848, § 2, 10-14-03)

Sec. 2. - Elections and terms.

Commissioners shall be electors of the City. Commencing in 2008, the regular election of city commissioner shall be held on the first Tuesday after the first Monday in November of every even numbered calendar year, in accordance with State of Florida Law. The city commission has, by ordinance, and pursuant to State law, changed the date of the regular election in any even numbered calendar year from March to November. However, the change in election date will not be effective until at least eighteen (18) months after approval of the ordinance. Two (2) city commissioners shall be elected during one (1) election year and two (2) city commissioners shall be elected during the following election year for four-year terms. A commission candidate shall be domiciled in the city for six (6) months prior to qualifying for office.

(Res. No. 1035, 11-6-84; Ord. No. 854, § 2, 6-8-04; Ord. No. 856, § 2, 6-13-04; Ord. No. 905, § 2, 8-22-06)

State Law reference— Uniform election dates in Broward County, Laws of Fla., Chs. 75-575, 76-336, 77-507, 81-349.

Sec. 3. - Mayor.

The mayor shall be an elector of the city elected to a two-year term by the electors of the city. At the first city commission meeting after each regular city election, the city commission shall elect one (1) of its members as vice mayor. The mayor shall be a member of the city commission, shall preside at meetings of the city commission and shall vote, shall be recognized as head of the city government for all ceremonial purposes, by the governor for purposes of military law, for service of process, execution of contracts, deeds and other documents and as the city official designated to represent the city in all agreements with other governmental entities or certifications to other governmental entities; but shall have no administrative duties except as required to carry out the responsibilities herein. The vice mayor shall act as mayor during the absence or disability of the mayor. A mayoral candidate shall be domiciled in the city for six (6) months prior to qualifying for office.

(Res. No. 1035, 11-6-84; Ord. No. 854, § 5, 6-8-04)

Sec. 4. - Compensation of city commission.

- (1) The positions of mayor and city commissioner shall be part-time positions, and the individuals serving in such positions shall be permitted to engage in outside/concurrent employment consistent with Chapter 112, F.S., 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.
- (2) The mayor and members of the city commission shall receive compensation in an amount to be established by ordinance. The mayor and city commission shall further receive their actual and necessary expenses incurred in the performance of their duties of office as provided by law.

(Res. No. 1035, 11-6-84; Res. No. 2139, § 2, 7-28-98; Ord. No. 853, § 2, 6-8-04; Ord. No. 990, § 2, 11-8-11)

Sec. 5. - Vacancies; forfeiture of office; filling of vacancies.

- (a) *Vacancies.* The office of mayor or city commission shall become vacant upon ~~his/her~~their death, resignation, removal from office in any manner authorized by law or forfeiture of ~~his-her~~their office, such forfeiture to be declared by the remaining members of the city commission.
- (b) *Forfeiture of office.* A mayor or city commissioner shall forfeit ~~his-her~~their office if ~~he/she~~they: (1) lacks at any time during ~~his/her~~their term of office any qualification for the office prescribed by this Charter or by law, or (2) violates any standard of conduct or code of ethics established by law for public officials, such violation to be determined by remaining members of the city commission.
- (c) *Filling of vacancies.* A vacancy in the office of the mayor or on the city commission shall be filled in one (1) of the following ways:
 - (1) If there is less than six (6) months remaining in the unexpired term or if there is less than six (6) months before the next regular city election, the commission by a majority vote of the remaining members shall choose a successor to serve until the newly elected mayor or city commission is qualified. If two (2) years remain in the term of the vacated seat at the time of the next regular election, that seat shall be filled by election for the remaining two (2) years;
 - (2) If there is more than six (6) months remaining in the unexpired term and no regular city election is scheduled within six (6) months, the city commission shall fill the vacancy on an interim basis as provided in subsection (1), and shall schedule a special election to be held not sooner than sixty (60) days, nor more than ninety (90) days, following the occurrence of the vacancy.

Notwithstanding any quorum requirements established herein, if at any time the membership of the mayor/city commission is reduced to less than a quorum, the remaining members may, by majority vote, appoint additional members under either (1) or (2) above.

- (d) *Extraordinary vacancies.* In the event that all members of the city commission are removed by death, disability, or forfeiture of office, the Governor shall appoint an interim city commission that shall call a special election as provided in paragraph (c) above and such election shall be done in such manner as to fill the unexpired terms until the next regular municipal election.

(Res. No. 1035, 11-6-84; Ord. No. 848, § 2, 10-14-03)

Sec. 6. - Powers of commission, generally.

All powers of the city, except as otherwise provided by this Charter or the Constitution of the State of Florida, are hereby vested in the city commission. The city commission may, by ordinance or resolution, prescribe the manner in which any power of the city may be exercised. The commission may determine its own rule(s) of procedure.

(Res. No. 1035, 11-6-84; Ord. No. 848, 10-14-03)

Sec. 7. - Procedure.

- (a) *Meetings.* The city commission shall meet regularly at least once in every month at such times and places as the city commission may prescribe by resolution. Special meetings may be held on the call of the mayor or of a majority of the members and, whenever practicable, upon no less than twenty-four (24) hours' notice to each city commissioner and the public. All meetings of the city commission shall be public. Notice of meetings to the public shall be in accordance and consistent with the laws of the State of Florida.

- (b) *Rules and journal.* The city commission shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings to include regular meetings, special meetings and workshop meetings. This journal shall be a public record.
- (c) *Voting.* Voting shall be by roll call and shall be recorded in the journal. A majority of the city commission shall constitute a quorum. No action of the city commission, except as otherwise provided in this Charter, shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present.

(Res. No. 1035, 11-6-84; Ord. No. 848, § 2, 10-14-03)

Sec. 8. - Offices, departments and divisions; city commission to fix salaries of officers and employees.

The city commission shall have the power to designate or create such offices, departments or divisions other than provided herein, as may be necessary for the administration of the affairs of the city; to provide the duties and powers of the officers and employees of such office, department or division; and fix the salary and compensation of such officers or employees.

(Res. No. 1035, 11-6-84; Ord. No. 848, § 2, 10-14-03)

Sec. 9. - Reserved.

Editor's note— Ord. No. 959, § 2, adopted Mar. 23, 2010, and passed at referendum Nov. 2, 2010, repealed Art. IIIA, § 9, in order to adopt ordinances and resolutions in accordance with state law. Section 9 pertained to definitions, form, and method of enactment of ordinances and resolutions and derived from Res. No. 1035, 11-6-84; Ord. No. 848, § 2, 10-14-03.

Sec. 10. - Enacting clause for ordinances and resolutions.

- (a) The enacting clause of all ordinances shall be "BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WILTON MANORS."
- (b) The enacting clause of all resolutions shall be "BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WILTON MANORS."

(Res. No. 1035, 11-6-84; Ord. No. 848, § 2, 10-14-03)

Sec. 11. - Action requiring an ordinance or referendum.

- (1) In addition to other acts required by law or by specific provisions of this Charter to be done by ordinance, the following actions shall be by ordinance which:
 - (a) Adopt or amend an administrative code to establish, alter or abolish any city department, office or agency;
 - (b) Provide for a fine or other penalty, or establish a rule or regulation for violation of which a fine or other penalty is imposed;
 - (c) Grant, renew or extend a franchise;
 - (d) Regulate the rate charged for its service by a public utility;
 - (e) Convey or lease or authorize the conveyance or lease of any lands of the city;
 - (f) To acquire by purchase or condemnation property, real or personal, or any estate therein; and

- (g) Amend or repeal any ordinance previously adopted, except as otherwise provided in this Charter with respect to repeal, or ordinances reconsidered under the referendum power.
- (2) In addition to other acts required by law or by specific provisions of this Charter to be done by ordinance, the following actions shall require a referendum vote of the electors:
 - (a) Abolishing and transferring the city's police department.

(Res. No. 1035, 11-6-84; Ord. No. 991, § 2, 11-8-11)

Editor's note— Ord. No. 991, § 2, adopted Nov. 8, 2011, changed the title of § 11 from action requiring an ordinance to action requiring an ordinance or referendum.

Sec. 12. - Contracts; execution by mayor and city clerk required.

All contracts, deeds, mortgages, agreements and all instruments of any kind or nature whatsoever shall be executed by the mayor and the city clerk, and the clerk shall affix the seal of the City of Wilton Manors as a part of the execution. All such instruments shall be adopted and ordered executed by ordinance or resolution.

(Res. No. 1035, 11-6-84)

Sec. 13. - City clerk; powers and duties.

The city clerk shall act as clerk of the city commission [~~and shall also act as clerk of the municipal court~~]. The clerk shall keep the journal of city commission proceedings; shall have the custody of the public records of the city; shall be the official custodian of the seal of the City of Wilton Manors and shall affix said seal to all instruments requiring the same; and shall perform such other duties as are assigned by this Charter or by the city manager.

(Res. No. 1035, 11-6-84; Ord. No. 848, § 2, 10-14-03)

Editor's note— Editorially deleted the requirement that the city clerk act as clerk of the municipal court as municipal courts were abolished by Art. V, § 20(d)(4), Fla. Const.

Sec. 14. - City treasurer; powers and duties.

The city treasurer shall act as treasurer of the city, tax assessor and tax collector, if appropriate. The treasurer shall be the superintendent of revenues and shall perform such other duties as may be prescribed by ordinance.

(Res. No. 1035, 11-6-84)

Sec. 15. - City funds; emergency purchases; budgeted purchases.

- (a) Money shall be paid out of the city treasury only on warrants or checks signed by the mayor, or the vice mayor, and countersigned by the city treasurer, after a majority vote by the city commission approving the payment of the money, except as hereinafter set forth.
- (b) The city manager may execute contracts for the expenditures of funds or may expend said funds not to exceed an amount to be determined by ordinance for any item that is set forth as a line item, in the then current budget, and appropriated.

- (c) The city manager shall, in writing, report said action to the city commission at the next regular meeting.
- (d) The city manager, with the concurrence of either the mayor, or if the mayor is absent from the city or otherwise unable to act, with the concurrence of the vice mayor, shall in the event of an emergency, purchase any supplies or items or contract for such services, whose immediate procurement is essential to prevent the delay of work of any department of the city which by its nature may not be safely postponed or which may vitally affect the life, health or welfare of the citizens of Wilton Manors, provided that said purchase or contract for services does not exceed the maximum amount for emergency purchases to be established by Ordinance of the City Commission. Upon any purchase or contract being made as provided herein, the city manager shall file with the purchasing agent, a requisition, copy of the delivery order, or copy of the contract, together with a full written report of the circumstances of said emergency which report shall be called to the attention of the city commission at the next meeting, either regular or special.
- (e) Any and all construction/public improvement contracts or purchases of tangible property in excess of an amount to be determined by ordinance, except those hereinafter mentioned, shall not be made except with and from the lowest responsive and responsible bidder after a public and duly advertised bid letting, except as otherwise provided by law. The bidding procedure is to be established by ordinance. The contracts or purchases made involving an expenditure of over said amount determined by ordinance, which shall not require advertising or bidding as herein before provided, are as follows:
 - (i) Those made for improvements, repairs or maintenance of any kind, made or provided by a governmental unit, through its own employees.
 - (ii) Those involving any policies of insurance or surety company bonds.

(Res. No. 1035, 11-6-84; Ord. No. 848, § 2, 10-14-03; Ord. No. 857, § 2, 6-8-04; Ord. No. 859, § 2, 6-8-04)

Sec. 16. - Audit of accounts; fiscal year.

It shall be the duty of the city commission to provide for periodical audits, not less frequently than once each year, of the accounts, books and papers of all officers of the city and department heads having to do with the receipt of city moneys or the disbursement thereof, that the said books, records and accounts of said city will be kept on a fiscal year basis, each fiscal year to commence on October first and to end on September thirtieth of the following year and to provide that the first such method of accounting, auditing and bookkeeping shall commence October 1, 1984. The audit as herein provided for shall be made by a certified public accountant or accountants designated by the city commission and the first of such audits shall be commenced not later than sixty (60) days after the close of the fiscal year as provided for in this section and shall be conducted not less frequently than annually thereafter.

(Res. No. 1035, 11-6-84)

State Law reference— Mandated fiscal year, F.S. § 166.241; annual audit required, F.S. § 218.32.

Sec. 17. - Police power of city.

The city shall have police power over all property owned by the city and all land lying within the boundaries of the city and situated in Broward County, Florida, and not within the territorial limits of any municipality.

(Res. No. 1035, 11-6-84)

Sec. 18. - Bonds of officers and employees; city commission to determine amount.

The city commission shall determine by resolution what officers, clerks or employees shall give bond and the amount of penalty thereof. All officers, clerks and employees of whom bond is required by the city commission shall, before entering upon their respective duties, give bond with surety to be approved by the city commission conditioned for the faithful performance of the duties of their respective offices. All such bonds shall be payable to the city.

The city commission shall have the power by ordinance or resolution to employ legal counsel to represent it and to pay such legal counsel such compensation as may be fixed by ordinance or resolution.

(Res. No. 1035, 11-6-84; Ord. No. 848, § 2, 10-14-03)

Sec. 19. - Reserved.

Editor's note— Res. No. 1035, adopted by referendum Nov. 6, 1984, enacted provisions codified herein as Art. IIIA, which did not contain a section 19.

Sec. 20. - City prosecutor.

The city attorney shall be the city prosecutor or the city attorney may designate, with city commission approval, such assistant to serve as city prosecutor under the supervision of the city attorney, and the city prosecutor shall receive such compensation as the city commission may fix from time to time by motion, resolution or ordinance.

(Res. No. 1035, 11-6-84; Ord. No. 848, § 2, 10-14-03)

Sec. 21. - Prohibitions.

- (a) *Appointments and removals.* Neither the city commission nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the manager or any of ~~his~~theirthe manager's subordinates are empowered to appoint, but the city commission may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.
- (b) *Interference with administration.* Except for the purpose of inquiries and investigations, the city commission or its members shall deal with city officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the city commission nor its members shall give orders to any such officer or employee, either publicly or privately. Nothing in the foregoing is to be construed to prohibit individual members of the city commission from closely scrutinizing, by questions and personal observations, all aspects of city government operations so as to obtain independent information to assist the members in formulation of sound policies to be considered by city commission. It is the express intent of this Charter, however, that recommendations for improvement in city government operations by individual city commissioner be made to and through the city manager, so that the manager may coordinate efforts of all city departments to achieve the greatest possible savings through the most efficient and sound means available.
- (c) *Holding other office.* No former elected city official shall hold any compensated appointive city office or city employment until one (1) year after the termination of ~~his/her~~their occupation of said elective office.

(Ord. No. 509, § 1, 10-12-82; Res. No. 1035, 11-6-84; Ord. No. 848, § 2, 10-14-03)

Sec. 22. - City commission, mayor, and vice mayor; transitional.

If this proposed amendment to Article III of the City Charter is adopted, one (1) seat of the city commission as constituted on September 1, 1984 shall be abolished as hereinafter said, and shall be replaced by the seat of the mayor. The mayor shall be the holder of that office as constituted on September 1, 1984, and who shall continue in office for the remainder of a two-year term ending with the March, 1986 elections. The city commission seat to be abolished shall be the most junior, receiving the lowest vote. All other city commission members shall continue in office for the unexpired portion of their respective terms.

(Res. No. 1035, 11-6-84; Ord. No. 848, § 2, 10-14-03)

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)

ARTICLE IIIB. - ADMINISTRATIVE^[3]

Footnotes:

--- (3) ---

Note— See editor's note, Art. IIIA.

Sec. 1. - City manager.

There shall be a city manager who shall be the chief administrative officer of the city. ~~He~~The city manager shall be responsible to the city commission for the administration of all city affairs placed in ~~his~~the city manager's charge by or under this Charter.

(Res. No. 1035, 11-6-84; Ord. No. 848, § 2, 10-14-03)

Sec. 2. - Appointment; removal; compensation.

- (a) *Appointment.* The city commission shall appoint a city manager for an indefinite term by majority vote of all the city commissioners.

- (b) *Removal.* The city commission may remove the manager by a majority vote of all the city commissioners, and upon demand by the manager, a public hearing will be held prior to a vote to remove the manager.
- (c) *Compensation.* The compensation of the manager shall be fixed by resolution of the city commission.

(Res. No. 1035, 11-6-84; Ord. No. 848, § 2, 10-14-03)

Sec. 3. - Acting city manager.

By letter filed with the city commission, the manager shall designate, subject to approval of the city commission, a qualified city administrative officer to exercise the powers and perform the duties of manager during ~~his~~ the manager's temporary absence or disability. During such absence or disability, the city commission may revoke such designation at any time and appoint another officer of the city to serve until the manager shall return or ~~his~~ the manager's disability shall cease.

(Res. No. 1035, 11-6-84; Ord. No. 848, § 2, 10-14-03)

Sec. 4. - Powers and duties of the city manager.

The city manager shall have the following powers and duties:

- (a) Appoint all employees, except for department heads and appointive administrative officers, which ~~he~~ the manager shall recommend to the city commission their appointment, and the city commission may accept or reject, with just cause, said recommendation. ~~He~~ The manager shall suspend or remove any employee under ~~his~~ the manager's supervision for just cause provided that ~~he~~ the manager shall report at the next meeting thereafter of the city commission any such action taken by the manager. ~~He~~ The manager may authorize any department head or administrative officer, who is subject to the manager's direction and supervision, to exercise these powers with respect to subordinates in that department head's, or officer's, department, office or agency.
- (b) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this Charter, by city ordinance, or by law.
- (c) Attend all city commission meetings and shall have the right to take part in discussion, but shall not vote.
- (d) Insure that all laws, provisions of this Charter and acts of the city commission, subject to enforcement by the manager or by officers subject to the manager's direction and supervision, are faithfully executed.
- (e) Prepare and submit the annual budget, and capital improvement program to the city commission.
- (f) Submit to the city commission and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year.
- (g) Make such other reports as the city commission may require concerning the operations of city departments, offices and agencies subject to the manager's direction and supervision.
- (h) Keep the city commission fully advised as to the financial condition and future needs of the city and make such recommendations to the city commission concerning the affairs of the city as ~~he~~ the manager deems desirable.
- (i) Sign contracts on behalf of the city pursuant to the provisions of appropriations ordinances.

- (j) Perform such other duties as are specified in this Charter or in city ordinances or as may be required by the city commission.

(Res. No. 1035, 11-6-84; Ord. No. 848, § 2, 10-14-03)

ARTICLE IV. - ELECTIONS^[4]

Footnotes:

--- (4) ---

Editor's note— Res. No. 953, passed by referendum March 6, 1984, has been codified as superceding Art. IV, §§ 1—13, pertaining to elections to read as herein set out in new Art. IV, §§ 1—7. Former Art. IV was derived from following legislation:

Sp. Acts	Chapter	Section	Ord. No.	Section	Date
1957	57-1952	1	394	1	1-25-77
1957	57-1955	7, 8	405	1	4-25-78
1957	57-1956	1—6, 8	407	1	4-11-78
1963	63-2040	1			
1965	65-2390	2			
1967	67-2177	2			

State Law reference— Election Code, F.S. Chs. 97—106; uniform election of municipal officers, Laws of Fla., Chs. 75-350, 76-336, 77-507, 81-349.

Sec. 1. - Registration books; polling places; use of voting hereby amended to read as follows:

- (a) The City of Wilton Manors, in all municipal elections, including special and general elections, does hereby adopt and shall use the registration books and records authorized by law to be used in the general elections of the County of Broward and State of Florida as the official registration election books and records of the City of Wilton Manors. Every elector residing within the city limits of Wilton Manors, and who has registered with the supervisor of registration of Broward County, Florida, shall be entitled to vote in such municipal elections.
- (b) To entitle an elector to vote in the City of Wilton Manors elections, ~~he~~ the elector shall register in the registration books and records of Broward County, Florida, at such times and places as provided by law for registering of electors to vote in the State of Florida, County of Broward elections. The City of

Wilton Manors in municipal elections shall use the same voting precincts, or parts thereof, lying within the corporate limits of the City of Wilton Manors as are now or may hereafter be designated for use in Broward County and State of Florida elections.

- (c) The supervisor of registration of Broward County, Florida, shall be entitled to reasonable compensation for services rendered to the municipality pursuant to the terms of this article.
- (d) The city clerk of the City of Wilton Manors shall be the official representative of the city and the city commission in all transactions with the supervisor of registration of Broward County, Florida, in relation to matters pertaining to the use of the registration books and records herein mentioned for holding such municipal elections.
- (e) Not later than 10:00 a.m. on the day immediately preceding the date of such municipal election, the supervisor of registration of Broward County, Florida, shall deliver into the custody of the city clerk of the City of Wilton Manors the Broward County registration books and records showing the registration of the duly qualified electors entitled to vote in municipal elections of the City of Wilton Manors, and said city clerk shall henceforth be responsible for safeguarding such books and records until the city clerk shall return them to the supervisor of registration of Broward County, Florida, not later than 5:00 p.m. on the day following the date of such municipal election.

Editor's note— The city has advised that the correct procedure for transfer of registration books and records is as follows: "the supervisor of registration of Broward County, Florida shall transfer to the deputy of each precinct the registration precinct, books and records showing the duly qualified electors, in said precinct, entitled to vote in municipal elections of the City of Wilton Manors and said deputy shall henceforth be responsible for safeguarding such books and records until the deputy shall return them to the supervisor of registration of Broward County, Florida after the polls close on the date of such election."

- (f) The City of Wilton Manors is hereby authorized to use voting machines in the holding of all city elections, and the use of voting machines in any elections heretofore held by the City of Wilton Manors are hereby ratified and confirmed, and all elections heretofore held by the City of Wilton Manors are hereby ratified and confirmed and declared valid.

(Res. No. 953, 3-6-84; Ord. No. 848, § 2, 10-14-03)

Sec. 2. - Date of election; candidates qualifying fee and acceptance of candidacy.

- (a) All general elections relating to a municipal office in the City of Wilton Manors shall be held on the first Tuesday after the first Monday in November of every even numbered calendar year, in accordance with State of Florida Law.
- (b) The name of any elector who must be a resident of the city shall be printed upon the ballot and become a candidate for any office after the candidatehe has paid to the city clerk a qualifying fee in the amount of fifty dollars (\$50.00) and has filed with the city clerk the candidate's his written acceptance of such candidacy, which acceptance shall state that if elected he~~the candidate~~ will qualify and serve in such office during the term for which he~~the candidate~~ is elected. It shall be the duty of the city clerk forthwith on the paying of said qualifying fee and filing of such acceptance to make and deliver to such candidate a written certificate acknowledging the receipt of said qualifying fee and such acceptance. The payment of said qualifying fee and the filing of such acceptance must be done no earlier than noon on the second day in January nor later than noon on the sixteenth day in January of the calendar year in which the election is to be held, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. If a candidate fails to comply with the provisions of this section, the candidate'shis name shall not appear upon the ballot.
- (c) A duly elected municipal officer shall take office within fourteen (14) days after the general election with the specific day to be decided by city ordinance.

(Res. No. 953, 3-6-84; Ord. No. 645, § 2, 12-22-87; Ord. No. 905, § 2, 8-22-06)

Editor's note— Laws of Fla., Ch. 77-507, which establishes a uniform procedure for election of officers in Broward County, states that the qualifying period shall be no earlier than noon on the first workday in January nor later than noon on the fourteenth day following the first workday in January.

Sec. 3. - Ballots—Party marks or insignia prohibited; general form.

Any ballots used in any special or general election held under authority of this Act, shall be without party mark or designation and without any insignia or mark of any association or organization thereon, but shall otherwise be substantially in the same form as the election ballots used in all general elections.

(Res. No. 953, 3-6-84)

Sec. 4. - Same—City commission to prescribe form and manner of calling elections.

The city commission shall have the power to pass ordinances prescribing the form of ballot to be used and the manner of calling, conducting, holding, canvassing, and making returns of said election.

(Res. No. 953, 3-6-84; Ord. No. 848, § 2, 10-14-03)

Sec. 5. - Election proclamation; mayor or clerk to issue.

All elections shall be proclaimed by the mayor at least thirty (30) days prior thereto, and in case of [his-the mayor's](#) refusal or omission to make any such proclamation, the same shall be made by the clerk, but no want of proclamation shall defeat the general election of the city officers as herein prescribed.

(Res. No. 953, 3-6-84)

Sec. 6. - Oath of office—City officers and city commissioners to subscribe.

The members of the city commission and all the officers of the city shall, before entering upon the duties of office, take and subscribe to an oath or affirmation before a notary public, or any other officer duly authorized to administer oaths under the laws of the State of Florida, such oaths to be filed and kept in the office of the city clerk.

(Res. No. 953, 3-6-84; Ord. No. 848, § 2, 10-14-03)

Sec. 7. - Same—Form.

Such oath shall be that the city commissioner or officer will support, protect and defend the Constitution and Laws of the United States and of the State of Florida, and the Charter, and all ordinances of the City of Wilton Manors, and in all respects faithfully perform and discharge the duties of [his-their](#) office.

(Res. No. 953, 3-6-84; Ord. No. 848, § 2, 10-14-03)

ARTICLE V. - REVENUE AND TAXATION^[5]

Footnotes:

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State Law reference— Authority for taxation, F.S. § 166.201 et seq.; public service tax, F.S. §§ 166.231, 166.232; ad valorem taxes, F.S. Ch. 192 et seq.; local business taxes, F.S. Ch. 205.

Sec. 1. - Real and personal property tax; power of city commission to assess.

[Editorially deleted.]

Editor's note— This section has been editorially deleted as the procedure for assessment, levy and collection of ad valorem taxes has been preempted by the state in F.S. Ch. 192 et seq.

Sec. 2. - Valuation for taxation; limitation.

(Editorially deleted.)

Editor's note— This section has been editorially deleted as the procedure for assessment, levy and collection of ad valorem taxes has been preempted by the state in F.S. Ch. 192 et seq.

Sec. 3. - Reserved.

Editor's note— This section was repealed by section 1, of Laws of Fla., Ch. 61-2999. Former section 3 provided for the exemption of Richardson Golf Course from taxation.

Sec. 4. - Tax returns—Required of real and personal property holders.

[Editorially deleted.]

Editor's note— This section has been editorially deleted as the procedure for assessment, levy and collection of ad valorem taxes has been preempted by the state in F.S. Ch. 192 et seq.

Sec. 5. - Same—Contents; description of property; failure to make; assessment in name of reputed owner.

[Editorially deleted.]

Editor's note— This section has been editorially deleted as the procedure for assessment, levy and collection of ad valorem taxes has been preempted by the state in F.S. Ch. 192 et seq.

Sec. 6. - Public utility property; liability to taxation.

[Editorially deleted.]

Editor's note— This section has been editorially deleted as the procedure for assessment, levy and collection of ad valorem taxes has been preempted by the state in F.S. Ch. 192 et seq.

Sec. 7. - Enforcement of collection; valuation of property.

[Editorially deleted.]

Editor's note— This section has been editorially deleted as the procedure for assessment, levy and collection of ad valorem taxes has been preempted by the state in F.S. Ch. 192 et seq.

Sec. 8. - City commission to prepare assessment roll; tax sale procedure.

[Editorially deleted.]

Editor's note— This section has been editorially deleted as the procedure for assessment, levy and collection of ad valorem taxes has been preempted by the state in F.S. Ch. 192 et seq.

Sec. 9. - Retroactive tax levy.

[Editorially deleted.]

Editor's note— This section has been editorially deleted as the procedure for assessment, levy and collection of ad valorem taxes has been preempted by the state in F.S. Ch. 192 et seq.

Sec. 10. - Assessment roll to constitute notice of tax lien.

[Editorially deleted.]

Editor's note— This section has been editorially deleted as the procedure for assessment, levy and collection of ad valorem taxes has been preempted by the state in F.S. Ch. 192 et seq.

Sec. 11. - Levy for general purpose and bond interest; limitation.

[Editorially deleted.]

Editor's note— This section has been editorially deleted as the procedure for assessment, levy and collection of ad valorem taxes has been preempted by the state in F.S. Ch. 192 et seq., and any limitation on the levy of ad valorem taxes was repealed by F.S. § 195.207.

Sec. 12. - City clerk to act as [assessor and] collector.

The city clerk shall be [~~the tax assessor of said city and~~] the tax collector unless the city commission shall employ or authorize the clerk to employ some other person or persons to act in either or both capacities. The tax collector may be one of the city commissioner of said city, or such office may be filled by some other person appointed by the city commission, in the discretion of the city commission.

(Ord. No. 848, § 2, 10-14-03)

Editor's note— This section has been editorially amended to delete the provisions on tax assessor as the procedure for assessment, levy and collection of ad valorem taxes has been preempted by the state in F.S. Ch. 192 et seq. In addition, dual office holding is prohibited by Art. II, § 5, Fla. Const.

Sec. 13. - Assessor to make annual assessment.

[Editorially deleted.]

Editor's note— This section has been editorially deleted as the procedure for assessment, levy and collection of ad valorem taxes has been preempted by the state in F.S. Ch. 192 et seq.

Sec. 14. - Tax collector to collect [property and] local business taxes; authority to consolidate with county assessor and/or collector.

The tax collector shall collect all [~~municipal taxes due on real and personal property, and all other~~] taxes imposed as local business, professional, business or other licenses, and shall deliver the same as often as shall be prescribed by ordinance to the city treasurer, taking ~~the tax collector's his or her~~ receipt therefor, provided that the city is hereby authorized to consolidate its powers to levy, assess and collect taxes as granted under this section, or any part thereof, with the tax assessor's office and the tax collector's office, or both, of Broward County, Florida.

(Laws of Fla., Ch. 57-1955, § 9; Ord. No. 914, § 2, 2-13-07)

Editor's note— This section has been editorially amended to delete references to ad valorem taxes as the procedure for assessment, levy and collection of ad valorem taxes has been preempted by the state in F.S. Ch. 192 et seq.

Sec. 15. - Commission to act as equalization board; time and notice of hearings.

[Editorially deleted.]

Editor's note— This section has been editorially deleted as the procedure for assessment, levy and collection of ad valorem taxes has been preempted by the state in F.S. Ch. 192 et seq.

(Ord. No. 848, § 2, 10-14-03)

Sec. 16. - Date taxes become lien; assessment roll to be published or posted; tax sales.

[Editorially deleted.]

Editor's note— This section has been editorially deleted as the procedure for assessment, levy and collection of ad valorem taxes has been preempted by the state F.S. Ch. 192 et seq.

Sec. 17. - Notices of levy, assessment, collection, etc.; publication requirements.

[Editorially deleted.]

Editor's note— This section has been editorially deleted as the procedure for assessment, levy and collection of ad valorem taxes has been preempted by the state in F.S. Ch. 192 et seq.

Sec. 18. - Consolidation with county taking authority.

[Editorially deleted.]

(Laws of Fla., Ch. 67-2176, § 2)

Amendment note— Laws of Fla., Ch. 67-2176, § 2, repealed former section 18 of the Charter which required that the levy of ad valorem taxes against real property be subject to freeholder approval at a special or general election. Section 2 renumbered former section 19 pertaining to consolidation with county taxing authority as section 18 and renumbered former section 20 pertaining to homestead exemption as section 19.

Editor's note— This section has been editorially deleted as the procedure for assessment, levy and collection of ad valorem taxes has been preempted by the state in F.S. Ch. 192 et seq.

Sec. 19. - Homestead exemption.

[Editorially deleted.]

(Laws of Fla., Ch. 67-2176, § 2)

Amendment note— See amendment note following section 18 above.

Editor's note— This section has been editorially deleted as the procedure for assessment, levy and collection of ad valorem taxes has been preempted by the state in F.S. Ch. 192 et seq.

ARTICLE VI. - BONDS, NOTES AND INDEBTEDNESS⁶

Footnotes:

--- (6) ---

State Law reference— Municipal borrowing authority, F.S. § 166.101 et seq.; bonds, F.S. §§ 130.01 et seq., 132.01 et seq., 159.01 et seq., 163.385, 215.43, 215.431, 215.84, 218.37—218.385.

Sec. 1. - Purposes for which bonds may be issued; limitation on amount.

[Editorially deleted.]

(Laws of Fla., Ch. 57-1955, § 10; Laws of Fla., Ch. 67-2176, § 3)

Amendment note— Laws of Fla., Ch. 67-2176, § 3, amended Art. VI, § 1 by limiting the bonds of the city which require a freeholder election to bonds payable from ad valorem taxes; by increasing the amount of said bonds which may be issued and outstanding at any time from \$2,000,000.00 to \$5,000,000.00; by providing that said bonds may be authorized by a majority of the votes cast in an election in which a majority of the freeholders who are qualified electors residing in the city shall participate.

Editor's note— This section has been editorially deleted as the full authority for the issuance of bonds is contained in F.S. § 166.101 et seq., and other pertinent sections of Florida Statutes regarding bonds which are referenced above.

Sec. 2. - Bonds to be signed by mayor and treasurer; interest rate.

[Editorially deleted.]

(Laws of Fla., Ch. 67-2176, § 4)

Amendment note— Laws of Fla., Ch. 67-2176, § 4, amended Art. VI, § 2 to read as herein set out. Formerly, bonds were signed by the president of the city commission and countersigned by the treasurer and could bear interest coupons signed by the treasurer.

Editor's note— This section has been editorially deleted as the full authority for the issuance of bonds is contained in F.S. § 166.101 et seq., and other pertinent sections of Florida Statutes regarding bonds which are referenced above.

Sec. 3. - Aggregate amount of bond issue and interest rate to be fixed by ordinance.

[Editorially deleted.]

(Laws of Fla., Ch. 67-2176, § 5)

Amendment note— Laws of Fla., Ch. 67-2176, § 5, amended Art. VI, § 1 by substituting the words "general obligation bonds" in lieu of "bonds" and the word "city commission" in lieu of the word "city commissioner."

Editor's note— This section has been editorially deleted as the full authority for the issuance of bonds is contained in F.S. § 166.101 et seq., and other pertinent sections of Florida Statutes regarding bonds which are referenced above.

Sec. 4. - Form and denomination of bonds; minimum sale price; treasurer to execute bond before signing; personal interest in contracts by city commission prohibited.

[Editorially deleted.]

Editor's note— This section has been editorially deleted as the full authority for the issuance of bonds is contained in F.S. § 166.101 et seq., and other pertinent sections of Florida Statutes regarding bonds which are referenced above.

Sec. 5. - Treasurer to keep record of bond issues.

[Editorially deleted.]

Editor's note— This section has been editorially deleted as the full authority for the issuance of bonds is contained in F.S. § 166.101 et seq., and other pertinent sections of Florida Statutes regarding bonds which are referenced above.

Sec. 6. - Notice of sale of bonds; publication and posting.

[Editorially deleted.]

Editor's note— This section has been editorially deleted as the full authority for the issuance of bonds is contained in F.S. § 166.101 et seq., and other pertinent sections of Florida Statutes regarding bonds which are referenced above.

Sec. 7. - Anticipation time warrants; limitation on amount; repayment; interest rate.

[Editorially deleted.]

Editor's note— This section has been editorially deleted as the full authority for the issuance of bonds is contained in F.S. § 166.101 et seq., and other pertinent sections of Florida Statutes regarding bonds which are referenced above.

Sec. 8. - Public utilities and public works revenue bonds and certificates; limitation on amounts; sale restrictions; interest rate; repayment.

[Editorially deleted.]

(Laws of Fla., Ch. 67-2176, §§ 6—13)

Editor's note— This section has been editorially deleted as the full authority for the issuance of bonds is contained in F.S. § 166.101 et seq., and other pertinent sections of Florida Statutes regarding bonds which are referenced above.

ARTICLE VIII. - RECALL PROVISIONS⁸

Footnotes:

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State Law reference— Uniform procedure for recall of municipal officers, F.S. § 100.361.

Sec. 1. - Affidavit and petition; number of signatures required.

[Editorially deleted.]

Editor's note— This section has been editorially deleted as superceded by the uniform procedure for the recall of municipal officers in F.S. § 100.361.

Sec. 2. - Petition—Time limit for completion.

[Editorially deleted.]

Editor's note— This section has been editorially deleted as superceded by the uniform procedure for the recall of municipal officers in F.S. § 100.361.

Sec. 3. - Same—Submission to city commission by clerk.

[Editorially deleted.]

Editor's note— This section has been editorially deleted as superceded by the uniform procedure for the recall of municipal officers in F.S. § 100.361.

Sec. 4. - Election; time within which city commission to order.

[Editorially deleted.]

Editor's note— This section has been editorially deleted as superceded by the uniform procedure for the recall of municipal officers in F.S. § 100.361.

Sec. 5. - Ballots; form and contents.

[Editorially deleted.]

Editor's note— This section has been editorially deleted as superceded by the uniform procedure for the recall of municipal officers in F.S. § 100.361.

Sec. 6. - Determination of results.

[Editorially deleted.]

Editor's note— This section has been editorially deleted as superceded by the uniform procedure for the recall of municipal officers in F.S. § 100.361.

Sec. 7. - Form of ballot where officer resigns.

[Editorially deleted.]

Editor's note— This section has been editorially deleted as superceded by the uniform procedure for the recall of municipal officers in F.S. § 100.361.

Sec. 8. - Failure or refusal of city commission to order election; order by court of general jurisdiction.

[Editorially deleted.]

Editor's note— This section has been editorially deleted as superceded by the uniform procedure for the recall of municipal officers in F.S. § 100.361.

ARTICLE IX. - THE REFERENDUM

Sec. 1. - Rights of voters defined.

The qualified voters shall have power to approve or reject at the polls any ordinance passed by the city commission or submitted by the city commission to a vote of the qualified voters, except an appropriation ordinance, such power being known as the referendum, which power shall be invoked and exercised as herein provided.

(Ord. No. 848, § 2, 10-14-03)

Sec. 2. - Petition—Number of signatures required; specification of subject matter.

Within sixty (60) days after the final passage by the city commission of any ordinance which is subject to referendum, a petition signed by qualified registered voters of the city, equal in number to at least five (5) percent of the registered voters at the time of the closing of the registration books for the last preceding regular municipal election of the city, may be filed with the city clerk, requesting that any such ordinance or any specified part thereof be either repealed or submitted to a vote of the qualified voters. A referendum petition shall clearly specify the ordinance or part thereof the repeal of which is sought, but need not contain the text thereof.

(Laws of Fla., Ch. 67-2181, § 1; Res. No. 953, 3-6-84; Ord. No. 848, § 2, 10-14-03)

Sec. 3. - Same—Appended signature pages; affidavit of circulator.

The signatures thereto need not all be on one (1) paper, but the circulator of every such paper shall make an affidavit that each signature appended thereto is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the place. All such papers shall be filed in the office of the city clerk as one (1) instrument.

Sec. 4. - Same—Certificate by Broward County supervisor of registration.

The referendum petition as filed with the city clerk shall have attached to the same the certificate of the supervisor of registration of Broward County, Florida, indicating whether each of the signers of the petition is a qualified elector of the city, and the total number of qualified electors who have signed said petition. Within ten (10) days after the filing of the petition, the clerk shall ascertain whether or not the petition is signed by qualified registered voters to the number of at least five (5) percent of the registered voters at the time of the closing of the registration books for the last preceding regular municipal election of the city and ~~he the clerk~~ shall attach to the petition ~~his the clerk's~~ certificate showing the results of such examination. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten (10) days from the date of the certificate by the filing of supplementary petition papers with additional signatures and an additional certificate by the supervisor of registration of Broward County, Florida, which certificate shall indicate whether each of the signers of the supplementary petition papers is a qualified elector of the city and the total number of qualified electors signing said supplementary petition papers. The clerk shall, within ten (10) days after the filing of such amendment, make like examination of the amended petition and certify the results thereof.

(Laws of Fla., Ch. 67-2181, § 2; Laws of Fla., Ch. 67-2183, § 1)

Sec. 5. - Action by city commission; repeal of subject ordinance; submission to special election.

If a referendum petition or amended petition be found sufficient by the city clerk, ~~he the clerk~~ shall certify that fact to the city commission at its next regular meeting and the ordinance or part thereof specified in the petition, shall not go into effect, or further action thereunder shall be suspended if it shall

have gone into effect, until approved by the qualified voters as hereinafter provided. Upon receipt of the clerk's certificate, the city commission shall proceed to reconsider the ordinance, or part thereof, and its final vote upon such reconsideration shall be upon the question "Shall the ordinance (or part of the ordinance) set forth in the referendum petition be repealed?" Such final vote may be taken upon the first reading thereof, and the provisions of this Charter requiring readings of ordinances upon two (2) different days before final passage, shall not apply to the vote upon such questions. If upon such reconsideration the ordinance, or part thereof, be not repealed, it shall be submitted to the qualified voters at the next regular municipal election, held not less than thirty (30) days after such final vote by the city commission, but the city commission by vote of not less than four (4) members, and without approval by the mayor, may submit the ordinance, or part thereof, to the qualified voters at a special election to be held not sooner than thirty (30) days from the date of such final vote. Approval by the mayor of such final vote is not required. If, when submitted to the qualified voters, any ordinance or part thereof be not approved by a majority of those voting thereon, it shall be deemed repealed.

(Ord. No. 848, § 2, 10-14-03)

Sec. 6. - Ordinances to be submitted by ballot title.

Ordinances, or parts thereof, submitted to vote of the voters in accordance with the referendum provisions of this article shall be submitted by ballot title which shall be prepared in all cases by the city attorney. The ballot title may be distinct from the legal title of any such referred ordinance, and shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of the ordinance or part thereof. The ballot used in voting upon any ordinance or part thereof shall have below the ballot title the following propositions, one above the other, in the order indicated: "For the ordinance" and "Against the ordinance." Immediately at the left of each proposition there shall be a square in which by making a cross mark (X) the voter may vote for or against the ordinance or part thereof. Any number of ordinances or parts thereof may be voted on at the same election and may be submitted on the same ballot, but the ballot used for voting thereon shall be for that purpose only.

Editor's note— It should be noted that the city uses voting machines provided by the supervisor of registration's office and that all ballots are counted by computer equipment at the Election Warehouse.

Sec. 7. - Emergency ordinance; manner of submission.

Any emergency ordinance which shall have gone into effect prior to the filing of a referendum petition thereon shall be subject to referendum as in the case of other ordinances, and further action thereunder shall be suspended from the date of the clerk's certification to the city commission that a sufficient referendum petition has been filed. If, when submitted to a vote of the voters, any such ordinance is not approved by a majority of those voting thereon, it shall be considered repealed, and all rights and privileges conferred by it shall be null and void, but any such ordinance so repealed shall be deemed sufficient authority for any payments made or expense incurred in accordance therewith prior to the date of the clerk's certification to the city commission that a sufficient referendum petition has been filed.

ARTICLE X. - MISCELLANEOUS

Sec. 1. - Publication of ordinances; official newspaper.

There shall be an official newspaper of the city, to be designated by the city commission, which shall contract with such newspaper for the publication therein of all ordinances, notices and other official matter necessary or proper to be published and the rates for such publication, for a period of not more than one (1) year. The newspaper so designated shall be a newspaper published in the City of Wilton Manors, if there be such newspaper published therein, but otherwise shall be a newspaper published in Broward County and believed by the city commission to have general circulation in the said city.

(Ord. No. 848, § 2, 10-14-03)

Editor's note— All sections of a Charter adopted prior to July 1, 1973 pertaining to certain powers and jurisdiction of a municipality have been converted to ordinances by operation of F.S. § 166.021(5).

Sec. 2. - Transfer of city property.

[Editorially deleted.]

Editor's note— Certain limitations on the exercise of home rule powers in a Charter adopted prior to July 1, 1973 have been repealed by operation of F.S. § 166.021(4).

State Law reference— Municipal Home Rule Powers Act, repeal of certain limitations, F.S. § 166.021(4).

Sec. 3. - Utility franchises and grants; emergency ordinances prohibited; right of city to require adequate service and standards.

[Editorially deleted.]

Editor's note— Certain limitations on the exercise of home rule powers in a Charter adopted prior to July 1, 1973 have been repealed by operation of F.S. § 166.021(4).

Sec. 4. - Office records, books and documents; property of city; duty of chief officers.

All books, records and documents used by any city officer or city employee in ~~his~~-their office or pertaining to ~~their~~his duties shall be deemed the property of the city, and the chief officer in charge of such office shall be responsible therefor. Any such officer, made by this section responsible for the keeping of such books, records and documents, shall, within three (3) days after the date of ~~his~~-their resignation or removal or retirement from office, as the case may be, deliver all such books, records and documents to ~~his~~-their successor or to the city clerk and any employee shall deliver them to the chief officer of ~~his~~-their department. Any such officer or employee failing to deliver such books, records or documents, as required by this section, shall be deemed guilty of an offense against the city, and, upon conviction thereof before the [~~municipal~~] court, shall be fined not more than five hundred dollars (\$500.00), or imprisoned not exceeding sixty (60) days.

Editor's note— All sections of a Charter adopted prior to July 1, 1973 pertaining to certain powers and jurisdiction of a municipality have been converted to ordinances by operation of F.S. § 166.021(5). Municipal court has been editorially deleted as municipal courts have been abolished.

Sec. 5. - Public works; contract or day labor; estimates and accounting required on day labor.

Any public work or improvement may be executed either by contract or day labor, as may be determined by the city commission; before authorizing the execution of any work or improvement by day labor, detailed plans and estimates thereof shall be submitted to the city commission and there shall be separate accounting as to each work or improvement so executed.

(Ord. No. 848, § 2, 10-14-03)

Editor's note— All sections of a Charter adopted prior to July 1, 1973 pertaining to certain powers and jurisdiction of a municipality have been converted to ordinances by operation of F.S. § 166.021(5).

Sec. 6. - Contracts requiring bids; advertising for; authority of city commission.

[Editorially deleted.]

(Laws of Fla., Ch. 57-1955, § 11; Laws of Fla., Ch. 67-2182; § 1; Ord. No. 369, § 1, 12-10-74; Ord. No. 848, § 2, 10-14-03)

Editor's note— This section has been editorially deleted as superceded by Charter section 15 of Art. IIIA which was adopted by Res. No. 1035, enacted on November 6, 1984.

Sec. 7. - Subdivisions; plat required; approval by city commission.

Any owner of lots or grounds within the city who subdivides the same for sale, shall cause to be made an accurate plat of said subdivision describing with certainty all grounds laid out and granted for streets or other public use. Lots intended for sale shall be numbered progressively or described by the squares in which situated and the exact length and width shall be given of each lot sold or intended for sale; such plat shall be subscribed by the owner, acknowledged before an officer authorized to take acknowledgements of deeds, approved by the city commission, and recorded in the office of the clerk of the Circuit Court in and for Broward County, Florida. No such plat shall be approved unless it gives a clear and accurate description of the property showing section corners or quarter section corners, or, at least, tying said property into one (1) or more sections or quarter section comers or other government monuments.

Editor's note— All sections of a Charter adopted prior to July 1, 1973 pertaining to certain powers and jurisdiction of a municipality have been converted to ordinances by operation of F.S. § 166.021(5).

Sec. 8. - Streets and alleys; city commission to regulate platting.

The city commission shall provide regulations governing the platting of all lands so as to require all streets and alleys to be of proper width and contiguous with adjoining streets and alleys and otherwise to conform to regulations prescribed by the city commission. Whenever any portion of territory within the city limits, within which territory the necessary streets or alleys have not already been accepted by the city, but may become streets or alleys, if platted, the city commission shall endorse its written approval on said plats, if said plats are in accordance with the rules prescribed by the city commission. No such plat subdividing lands within the corporate limits of the city shall be entitled to record in the office of the clerk of the Circuit Court in and for Broward County, Florida, without such written approval endorsed thereon.

(Ord. No. 848, § 2, 10-14-03)

Editor's note— All sections of a Charter adopted prior to July 1, 1973 pertaining to certain powers and jurisdiction of a municipality have been converted to ordinances by operation of F.S. § 166.021(5).

Sec. 9. - Contracts with county, state or federal agencies.

The city shall have power to enter into contracts with the State of Florida, or any of its subdivisions or agencies, and with the United States of America or any department or agency thereof, in order to purchase, lease or acquire property, real, personal, or mixed, within or without the limits of the territorial boundaries of the city, for any municipal purpose, and to sell, alienate, convey, lease or otherwise dispose of same for the benefit and advantage of the city. The city shall further have the power to acquire real estate, or any interest therein, located within or without the territorial limits of said city, by purchase, devise, condemnation, or otherwise, for the purpose of giving, granting or conveying the same to the United States of America or the State of Florida or any lawful agency or subdivision thereof whenever the city commission of the said city shall deem it advisable, beneficial and to the best interest of said city so to do, or in order to conduce the construction of public institutions and public works of any and all kinds, and the city shall further have the power to enter into any agreement or financial arrangement with the government of the United States of America or the State of Florida to make, construct or operate any property of the city under agreements of financial assistance with the United States of America or the State of Florida or any agency thereof.

(Ord. No. 848, § 2, 10-14-03)

Sec. 10. - Vacation of streets and alleys.

[Editorially deleted.]

Editor's note— This section has been editorially deleted as home rule powers of municipalities are derived from the state constitution and F.S. Ch. 166.

Sec. 11. - Actions against city; notice required.

[Editorially deleted.]

Editor's note— This section has been editorially deleted as notice requirements for tort claims against the city were repealed by F.S. § 95.241 (1972) and the procedure for tort claims is superceded by F.S. § 768.28.

Sec. 12. - State law applicable.

All general laws of the state applicable to municipal corporations, now existing or which may hereafter be enacted and which are not in conflict with the provisions of this Act or the ordinances or resolutions now in force or hereafter enacted by the city commission, shall be applicable to this city; provided, however, nothing contained in this Act shall be construed as limiting the power of the city commission to enact any ordinance or resolution not in conflict with the Constitutions of this State and of the United States, or with the express provisions of this Act.

(Ord. No. 848, § 2, 10-14-03)

Sec. 13. - Severability clause.

The provisions of this Act are severable, and if any section, part of section, paragraph, sentence, or clause of this Act shall be adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of any other portion thereof, but shall be restricted and limited in its operation and effect to that specific portion hereof involved in the controversy in which such decision shall have been rendered.

Sec. 14. - Judicial notice.

The courts of this state shall take judicial cognizance of the Charter and ordinances of the City of Wilton Manors, Florida, and a certified copy or officially printed copy of the same shall be taken as evidence in any trial in which the same may be competent, without proof of the due passage and approval thereof.

Sec. 15. - Repealing clause.

All laws or parts of laws, insofar as they are in conflict or inconsistent with the provisions of this Act, be and the same are hereby repealed.

Sec. 16. - Effective date.

This Act shall become effective immediately upon its becoming a law.

ARTICLE XI. - EXTENDING OR CONTRACTING TERRITORIAL LIMITS^[9]

Footnotes:

--- (9) ---

Amendment note— This article was added by section 3 of Laws of Fla., Ch. 61-3001.

State Law reference— Municipal annexation or contraction procedure, F.S. § 171.011 et seq.

Sec. 1. - Annexation or contraction by legislative act authorized.

[Editorially deleted.]

(Laws of Fla., Ch. 61-3001, § 3)

Editor's note— This section has been editorially deleted as preempted by F.S. Ch. 171, procedure for annexation and contraction of municipal boundaries, and specifically F.S. § 171.022 which repealed all special act or municipal charter provisions in effect on October 1, 1974 regarding involuntary annexations.

Sec. 2. - Procedure for annexation by petition; election required.

A definitely described tract Of land contiguous to the boundaries of the City of Wilton Manors may be annexed to the City of Wilton Manors when petition for annexation signed by ten (10) percent of the qualified electors residing in the area to be annexed has been presented to the city commission and approved by a majority vote of said city commission, and the proposal of annexation has been submitted to and approved by a majority of the qualified electors residing in such area or areas to be annexed, voting at a special election called for such purposes, and such proposal has been submitted to and approved by a majority of the qualified electors of the City of Wilton Manors voting at a special election called for such purpose; all in accordance with the procedure outlined in Article XI, section 3, of this Charter. All of such tracts of land so annexed must be situated in an unincorporated area in Broward County, Florida, at the time of annexation.

(Laws of Fla., Ch. 61-3001, § 3; Ord. No. 848, § 2, 10-14-03)

Editor's note— The voluntary annexation provision of the Charter has not been superceded and is specifically excepted by F.S. § 171.044(4). However, the election procedure in Charter Art. XI, § 3 referenced above for involuntary annexation has been superceded to that extent by F.S. § 171.011 et seq.

State Law reference— Voluntary annexations, F.S. § 171.044.

Sec. 3. - Annexation by resolutions of city commission; election required.

- (a) The city commission, of its own motion, may adopt a resolution declaring its desire to change its territorial limits by the annexation of one (1) or more tracts of land and submit such proposal or proposals to a referendum vote of the qualified electors of the City of Wilton Manors at a special election called for such purpose on a date not less than thirty (30) [days] nor more than sixty (60) days after the adoption of such resolution. All qualified electors of the City of Wilton Manors shall have a right to vote upon such proposal or proposals at such election. Such proposal or proposals for annexation shall be considered as approved at such referendum election if a majority of the qualified electors of the City of Wilton Manors, voting at such election, vote in favor of such proposal or proposals. The form of proposal or proposals to be submitted to the registered electors of the City of Wilton Manors shall be "Shall the following described unincorporated area in Broward County, Florida, (describe area) be annexed to the City of Wilton Manors?" The tracts desired to be incorporated may be divided into different areas, and the electors afforded the opportunity to vote for or against the annexation of each area described in the proposal. Regardless of the outcome of such referendum election, no tract of land may be annexed to the City of Wilton Manors unless same lies contiguous to the existing boundaries of the city, or contiguous to another tract which lies contiguous to the boundaries of the city and which is annexed at the same time.
- (b) Should a petition be presented to the city commission bearing the signatures of ten (10) percent of the registered electors of an unincorporated area in Broward County, Florida, lying contiguous to the existing boundaries of the City of Wilton Manors, requesting annexation of such area to the City of Wilton Manors, the city commission may adopt a resolution calling a special referendum election within the area intended to be annexed upon the proposal of incorporation, to be held not less than thirty (30) days nor more than sixty (60) days after adoption of such resolution, at which election all qualified electors residing within such area, as shown by the records of the supervisor of registration of Broward County, Florida, shall be entitled to vote. The proposal to be submitted at such election shall be "Shall the following described unincorporated area in Broward County, Florida, (here describe area) be annexed to the City of Wilton Manors?" Such proposal for annexation shall be considered ratified and approved at such election by a majority of those voting, in favor of such proposal.

(Laws of Fla., Ch. 61-3001, § 3; Ord. No. 848, § 2, 10-14-03)

Editor's note— This section has been preempted by F.S. Ch. 171 regarding procedures for involuntary annexation and contraction of municipal boundaries and specifically F.S. § 171.022 which repealed all special act or municipal charter provisions in effect on October 1, 1974 regarding involuntary annexations. However, any application of this procedure pursuant to Charter Art. XI, § 2 above for involuntary annexation is excepted pursuant to F.S. § 171.044(4).

State Law reference— Voluntary annexations, F.S. § 171.044.

Sec. 4. - Time for submission to electors.

[Editorially deleted.]

(Laws of Fla., Ch. 61-3001, § 3)

Editor's note— This section has been editorially deleted as preempted by F.S. Ch. 171, procedure for involuntary annexation and contraction of municipal boundaries, and specifically F.S. § 171.022 which repealed all special act or municipal charter provisions in effect on October 1, 1974 regarding involuntary annexations.

Sec. 5. - Conduct of elections.

Referendum elections as provided for in sections 2, 3, and 4 of Article XI hereof shall be conducted in the following manner:

- (a) The total expenses of calling and holding such elections shall be paid by the City of Wilton Manors.
- (b) Voting machines shall be used at such elections, if desired.
- (c) Regular county election precincts and polling places shall be used, as far as practicable, but if no regular county polling place is situated in the area to be annexed, the city commission may designate one (1) or more polling places.
- (d) As far as practicable, when not inconsistent herewith, the provisions of Article IV of this Charter pertaining to "Elections" shall govern.
- (e) The city commission shall make all arrangements for holding of said election, and appoint not less than three (3) inspectors and a clerk to each election board in each precinct or portion of a precinct or polling place.
- (f) The city commission shall canvass the vote in the area intended to be annexed separately, and declare the result by resolution. The city commission shall canvass the votes in the City of Wilton Manors upon each proposal separately, and declare the result by resolution.

(Laws of Fla., Ch. 61-3001, § 3; Ord. No. 848, § 2, 10-14-03)

Editor's note— The voluntary annexation provision of Charter Art. XI, § 2, has not been superceded and is specifically excepted by F.S. § 171.044(4). However, the procedures in Charter Art. XI, §§ 3 and 4 referenced above for involuntary annexation have been superceded to that extent by F.S. 171.011 et seq.

State Law reference— Voluntary annexations, F.S. § 171.044.

Sec. 6. - Ordinance of annexation.

Should a proposal to annex a definitely described unincorporated area, as defined in section 2, Article XI, be approved at referendum elections held in the area intended to be annexed and also by the electors of the City of Wilton Manors, as in this article specified, all within three (3) years from date of adoption of the first resolution calling an election upon the proposal, the city commission shall thereafter pass an ordinance describing the lands to be annexed to said city, as approved at such referendum elections, and cause such ordinance to be duly enrolled in the ordinance book, and a certified copy of same to be recorded in the office of the clerk of the Circuit Court in Broward County, Florida, and when such ordinance has been duly enrolled and recorded as aforesaid, the territory so annexed to the City of Wilton Manors and the inhabitants thereof shall enjoy all of the privileges and be subject to all of the liabilities as are applicable to other lands and inhabitants within the city limits and subject to all the laws and ordinances of the City of Wilton Manors.

(Laws of Fla., Ch. 61-3001, § 3; Ord. No. 848, § 2, 10-14-03)

Editor's note— The voluntary annexation provision of the Charter has not been superceded and is specifically excepted by F.S. § 171.044(4).

State Law reference— Voluntary annexations, F.S. § 171.044.

ARTICLE XII. - CIVIL SERVICE^[10]

Footnotes:

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Editor's note— Res. No. 953, adopted by referendum March 6, 1984, has been codified as superceding former Art. XII, §§ 1—18, pertaining to civil service, to read as herein set out in Art. XII, §§ 1—6. Former Art. XII was derived from Laws of Fla., Ch. 61-3000, § 1 and Laws of Fla., Ch. 69-1722, § 1.

Sec. 1. - Employees within act.

The members of all departments hereinafter referred to as "administrative departments" excluding department heads of the City of Wilton Manors, Florida shall be constituted civil service employees of the said City of Wilton Manors, and shall be employed, retained, governed, directed and discharged as hereinafter provided.

(Res. No. 953, 3-6-84)

Sec. 2. - Definitions.

For the purposes of this article, "municipality" shall be construed to mean the City of Wilton Manors. The "governing authority" shall be construed to mean members of the city commission who are authorized to enact laws and ordinances of the said municipality and shall include only those officers who are authorized to vote on said ordinances and laws. "Department head" shall be construed to mean the officer in command of each "administrative department" and commonly known and designated as "department head." "Seniority" shall be construed to mean the length of service in the "administrative departments" of said municipality.

(Res. No. 953, 3-6-84; Ord. No. 848, § 2, 10-14-03)

Sec. 3. - Employment covered.

- (a) *Employment included in provisions of this article.* Employment included in provisions of this article shall be all persons, hereinafter known as "administrative employees" under classified service, excluding the "department heads." Such classified employees shall be employed and advanced to any higher grade on merit and fitness only, and the merit and fitness of any applicant for said "administrative departments" or for the advancement therein, shall be determined by competitive examination, as hereinafter provided.
- (b) *Exempt service.* The exempt service shall include the following positions and offices, to wit:
 - (A) City commission.
 - (B) Mayor.

- (C) City administrator [city manager]/treasurer.
 - (D) City clerk.
 - (E) Department heads.
 - (F) City attorney and assistant city attorneys.
 - (G) Boards, committees and persons specifically excepted from classified service.
 - (H) Consultants, counsel, architects, auditors and the like rendering temporary professional services for pay.
- (c) *Classified service.* The classified service shall include all positions hereinbefore described "administrative employees" working under "administrative departments" in the civil service covered by this article, except those specifically placed in the exempt service under paragraph (b), section 3 of this article. All persons in the classified service shall be subject to the civil service rules and regulations.

(Res. No. 953, 3-6-84; Ord. No. 848, § 2, 10-14-03)

Sec. 4. - Civil service board created.

A civil service board for said municipality is hereby created. Said board shall be composed of five (5) members, three (3) members of said board to be persons of different vocations, not employed by said municipality in any other capacity, official or otherwise, and shall be appointed by the governing authority of said municipality, and shall be so appointed in the first instance for terms of one (1), two (2) and three (3) years respectively, and thereafter in each instance the term shall be for four (4) years. The fourth and fifth members of said board shall be members of the "administrative departments," who shall be elected to membership in said board by the vote of the regular employed members of the "administrative departments." At the next regular election of the fourth and fifth members of said board, one (1) member shall be elected for a one-year term and the other member shall be elected for a two-year term. Thereafter, as each election falls due, the member being elected shall be elected for a two-year term. The members of said board, other than said fourth and fifth members, shall appoint the judges and clerks for the election of said fourth and fifth members. The time for said election shall be set by the three (3) members first appointed to said board, and thereafter said election shall be held on the first Tuesday after the first Monday of each year. The votes shall be tabulated on the following day after said election. The candidate receiving the greatest number of votes shall be declared elected. Immediately after appointments and election have been made and held as above provided, said board shall organize and elect one (1) of its members chief examiner, who shall act as secretary to said board. The board may appoint such other assistants to the secretary as may be necessary. All three (3) members of said civil service board first appointed shall serve without recompense, unless otherwise provided by the governing authority. The city administrator [city manager], or ~~his/her~~ the manager's designee, shall be an ex officio member of said board and shall have a voice in any proceedings, but not vote. All members shall serve on said board without compensation.

(Res. No. 953, 3-6-84)

Sec. 5. - City commission to adopt code of rules and regulations; scope; force and effect; investigations concerning enforcement; annual report.

The city commission shall have the power to adopt, enact and amend the code of rules and regulations after having received comments and recommendations from the civil service board. This code shall cover the regulations for the conduct and direction of the members of the "administrative departments" and shall prescribe their duties, discipline and control. Said code shall contain rules and regulations for the appointment, employment, promotion and discharge of persons in all positions in the "administrative departments" of said municipality, based on merit, efficiency, character and industry. Also

covered shall be seniority rights and appeal procedure. Said code shall have the force and effect of a law on employees of said "administrative departments." Said board shall make investigations concerning the enforcement and effect of this chapter [article] and of its adopted code. It shall make an annual report to the governing authority.

(Res. No. 953, 3-6-84; Ord. No. 848, § 2, 10-14-03)

Sec. 6. - Governing authority to fix pay and control number of employees in each grade.

The governing authority of said municipality shall fix the pay of all members of said "administrative departments," provided that members of the same step of a grade shall each receive the same pay, and that members of a higher grade shall not be paid less than members of the next lower grade provided they are at the same step. The governing authority of said municipality shall fix the number of members in each particular grade and may increase or reduce the number of any grade, or may abolish that grade.

(Res. No. 953, 3-6-84)

ARTICLE XIII. - PENSION OR RETIREMENT PLAN

Sec. 1. - City commission authorized to provide plan for officers and employees.

The City of Wilton Manors, in Broward County, Florida, by its city commission, shall have power and authority to provide a pension or retirement plan for its officers and employees.

(Laws of Fla., Ch. 67-2179, § 1; Ord. No. 848, § 2, 10-14-03)

Editor's note— This article has been editorially deleted from the Charter as it was converted to an ordinance by operation of F.S. § 166.021(5) which converted all provisions of special acts pertaining to the power and jurisdiction of a city with certain listed exceptions into ordinances to be amended as all other ordinances of the city. The city will follow F.S. Ch. 170.

ARTICLE XIV. - LOCAL IMPROVEMENTS AND SPECIAL ASSESSMENTS^[1]

Footnotes:

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State Law reference— Supplementary procedure for making local improvements, F.S. § 170.01 et seq.

Amendment note— Laws of Fla., Ch. 67-2178, §§ 1—18, amended Charter by adding the provisions of Art. XIV, §§ 1—18.

Sec. 1. - Special assessments authorized for certain local improvements.

City of Wilton Manors, in Broward County, Florida, by its city commission, shall have power and authority to cause local improvements to be constructed, wholly or in part, at the cost of the property owners benefited thereby, by levying and collecting special assessments, for the following improvements:

(a) [Editorially deleted.]

- (b) Extending its waterworks system by the construction of additional mains, pumps, pumping stations, lines and laterals, and the laying or relaying of same, either inside or outside the corporate limits or partly inside and partly outside.
- (c) [Editorially deleted.]
- (d) [Editorially deleted.]
- (e) [Editorially deleted.]
- (f) [Editorially deleted.]

(Laws of Fla., Ch. 67-2178, § 1; Ord. No. 848, § 2, 10-14-03)

Editor's note— Portions of this section have been editorially deleted from the Charter as they were converted to ordinances by operation of F.S. § 166.021(5) which converted all provisions of special acts pertaining to the power and jurisdiction of a city with certain listed exceptions regarding extraterritorial powers into ordinances to be amended as all other ordinances of the city.

Sec. 2. - Revenue bonds or certificates; issuance authorized; methods of payment.

[Editorially deleted.]

(Laws of Fla., Ch. 67-2178, § 2)

Editor's note— This section has been editorially deleted from the Charter as it was converted to an ordinance by operation of F.S. § 166.021(5) which converted all provisions of special acts pertaining to the power and jurisdiction of a city with certain listed exceptions into ordinances to be amended as all other ordinances of the city.

Sec. 3. - Initial procedure for making local improvements; special ordinances of necessity; notice of hearing thereon.

[Editorially deleted.]

(Laws of Fla., Ch. 67-2178, § 3)

Editor's note— This section has been editorially deleted from the Charter as it was converted to an ordinance by operation of F.S. § 166.021(5) which converted all provisions of special acts pertaining to the power and jurisdiction of a city with certain listed exceptions into ordinances to be amended as all other ordinances of the city.

Sec. 4. - Hearing on special ordinance of necessity; objections to improvement; action by city commission.

[Editorially deleted.]

(Laws of Fla., Ch. 67-2178, § 4; Ord. No. 848, § 2, 10-14-03)

Editor's note— This section has been editorially deleted from the Charter as it was converted to an ordinance by operation of F.S. § 166.021(5) which converted all provisions of special acts pertaining to the power and jurisdiction of a city with certain listed exceptions into ordinances to be amended as all other ordinances of the city.

Sec. 5. - Property owner's claim.

[Editorially deleted.]

(Laws of Fla., Ch. 67-2178, § 5)

Editor's note— This section has been editorially deleted from the Charter as it was converted to an ordinance by operation of F.S. § 166.021(5) which converted all provisions of special acts pertaining to the power and jurisdiction of a city with certain listed exceptions into ordinances to be amended as all other ordinances of the city.

Sec. 6. - Costs of improvement; items included; payment.

[Editorially deleted.]

(Laws of Fla., Ch. 67-2178, § 6)

Editor's note— This section has been editorially deleted from the Charter as it was converted to an ordinance by operation of F.S. § 166.021(5) which converted all provisions of special acts pertaining to the power and jurisdiction of a city with certain listed exceptions into ordinances to be amended as all other ordinances of the city.

Sec. 7. - Special assessment methods.

[Editorially deleted.]

(Laws of Fla., Ch. 67-2178, § 7)

Editor's note— This section has been editorially deleted from the Charter as it was converted to an ordinance by operation of F.S. § 166.021(5) which converted all provisions of special acts pertaining to the power and jurisdiction of a city with certain listed exceptions into ordinances to be amended as all other ordinances of the city.

Sec. 8. - Special ordinance to proceed with improvement.

[Editorially deleted.]

(Laws of Fla., Ch. 67-2178, § 8)

Editor's note— This section has been editorially deleted from the Charter as it was converted to an ordinance by operation of F.S. § 166.021(5) which converted all provisions of special acts pertaining to the power and jurisdiction of a city with certain listed exceptions into ordinances to be amended as all other ordinances of the city.

Sec. 9. - Assessment list; notice of hearing thereon.

[Editorially deleted.]

(Laws of Fla., Ch. 67-2178, § 9)

Editor's note— This section has been editorially deleted from the Charter as it was converted to an ordinance by operation of F.S. § 166.021(5) which converted all provisions of special acts pertaining to the power and jurisdiction of a city with certain listed exceptions into ordinances to be amended as all other ordinances of the city.

Sec. 10. - Hearing on assessment list; city commission's authority; ordinance confirming assessment list; lien against benefited property; property owner's rights.

[Editorially deleted.]

(Laws of Fla., Ch. 67-2178, § 10; Ord. No. 848, § 2, 10-14-03)

Editor's note— This section has been editorially deleted from the Charter as it was converted to an ordinance by operation of F.S. § 166.021(5) which converted all provisions of special acts pertaining to the power and jurisdiction of a city with certain listed exceptions into ordinances to be amended as all other ordinances of the city.

Sec. 11. - Procedure if special assessment annulled, etc., by court, etc.

[Editorially deleted.]

(Laws of Fla., Ch. 67-2178, § 11)

Editor's note— This section has been editorially deleted from the Charter as it was converted to an ordinance by operation of F.S. § 166.021(5) which converted all provisions of special acts pertaining to the power and jurisdiction of a city with certain listed exceptions into ordinances to be amended as all other ordinances of the city.

Sec. 12. - Procedure to contest legality of confirmed special assessment.

[Editorially deleted.]

(Laws of Fla., Ch. 67-2178, § 12)

Editor's note— This section has been editorially deleted from the Charter as it was converted to an ordinance by operation of F.S. § 166.021(5) which converted all provisions of special acts pertaining to the power and jurisdiction of a city with certain listed exceptions into ordinances to be amended as all other ordinances of the city.

Sec. 13. - Method of payment of special assessment; fixed by ordinance; application for payment by installments.

[Editorially deleted.]

(Laws of Fla., Ch. 67-2178, § 13)

Editor's note— This section has been editorially deleted from the Charter as it was converted to an ordinance by operation of F.S. § 166.021(5) which converted all provisions of special acts pertaining to the power and jurisdiction of a city with certain listed exceptions into ordinances to be amended as all other ordinances of the city.

Sec. 14. - City clerk; records; lien for unpaid assessment, etc.

[Editorially deleted.]

(Laws of Fla., Ch. 67-2178, § 14)

Editor's note— This section has been editorially deleted from the Charter as it was converted to an ordinance by operation of F.S. § 166.021(5) which converted all provisions of special acts pertaining to the power and jurisdiction of a city with certain listed exceptions into ordinances to be amended as all other ordinances of the city.

Sec. 15. - Special assessment revolving fund or funds.

[Editorially deleted.]

(Laws of Fla., Ch. 67-2178, § 15)

Editor's note— This section has been editorially deleted from the Charter as it was converted to an ordinance by operation of F.S. § 166.021(5) which converted all provisions of special acts pertaining to the power and jurisdiction of a city with certain listed exceptions into ordinances to be amended as all other ordinances of the city.

Sec. 16. - Assessment liens nonassignable or transferable; foreclosure by city.

[Editorially deleted.]

(Laws of Fla., Ch. 67-2178, § 16)

Editor's note— This section has been editorially deleted from the Charter as it was converted to an ordinance by operation of F.S. § 166.021(5) which converted all provisions of special acts pertaining to the power and jurisdiction of a city with certain listed exceptions into ordinances to be amended as all other ordinances of the city.

Sec. 17. - Certain assessment liens and collections legalized, etc.

[Editorially deleted.]

(Laws of Fla., Ch. 67-2178, § 17)

Editor's note— This section has been editorially deleted from the Charter as it was converted to an ordinance by operation of F.S. § 166.021(5) which converted all provisions of special acts pertaining to the power and jurisdiction of a city with certain listed exceptions into ordinances to be amended as all other ordinances of the city.

Sec. 18. - Defaulted assessment liens; foreclosure proceedings.

[Editorially deleted.]

(Laws of Fla., Ch. 67-2178, § 18)

Editor's note— This section has been editorially deleted from the Charter as it was converted to an ordinance by operation of F.S. § 166.021(5) which converted all provisions of special acts pertaining to the power and jurisdiction of a city with certain listed exceptions into ordinances to be amended as all other ordinances of the city.

ARTICLE XV. - RIGHT OF INITIATIVE^[12]

Footnotes:

--- (12) ---

Amendment note— Article XV, §§ 1—3 is derived from Laws of Fla., Ch. 67-2180, § 1, which amended the Charter to add said provisions.

Sec. 1. - Petition for proposed ordinance.

Any proposed ordinance, including ordinances for the repeal or amendment of the "Code of Ordinances of the City of Wilton Manors, Florida," then in effect may be initiated, submitted and enacted in the following manner:

- (a) A committee of not less than fifty (50) electors of the city shall prepare and sign a petition addressed to the city commission of the City of Wilton Manors, requesting that a proposed ordinance attached to the petition be enacted. Each signer of the petition shall sign ~~his~~-~~their~~ name in ink or indelible pencil, shall state ~~his~~-~~their~~ place of residence and voting precinct. The petition shall have attached the certificate of the supervisor of registration indicating whether each of the signers is a qualified elector of the city. Thereafter, such signers shall be referred to as the committee, and one (1) member shall be designated therein as ~~chairman~~-~~chairperson~~ of the committee.
- (b) Such signed petition and proposed ordinance and the opinion of the city attorney or the assistant city attorney as the validity thereof, shall be presented by the committee to the city commission at a regular meeting, after ten (10) days' prior notice to the city clerk that such matter will be presented at such meeting. Ample opportunity shall be given for proponents and opponents of the proposed ordinance to be heard. At such meetings the city commission shall take definite action upon the ordinance by rejecting same, failing to take action upon same, passing same in prepared form upon first reading or passing same in amended form upon first reading. If passed on first reading in an amended form, the ~~chairman~~-~~chairperson~~ of the committee shall state in open meeting whether the committee accepts or rejects the ordinance, as amended, and the decision of the ~~chairman~~-~~chairperson~~ shall be binding upon the committee. If the committee accepts the amended ordinance, as aforesaid, or if the city

commission accepts the proposed ordinance, same shall be placed upon its first reading at such meeting, upon the second reading at the next regular meeting, and upon its third at the next regular meeting following second reading, but the said ordinance may be read on one (1) or more readings at any meeting as provided in this Charter. If the proposed ordinance is passed upon first reading, or if the proposed ordinance is amended and passed upon first reading, and such amended ordinance is accepted and approved by the ~~chairman~~chairperson of the committee, it shall be the duty of the city commission to pass such ordinance upon three (3) readings as permitted by this Charter, and to continue reading such ordinance upon progressive readings at each regular meeting of the city commission until such ordinance is duly enacted.

- (c) If the city commission should:
- (1) Reject the proposed ordinance; or
 - (2) Fail to take action upon said proposed ordinance; or
 - (3) Pass the ordinance in an amended form not acceptable to the committee; or
 - (4) Fail to pass the proposed ordinance upon first, second and third readings at successive regular meetings of the city commission; or
 - (5) Fail to pass an amended ordinance, acceptable to the committee, upon successive meetings; or
 - (6) Do any act to delay passage of such ordinance; the ~~chairman~~chairperson of the committee shall have the right to demand in writing that an election upon the matter of enactment of the proposed ordinance, or amended ordinance which has been accepted or approved by the committee, to be held in the manner provided in section 4 hereof, and at such meeting at which such demand in writing is presented, the said city commission shall take action either calling such election or refusing to call such election, and the failure to call such election shall constitute a refusal.

(Laws of Fla., Ch. 67-2180, § 1; Ord. No. 848, § 2, 10-14-03)

Sec. 2. - Circulating petition for an election.

After a demand for an election has been refused as hereinbefore set out, the committee shall have the right to circulate petitions to obtain the signatures of registered electors of the city, equal in number to twenty (20) percent of the qualified electors of the city, in order to compel the enactment of such ordinance in the following manner:

- (a) Within ten (10) days after the demand for an election has been refused by the city commission, the clerk shall prepare a form of mimeographed or typewritten petitions addressed to the city commission demanding that an election be called in order that there may be submitted to the qualified electors of the city at such election the question of enactment by initiative proceedings of the proposed ordinance or amended ordinance. Such petition shall clearly outline the action sought and shall contain a copy of the ordinance proposed for enactment by the committee and shall contain spaces for signatures of electors and a form of affidavit for circulators to sign. The clerk shall deliver to the chairman of the committee sufficient number of such mimeographed or typewritten counterparts of the petition as will be sufficient for signatures of twenty (20) percent of the qualified electors of the city. All petitions shall be uniform in character and shall contain the names of each of the members of the committee of petitioners, and designate the ~~chairman~~chairperson thereof.
- (b) The ~~chairman~~chairperson of the committee shall sign a receipt for such petitions, and shall return such petitions or so many thereof as ~~he~~the chairperson desires to the clerk within sixty (60) days from the date of said receipt bearing the signatures of such electors as have signed same.

- (c) Each elector of the city signing a petition shall sign his-their name as registered in the office of the supervisor of registration of Broward County, Florida, in ink or indelible pencil; shall specify his-their voting precinct and shall place on the petition opposite his-their name the date he-they signed the petition and his-their place of residence in the city. Each counterpart of the petition shall contain appropriate lines for signatures by electors and a form of affidavit to be executed by the circulator thereof, verifying the fact that such circulator saw each person sign the counterpart of the petition, and that each signature appearing thereon is the genuine signature of the person it purports to be, and that such petition was signed in the presence of the affiant on the date indicated.
- (d) All counterparts of the petition shall be assembled and filed with the city clerk as one (1) instrument within sixty (60) days after receipt of such petition by the ~~chairman~~chairperson, and when so filed, the clerk shall determine forthwith from the supervisor of registration if such petitions contain the signatures of electors constituting twenty (20) percent in number of the registered electors of said city, and when such fact has been determined by report from the supervisor of registration, the city clerk shall submit such petitions and such affidavits to the city commission at its next regular meeting.
- (e) Any elector signing such petition shall have the right to file with the city clerk a demand in writing that his-their name be deleted and stricken from the petition, and upon the filing of such demand the name of such elector shall be stricken by the clerk and not be counted or computed in the total of electors signing the petition. No signature may be stricken after the clerk has certified the total of registered electors in the city commission [city].

(Laws of Fla., Ch. 67-2180, § 1; Ord. No. 848, § 2, 10-14-03)

Sec. 3. - City commission required to take action.

If the certificate of the clerk, so submitted, shows that twenty (20) percent of the registered electors of the city signed such petition and have not requested that their signatures be stricken or deleted, then it shall be mandatory duty of the city commission at such meeting at which the clerk's certificate is presented to enact the ordinance in final form or call an election for the purpose of submitting such proposed ordinance to the votes of the electorate.

(Laws of Fla., Ch. 67-2180, § 1; Ord. No. 848, § 2, 10-14-03)

Sec. 4. - Time of holding election.

If an election is scheduled to be held not less than thirty (30) days and not more than sixty (60) days after such meeting, such proposed ordinance shall be submitted to a vote of the electors at such election. If no election is to be held within the time aforesaid, the city commission shall provide for submitting the proposed ordinance to the electors at a special election to be held not later than sixty (60) days, nor earlier than thirty (30) days thereafter. At least ten (10) days before any such election the city clerk shall cause such proposed ordinance to be published in full one (1) time in a newspaper published in Broward County.

(Laws of Fla., Ch. 67-2180, § 1; Ord. No. 848, § 2, 10-14-03)

Sec. 5. - Ballots.

Ballots to be used when voting upon any such proposed ordinance shall state the title of the ordinance to be voted on and below it the two (2) propositions "For the proposed ordinance" and "Against the proposed ordinance." Immediately to the left of each proposition there shall be a square in which, by marking a cross mark (X), the voter may vote for or against the proposed ordinance. Voting machines

may be used if desired. If a majority of the electors voting on any such proposed ordinance shall vote in favor thereof, it shall thereupon become an ordinance of the city, and a part of the Code of Ordinances of the City of Wilton Manors, upon canvass of such votes and proper certification.

(Laws of Fla., Ch. 67-2180, § 1)

APPENDIX D. CHARTER REVIEW BOARD MEETING MINUTES

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Life's Just Better Here

**CHARTER REVIEW BOARD
2020 WILTON DRIVE
WILTON MANORS, FLORIDA 33305
MONDAY, MAY 20, 2019 – 6:30 P.M.**

MEMBERS	ATTENDANCE
Michael Rajner,	P
Scott Newton, Vice Chair	P
Salvatore Torre	P
Christopher Ryan (arr. at 6:33 p.m.)	P
Doug Blevins	P

Staff

Leigh Ann Henderson, City Manager
Kerry Ezrol, City Attorney
Lisa Tayar, Prototype, Inc.

I. Call to Order

Ms. Henderson called the meeting to order at 6:30 p.m.

II. Roll Call

Roll was called by Ms. Henderson, and a quorum was present.

III. Charter Review Board Scope and Duties

Ordinance No. 2019-002

Ms. Henderson highlighted portions of the ordinance that provide the scope and duties of the Board:

- Number of Board members and length of terms
- Purpose: To study the existing charter and make recommendations to the City Commission regarding any changes
- Number of required public hearings
- Three (3) votes required for any proposed item that will be sent to the City Commission
- Proposed amendments must be sent to the City Commission no later than February 25, 2020 – the last meeting before the March 1, 2020 deadline prescribed in the ordinance
- Advisory capacity of the Board
- Attendance requirements

[Mr. Ryan arrived at 6:33 p.m.]

If the Commission comes up with its own Charter ballot suggestions, the Board may be expected to be part of an education effort in the community to advance those suggestions, even though that role is not specified in the ordinance.

IV. Election of Chair and Vice Chair

Motion made by Mr. Blevins, seconded by Mr. Torre, to nominate Michael Rajner for Chair. In a voice vote, the motion passed unanimously (5-0).

Motion made by Mr. Ryan, seconded by Chair Rajner, to nominate Scott Newton for Vice Chair. In a voice vote, the motion passed unanimously (5-0).

V. Establish Meeting Dates and Times

Motion made by Vice Chair Newton, seconded by Mr. Ryan, to establish the regular meeting day and time of the Charter Review Board as the third Monday of the month at 6:30 p.m. In a voice vote, the motion passed unanimously (5-0).

VI. Sunshine, Ethics, and Public Records Laws

All members had met the training requirements, per Ms. Henderson.

VII. Discussion of Outreach Efforts

Ms. Henderson mentioned the following:

- It is the Commission's goal to have as much public outreach as possible
- The ordinance calls for a minimum of two (2) public hearings
- All meetings will be webcast, posted, and archived on the City webpage
- Email for the Board is charterview@wiltonmanors.com
- Information can be sent via the *Town Crier*, weekly e-blasts, and speaking to neighborhood association meetings
- The purpose of the outreach program is to have an open process so the public is informed about the Board meetings, public hearings, and to obtain feedback from the public.

Discussion ensued about how to handle the timing of public comments in meetings/hearings.

Mr. Ezrol advised they can hear public comment on a specific topic during a meeting if they wish. The Board decides its own rules and procedures.

With Board consensus, Chair Rajner announced that public comments would be limited to three (3) minutes initially, and two (2) minutes for final public comment at the end of the meeting.

The *Wilton Gazette*, the *Pelican*, the *Sun Sentinel*, and notices in the water bill were suggested as additional means of public outreach.

Mr. Ezrol stated that the Charter is part one of the Code of Ordinances. He recommended that the Board not concern itself about what can only be changed by referendum and what can be changed by ordinance when making their recommendations, noting that certain provisions of the Charter can only be changed through referendum.

There was a brief discussion on what items the City Commission may specifically want the Board to address, such as term limits and the election process.

The next meeting will address the Board's approach to the review process. Mr. Ezrol cautioned against trying to do a complete rewrite of the Charter, noting there may be multiple revisions. He stated there are legal requirements for how titles for the ballot language and ballot measure are drafted; the proposals cannot be bundled with other items when being voted upon.

Discussion ensued on which portions of the ordinance to address at the next meeting.

Motion made by Mr. Ryan, seconded by Mr. Torre, to amend the agenda to add discussion regarding the approach on how to review the Charter. In a voice vote, the motion passed unanimously (5-0).

Discussion Regarding Approach to Review of the Charter

The Board discussed possible approaches for reviewing the Charter, and it was pointed out that Section 8 may be pre-empted by State legislature, which Mr. Ezrol will check. It was decided Article 1, Sections 1-8, will be addressed at the next meeting.

Regarding Article 4, Mr. Ezrol stated elections are subject to State law and Broward County regulations. Term limits and whether elections should be done by district are within the Board's purview. While term limits are not in the current Charter, they could be addressed in Article 3(a) (legislative).

Discussion returned to public outreach pertaining to the three (3) neighborhood association meetings. Outreach could be accomplished via emailed notice to the memberships and informal communications between the three neighborhood associations.

Updates from the Board could be given at the City Commission meetings at the end or, preferably, during public comment when more residents are present.

Ms. Henderson said she would document all the potential outreach efforts discussed, try to get deadlines for publications, and obtain scheduled meeting dates for neighborhood associations and other community groups. She would distribute the information before the next meeting.

Copies of communications to the public will be sent in draft form from Ms. Henderson to the Board, and she will bring a communication template for approval.

Discussion ensued on the importance of the public being informed that the Board will address elections and term limits at the next meeting.

Mr. Ezrol suggested that recommendations be submitted to him as they progress so he can work on a draft.

Upon request by Chair Rajner, Mr. Ezrol said he would give a presentation at the next meeting about procedures for amendment of Charter provisions. Any provision of the existing Charter that has already been adopted or re-adopted by referendum can be changed only by referendum. Mr. Ezrol will advise the Board which provisions of the existing Charter have been re-adopted by referendum.

It was noted that Vice Mayor Green and Commissioner Paul Rolli were in attendance.

VIII. Public Comment (None)

IX. Adjournment

Upon motion duly made and seconded, the meeting was adjourned at 7:21 p.m.

[Minutes transcribed by J. Rubin, Prototype.]



Life's Just Better Here

**CHARTER REVIEW BOARD
2020 WILTON DRIVE
WILTON MANORS, FLORIDA 33305
MONDAY, JUNE 17, 2019 – 6:30 P.M.**

MEMBERS	ATTENDANCE
Michael Rajner, Chair	P
Scott Newton, Vice Chair	P
Salvatore Torre	P
Christopher Ryan (arr. at 6:33 p.m.)	P
Doug Blevins	P

Staff

Leigh Ann Henderson, City Manager

Michael Cirullo, City Attorney

Lisa Tayar, Prototype, Inc.

I. Call to Order

Chair Rajner called the meeting to order at 6:33 p.m.

II. Roll Call

Roll was called by Ms. Tayar, and a quorum was present.

III. Pledge of Allegiance - Recited

IV. Public Comment - None

V. Review of Public Comments Received by Email – None received.

Per Chair Rajner's request, future non-spam email communications will be attached as part of the backup.

VI. Additions/Changes/Deletions

Chair Rajner asked to change the agenda item "Chair's Report" to "Report," so it would cover the Chair, City Manager, and City Attorney.

VII. Approval of Minutes

- May 20, 2019

Motion made by Mr. Blevins, seconded by Mr. Torre, to approve the minutes of the May 20, 2019, meeting as presented. In a voice vote, the motion passed unanimously.

VIII. Report - None

IX. The Charter Amendment Process

- Memorandum from the City Attorney

Attorney Cirullo referred to the memorandum, noting it provides guidance about the Charter Review process.

[Mr. Ryan arrived at 6:39 p.m.]

X. Discussion of Articles I through VIII of the Charter

Mr. Cirullo commented that the first eight Articles include a lot of antiquated language and obsolete policies.

Regarding expanding the City's boundaries, Mr. Cirullo advised there is a Statute that covers voluntary and involuntary annexation; the Charter can be amended without referendum if boundary changes were to occur.

Nomenclature or editorial changes such as "Village" to "City" can be handled administratively through a housekeeping amendment.

It was noted that the reference to "Laws of Fla., Ch. 57-1955" referred to a "Session Law," which was enacted in 1957, and is different than the Florida Statutes.

Mr. Cirullo then led discussion of the Articles as follows (Items that the Board determined did not need addressing are not listed):

- ARTICLE 2: GENERAL MUNICIPAL POWERS

Section 1 - Enumeration of Powers

- Flag as "obsolete" in light of home rule

Section 4 – Quarantine laws

- Flag as "obsolete" or unnecessary

Sections 9, 10, 15, 37, 39: Extra-territorial authorities of the City.

- The ability to cover utilities (**9**) is covered by Statute.
- Section (**10**) deals with fire department and may need revision – update language and perhaps move to another place in the Charter

- Lighting is now done through franchises **(11)**.
- Licensing of vehicles **(15)** may have obsolete language.
- Dumping of dirt in waterways **(37)** is covered by ordinances and County DEP regulations.
- **(39)** - offenses will not be covered outside the City's jurisdiction.

Chair Rajner asked the City Manager to keep a list of items to be reviewed.

Mr. Cirullo said that the matters in Item 15 regarding licenses is probably outdated; the authority to tax is based on State law. Most likely, this Section is obsolete, and could be handled by a housekeeping amendment to delete obsolete language. An exception would be if there were a clear legal precedent which is not present with obsolete language.

- ARTICLE #3(A) - LEGISLATIVE

- Look at each section to see what to flag for future discussion

- **Section 2 - Elections and Terms**

- Have open seats versus seats designated to a district
- If a Commissioner moved out of their district, they most likely would not be able to continue serving under a district system
- Current ballot process is confusing
 - We should move away from the current system that is unclear
- Have a presentation by someone who is familiar with the election? Mr. Cirullo will look to see if his firm has a consultant familiar with different types of elections to give a presentation
- There was Board consensus to have a presentation at a future meeting, and Mr. Cirullo will coordinate it

- Domicile laws

- Consider lengthening the time to longer than six months
 - This was seen as unnecessary considering the lengthy procedure for getting on the ballot

- Term limits

- Apply to the City Commission and Quasi-judicial boards like Planning and Zoning?
- Open opportunities to new people
- Eight to 12 years maximum – sit out for two years before running again
- Term limits create a problem for long-term planning
- Residents can determine the terms of the elected officials by voting
- Not having term limits creates good continuity and knowledge
- Would not limit it to eight years (too short)
 - People might be motivated to “get something done” as a legacy item during eight years, not looking into the future

- Obtain input from the public as to terms
- Not in favor of term limits – newcomers need more time to adjust to the position
- Requested the City Manager to research cities of similar size for future discussion
- Incumbents have the favor of contractors and vendors, and maybe the City should “clean house”
- Amenable with term limits on boards
- Oakland Park has term limits - there are pros and cons there
- Term limits will be brought back for future discussion

Section 3 – Mayor

- Two-year terms are too short – mayor has to get back out and campaign
- Opposed to having a commissioner have to forfeit their seat to run for mayor
- The City Attorney advised that resignations are irrevocable, and a person who resigns their seat to run for mayor cannot change their mind and return to the commission seat
- Reasons not to move to four-year term for the mayor:
 - City Manager/Commission type of government (not a strong mayoral city)
 - Might be additional costs to run a special election if two commissioners resigned to run for mayor
 - Two-year terms force mayor to be more in touch with the community
 - Voters can force a change every two years
 - Chair Rajner asked if the City Manager could research to see if that was a previous ballot item
- A four-year term would also have implications on the election for the two commissioners whose seats would be up for re-election

Section 4 – Compensation of City Commission

- “Compensation” covers health insurance; if not prohibited, health insurance could be covered by ordinance
- Is being vested into the Florida retirement system also a benefit by ordinance?
 - Mr. Cirullo will research
- Perhaps there is a need to be more transparent about the benefits of elected officials

Section 5 - Vacancies; forfeiture of office; filling of vacancies

- (d) – *Extraordinary vacancies*
- Allow the governor to appoint an interim commission under extraordinary circumstances?
 - Other cities have a succession plan in place

- Mr. Cirullo will look into other options
- Designate emergency interim successors?
- (c) (1) – *Filling of vacancies*
- Flag this section to address vacancies if they decide on the four-year term for mayor
- The City Attorney’s office may review 5 (b)

Section 7 – Procedure

- (a) *Meetings*
- Should notice for a special meeting be 72 hours instead of 24 hours? That would give residents time to review the agenda, etc.
- Mr. Cirullo advised that “reasonable notice” is consistent with Florida law. Broward County Charter now provides for 48 hours’ notice for regular meetings.
- What do other cities do for special meetings?

- (c) *Voting*
- Could potentially have two commissioners pass an item by a “vote of the majority of a quorum present”
 - Should be at least a majority of the quorum of the commission (three)
- There may be a super majority required for certain items such as the budget (Mr. Cirullo)
- The requirement that a member cannot vote when participating by telephone is not regulated by State Statute. Cities have different ideas, but basically there should be a physical quorum in the room. (Mr. Cirullo)
- Some do not like call-ins because it is a nuisance and hard to hear
- Participation by phone would be best dealt with by ordinance in case Statutes evolve to that effect (Mr. Cirullo)
- Perhaps limit the number of times a person can call in
- Ms. Henderson will forward rules recently adopted by the Commission, but they do not address calling in to a Commission meeting

Section 8 - Offices, departments and divisions; city commission to fix salaries of officers and employees

- City Manager was asked to weigh in on things she considers to be an issue, and she suggested a future agenda item for recommendations from staff that is reviewing the Charter

Section 9 - (Reserved)

Section 10 - Enacting clause for ordinances and resolutions

- The language is standard, but Mr. Cirullo will ask Mr. Ezrol if he has any comments on it.

Section 14 - City treasurer; powers and duties

- Should look at it to see if the City Treasurer is the same as the Director of Finance (Mr. Cirullo)

Section 15 – City funds; emergency purchases; budgeted purchases

- Finance Director has notations on this section regarding purchasing thresholds and emergency purchases
- Discussion on whether “lowest bidder” should be changed to “most responsible bidder”
- If desired, the City can look into different verbiage. City has used the “lowest responsive and responsible bidder” (Mr. Cirullo)
- (d) Should allow the most senior commissioner to sign off on a purchase if the mayor and vice-mayor are both unavailable? Possibly have a succession plan.
- It would be rare to not be able to contact either, and the City Manager should be able to make the determination to purchase.

Section 16 – Audit of accounts; fiscal year

- Ms. Henderson reviewed the current auditing process
- Language pertaining to a report to the mayor and commission might be by Statute

Section 18 - Bonds of officers and employees; city commission to determine amount.

- The section does not require universal bonding of employees – it states that the commission shall determine by resolution who has to get bonded. The portion related to legal counsel is separate from bonding. Mr. Cirullo will research bonding requirements for city officials. (Mr. Cirullo)

Section 19 – (Reserved)

Section 23 – City boards

- Existing boards are created by ordinance; ordinances do not speak to diversity, but may require certain skill sets
- There was a problem with the appointment process for this Board in that the Commissioners could not communicate with other Commissioners about their choices
- Ms. Henderson reviewed the discussion at the last City Commission meeting related to board appointments. Staff was directed to provide standard operating guidelines for boards and committees.
- Will revisit term limits and guidelines

- ARTICLE III(B): ADMINISTRATIVE

Section 1 - City Manager

- Address gender neutrality throughout the document

- ARTICLE IV: ELECTIONS

- **Section 1 - Registration books; polling places; use of voting hereby amended**

- **to read as follows**

- Recommend to the City Commission to speak to the Supervisor of Elections about decreasing the number of polling locations due to early voting as a cost-saving measure?
- There is a move to expand locations and times.
- The City always has to coordinate with and follow the direction of the Supervisor of Elections (Mr. Cirullo)
- The City pays costs for special stand-alone elections and a portion of costs related to general elections; Ms. Henderson will provide those amounts to the Board as well as the number/location of polling places.
- Look into advising the Commission to advise the Supervisor of Elections regarding the number of polling places around St. Clement's.

- **Section 2 - Date of election; candidates qualifying fee and acceptance of candidacy.**

- (b) Housekeeping matter - Need to clarify the qualifying date
- Chair Rajner asked the City Manager for a chart of items to be reviewed (in addition to the minutes)

- **Section 4 - City commission to prescribe form and manner of calling elections**

- Housekeeping item – form of ballot to be used
- Previous misleading ballot wording regarding ethics (financial disclosure)
 - A Statute provides how referendums are put before the voters (Mr. Cirullo)
- Chair Rajner requested a list of Charter revisions amended by ballot in the last 10 years (see page 9 of 33 in the agenda backup provided by Kerry Ezrol)

- ARTICLE V: REVENUE AND TAXATION

- **Section 12 - City clerk to act as [assessor and] collector**

- May need updating
- Look at wording of "City Treasurer"

- ARTICLE VI. - BONDS, NOTES AND INDEBTEDNESS

- The entire Article has been editorially deleted

- ARTICLE VII – (Reserved)

- ARTICLE VIII – RECALL PROVISIONS
 - Has been pre-empted by State Statute
 - If the Board wishes to put it back in the document, it would be a housekeeping matter

XI. Update on Outreach Activities

Ms. Henderson referred to her memo to the Board members of June 11, 2019, which outlined opportunities for outreach to the community. She also recounted the various activities already in process.

Chair Rajner mentioned he had spoken to the Eastside Neighborhood Association. He has only spoken about items that the City Commission has brought up. He also spoke before the City Commission and will make arrangements to speak to the Westside Neighborhood Association.

Chair Rajner recalled from the last meeting that Ms. Henderson was going to send the Board draft forms of possible communications to the public. He said he was the only one who saw the last communication and sent updates to the City Manager.

Ms. Henderson understood that the Board was comfortable with her drafting an article and Chair Rajner reviewing it and then providing the article to the Board. The actual article to be published in the upcoming *The Town Crier* was included in her June 11, 2019, memo.

Chair Rajner confirmed that the Board was amenable to that procedure.

XII. Items for next agenda

- Go back over the first eight sections?
 - Ms. Henderson desired time to review the requests for information and conduct research. She suggested the Board move on, and she will provide information when it is ready.
- Discuss civil service
- Review Articles 9-15

XIII. Public Comments (none)

IX. Adjournment

Hearing no further business, the meeting was adjourned at 8:23 p.m.

[Minutes transcribed by J. Rubin, Prototype, Inc.]

Wilton Manors – Charter Review Board
June 17, 2019
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Approved by the Charter Review Board on June 17, 2019

Michael E. Rajner, Chair



Life's Just Better Here

**CHARTER REVIEW BOARD
2020 WILTON DRIVE
WILTON MANORS, FLORIDA 33305
MONDAY, JULY 15, 2019 – 6:30 P.M.**

MEMBERS	ATTENDANCE
Michael Rajner, Chair	P
Scott Newton, Vice Chair	P
Salvatore Torre	P
Christopher Ryan (arr. at 6:41 p.m.)	P
Doug Blevins	A

Staff

Leigh Ann Henderson, City Manager
Kerry Ezrol, City Attorney
Brigitte Chiappetta, Prototype, Inc.

1. Call to Order

Chair Rajner called the meeting to order at 6:34 p.m.

2. Roll Call

Roll was called by Ms. Chiappetta, and a quorum was present.

3. Pledge of Allegiance - Recited

4. Public Comment - None

5. Review of Public Comments Received by Email – None received.

6. Additions/Changes/Deletions - None

7. APPROVAL OF MINUTES

June 17, 2019

Motion made by Mr. Torre, seconded by Vice Chair Newton, to approve the minutes of the June 17, 2019, meeting as presented. In a voice vote, the motion passed unanimously (3-0).

8. REPORTS BY CHAIR, CITY MANAGER, AND/OR CITY ATTORNEY

Chair Rajner reported he will be speaking at the Central Area Neighborhood Association (CANA) to provide an update on the Board's progress.

Chair Rajner also advised that at the August meeting he may ask to move the September meeting to 7:00 p.m. due to a potential meeting conflict.

City Manager Henderson mentioned staff is working on items requested for follow-up, and she hoped to have them available at the next meeting.

City Attorney Ezrol stated he has shared information with Mr. Cirullo and Ms. Henderson and is also working on follow-up items for the next meeting.

[Mr. Ryan arrived at 6:39 p.m.]

9. DISCUSSION OF ARTICLES IX THROUGH XV OF THE CHARTER

- **ARTICLE IX – THE REFERENDUM**

Mr. Ezrol introduced Article IX – The Referendum – noting it is a petition process where voters can initiate action directly to the voters. As far as recommendations on anything to delete, Mr. Ezrol preferred to wait for Board feedback before commenting from a legal standpoint.

(Items that the Board determined did not need addressing are not listed)

Section 2 - Petition

- Mr. Ezrol pointed out that Article IX, Section 2, was re-adopted by referendum – and it can only be changed by referendum. If the Board wants to make a change to that Section, the Board can make a recommendation to the Commission; if the Commission wanted to modify the Section, they would have to do so by referendum.
- Mr. Torre said he thought 5% was a very low threshold of voters to initiate a referendum petition, but also noted the process had not been used in many years. Mr. Ryan did not see any reason to amend it, citing the fact that the City Commission would have to consider the petition.

Chair Rajner concluded that Article IX was “fine” as is.

- **ARTICLE X – MISCELLANEOUS**

Section 1 - Publication of ordinances; official newspaper

- The “official newspaper of the City” is the *Sun Sentinel*.

Section 7 - Subdivisions; plat required; approval by city commission.

- Platting is governed by State law, and there is re-platting occurring in the City. It is primarily a County function, and the City's involvement in the process is subordinate to the County.

- ARTICLE XI - EXTENDING OR CONTRACTING TERRITORIAL LIMITS

- **Section 2 - Procedure for annexation by petition; election required.**

- The Section states that a parcel to be annexed has to be unincorporated. Mr. Ezrol advised that in the case of possible Lazy Lake annexation, its incorporation would have to be either dissolved, or the annexation could be done by a special act of the legislature.
- Since the annexation process is governed by State law, a change to the Charter would not have any effect

- **Section 5 – Conduct of elections**

- Handled by State law and special act of legislature, so most of the Section has no bearing
- Board may suggest to administratively remove the Section
- For Wilton Manors elections, the City Clerk is the supervisor for qualifying and filing administrative matters, but the Broward County Supervisor of Elections handles the election for the City

- ARTICLE XII - CIVIL SERVICE

- **Section 4 – Civil Service Board created**

- Is the board still purposeful for the City?
 - Provides more open government – otherwise it falls on the City Manager
 - It is a good fallback to provide separation between management and employees
- Mr. Ezrol reviewed administrative rules adopted by the City in 1988 including pay, classification plans, grievances, etc. Almost all employees are covered by those rules (as civil servants) except department heads and other managers. The employees can go before a group of peers (the Civil Service Board) to challenge a decision.
- An ordinance governs the board, but Mr. Ezrol did not know if there had been an amendment since 1988.
- Should the board have training on how to hear a case?
 - The process has worked well in the past
 - Perhaps they should have training/orientation before a case comes up
 - The City Commission or City Manager could oversee the training
- The board is not advisory in nature

- ARTICLE XIII - PENSION OR RETIREMENT PLAN

Section 1 – City Commission authorized to provide plan for officers and employees

- The Police and Fire have a closed chapter plan – some members are in the old local City pension plan. New employees are in FRS.
- ARTICLE XIV - LOCAL IMPROVEMENTS AND SPECIAL ASSESSMENTS
 - Mr. Ezrol – should not be a charter provision as it is governed under State law. Anything in a charter would be a limitation on the authority of the City's Constitutional Home Rule.
 - Should it be administratively removed or is a housekeeping item?
 - Mr. Ezrol – The Board can recommend either way
- ARTICLE XV - RIGHT OF INITIATIVE
 - Similar to referendum when it is initiated by residents, but has never been used to adopt or repeal an ordinance
 - Good to keep it just in case
 - Mr. Ezrol – some notice requirements for referendum are governed by State law; but the charter cannot modify State law or the Florida Constitution

10. DISCUSSION ON NEXT STEPS

Vice Chair Newton wanted to make sure that the findings were ready by the next meeting if the City Commission will be in attendance. Ms. Henderson reported that the City Clerk said she would have most of the requested information in a week's time. Before the next meeting, she said there will also be a table of follow-up items.

Vice Chair Newton suggested a public hearing at that meeting so the public knows what is considered for change and would be able to comment. Mr. Torre agreed and wanted to have non-agendized items for the public to weigh in on also.

Chair Rajner suggested distributing an update of the items the Board is looking at to remind the public to come to the meetings. He preferred the public would have two chances to speak. Vice Chair Newton pointed out they could have more than two publicized hearings.

Various suggestions were made for disseminating the meeting announcement: *The Town Crier*, *The Pelican*, and email blasts.

Discussion ensued on when to have a public hearing, considering when they receive information from the City Clerk and City Manager and allowance for time to discuss those items. It was also pointed out that participation may be low in the summer.

After discussion, Chair Rajner stated that they would begin tackling the list at the August meeting and try to go through the items chronologically.

After the August meeting, Mr. Ezrol thought the Board would come up with a report/recommendation, a minimum of two public hearings, and perhaps a presentation at some point. It was noted that the Board could request a workshop presentation with the City Commission if desired. The Board was amenable to that.

11. ITEMS FOR NEXT MEETING AGENDA

Chair Rajner commented that the follow-up material will dictate the content for the meeting.

12. PUBLIC COMMENT

Constance Ruppender, 308 NE 28 Street, urged a weekly intense outreach effort to get the public to the public hearings. She asked City Attorney Ezrol if the Board would craft the language of the Charter changes. Mr. Ezrol said that the Charter Review Board must submit to the City Commission any proposed Charter amendments and/or revisions with proposed ballot language.

13. ADJOURNMENT

Hearing no further business, the meeting was adjourned at 7:17 p.m.

[Minutes transcribed by J. Rubin, Prototype, Inc.]

Approved by the Charter Review Board on August 19, 2019

Michael E. Rajner, Chair



Life's Just Better Here

**CHARTER REVIEW BOARD
2020 WILTON DRIVE
WILTON MANORS, FLORIDA 33305
MONDAY, AUGUST 19, 2019 – 6:30 P.M.**

MEMBERS	ATTENDANCE
Michael Rajner, Chair	P
Scott Newton, Vice Chair	P
Salvatore Torre	P
Christopher Ryan (arr. at 6:40 p.m.)	P
Doug Blevins	P

Staff

Leigh Ann Henderson, City Manager
Kerry Ezrol, City Attorney
Brigitte Chiappetta, Prototype, Inc.

Guests

Vice Mayor Tom Green
Commissioner Julie Carson
Commissioner Paul Rolli

1. CALL TO ORDER

Chair Rajner called the meeting to order at 6:32 p.m.

2. ROLL CALL

Roll was called by Ms. Chiappetta, and a quorum was present.

3. PLEDGE OF ALLEGIANCE - Recited

4. PUBLIC COMMENT

Constance Ruppender, 308 NE 20 Street, thanked City Attorney Ezrol for notifying her after the last meeting that the Board is responsible for the language in amendments to the Charter.

Anthony LoGrande, 517 NE 23 Street, recommended that the Board consider installing term limits for the City Commission. He also questioned having a different attendance policy apply to the Commission than to the City boards. He would like to see the policy be applied consistently.

Chair Rajner commented that the Board had previously flagged the attendance policy for future discussion. Resolution No. 2019-019 was passed by the City Commission to address policies that pertain to their self-regulation, including attendance. Chair Rajner advised that the Board will discuss the item and perhaps send a recommendation to the Commission regarding that resolution or put it on the ballot.

Mr. LoGrande stated that having the City Commission setting its own regulations did not seem fair or transparent to him.

Mr. Blevins brought up a point of order, that members of boards are not typically allowed to communicate with members of the public during Public Comment.

Mr. Ezrol advised that the Board could discuss how to handle that item, noting there is no legal requirement one way or the other.

[Mr. Ryan arrived at 6:40 p.m.]

Chair Rajner preferred to have the option to communicate during Public Comments, especially since the Board has limited time and scope. He tried to be factual about what the Board has already done pertaining to matters that were raised by the public.

5. REVIEW OF PUBLIC COMMENTS RECEIVED BY EMAIL

City Manager Henderson reported there were three emails received, two in the backup and one that was emailed due to its arrival after the agenda was published. A printout of the last email was also available.

6. ADDITIONS/CHANGES/DELETIONS - None

7. APPROVAL OF MINUTES

July 15, 2019

Mr. Ezrol asked for the following correction:

- Paragraph on page 5 under Public Comment: Delete the last two sentences and replace with, “Mr. Ezrol said that Ordinance No. 2019-002, Section 2-177, subparagraph e, stipulates that ‘the Charter Review Board must submit to the City Commission any proposed Charter amendments and/or revisions with proposed ballot language.’”

Motion made by Vice Chair Newton, seconded by Mr. Torre, to approve the minutes of the July 15, 2019, meeting as amended above. In a voice vote, the motion passed unanimously (5-0).

8. REPORTS BY CHAIR, CITY MANAGER, AND/OR CITY ATTORNEY

Chair Rajner reported he spoke to the Westside Neighborhood Association (WAWM) and the Central Area Neighborhood Association (CANA), so now all three associations have been invited to engage in the Charter Review process. He thanked Johnnie Goodnight and the City Manager's office for quickly preparing a flyer for the CANA meeting.

Chair Rajner advised he is amenable to keeping the September meeting at 6:30 p.m.; if he is detained, he asked that the Vice Chair begin the meeting. He confirmed that 6:30 was a good time for all members, and asked if a light snack would be helpful – nobody expressed an interest in the food.

City Manager Henderson had nothing to report.

City Attorney Ezrol had nothing to report.

Chair Rajner asked the City Attorney to confirm that the Florida Constitution Revision Commission (CRC) regarding lobbying and public officials serving in elected office does pertain to municipalities. Mr. Ezrol said he will send an update by email, noting it will not apply until some point in 2020.

Chair Rajner also asked about rulings on the pre-emption of regulation of firearms. Mr. Ezrol described the current lawsuit filed by Wilton Manors and other municipalities against the State's pre-emption provisions on firearms regulation. In late July, the Appeals Court upheld the pre-emption provision of the State Statute; however, the Court struck down the provisions of the Statute that would allow the State to penalize a local official or staff person from their office if they took action contrary to the pre-emption provision. The State appealed that ruling.

Chair Rajner mentioned that the County Charter Review Commission had considered an item on the ballot on the matter, and explained that he wanted clarification so that members would be aware of the ruling and its implications. He asked if Mr. Ezrol would send a full explanation in an email.

9. OUTREACH EFFORTS

Chair Rajner asked for suggestions of upcoming events where informational flyers could be distributed.

Ms. Henderson mentioned a meeting on Urban Form and Density at Hagen Park on August 22, 2019, where flyers could be distributed and where Board members could be present before the meeting. She will forward the monthly calendar of events to the Board members. The Board may also consider asking the Taste of the Island board if materials can be distributed there.

10. REPORT FROM THE CITY CLERK

Memorandum from the City Clerk providing information requested by the Board

Ms. Henderson stated that the City Clerk completed her research and referred to the memorandum in the agenda backup. Items included were the term limits, Mayors' term lengths, location and number of city precincts, and election costs.

11. CHARTER ISSUES IDENTIFIED FOR FURTHER DISCUSSION

- ARTICLE II - GENERAL MUNICIPAL POWERS

Section 1 – Enumeration of Powers

- Mr. Ezrol advised that enumeration of powers in a Charter is viewed as a limitation. Since the Charter predates Home Rule, it contains many of the provisions regarding municipal powers. The Board can eliminate Section 1 – and replace it with language such as, “The powers of the City are derived from the Constitution and Home Rule of powers.”
- Mr. Ezrol suggested that instead of voting on revisions, the Board can proceed with consensus as long as the consensus is clear. If it is not clear, a vote should be taken.
- There was consensus for Mr. Ezrol to draft the language for all the subsections of Article II.

- ARTICLE IIIA – LEGISLATIVE

Section 2 - Elections and terms

- There was consensus to move forward to seat numbers with no jurisdictional boundaries for the City Commission.
- Regarding term limits, Mr. Blevins stated that the public members he has contacted want to see term limits. Mr. Blevins preferred an eight-year limit for City Commissioners and the Mayor to give the public the opportunity to elect new people.
- Elections provide people with the opportunity to elect new people. Not in favor of term limits (Mr. Torre).
- Most people he has talked to do not care either way, and he was neutral (Vice Chair Newton).
- Let the voters decide (Mr. Ryan).
- Not a fan of term limits. He recommended that the voters decide or come forward with their own proposal for the ballot. He thought three terms would be fair followed by a hiatus of two years. People who are serving partial terms due to special election need to be considered – and allow them three full consecutive terms in addition to a possible partial term by special appointment or election (Chair Rajner).

- Anything over two or more years should be considered a full term
- Clarification that the discussion now is about Commissioners
- If a vacancy is created and there are less than six months before a regular election, an appointment is made. More than six months requires a special election.
- Could be 12 years and 23 months if anything under a 2-year special election term counted toward the term. (Two years or more would constitute a term)
- Discussion on how many terms should be the maximum
 - 3 terms of 4 years
 - 2 terms and run again after 2 years off
 - Most municipalities have a 2-year break before running again
- Consensus that three terms (12 years) would be the maximum term limit
- Consensus that a Commissioner could return for re-election to the Commission after a two-year break
- In the case of a special election, consensus that a term of two years or more would count towards a full term
- Regarding elections of seat numbers, Mr. Ezrol requested time to review the timing of the seat elections. Candidates would declare which seat they are running for.
- Chair Rajner stated they are changing a lot of things, and should allow the seat item to play out before declaring term limits.

Section 3 – Mayor

- Change Mayor's term from 2 to 4 years with 3-term limit
- Good to have the Mayor in longer
- Recognize the Mayor as a more unique position and be more accountable on a two-year election cycle
- Consensus to have 6 two-year terms with a break for 2 years before running again for Mayor
 - Clarify if the two-year break applies to running for Mayor only, or also applies to running for a Commission seat?
 - Two-year break from the body as a whole?
 - Should there be a lifetime maximum for either Mayor or Commissioner?
 - Have a 12-year maximum term limit for one person for serving as Mayor and/or Commissioner (require two-year break no matter what office has been held)?
- Revisit the discussion on overlapping Mayor/Commission term limits next meeting with input from Mr. Ezrol
- Have a cumulative maximum term limit that would apply in addition to the term limits for each office

Section 4 - Compensation of City Commission

- FRS and health benefits do not need to be refined – the matter went out to referendum and was changed to allow compensation to be set by ordinance (Mr. Ezrol)

Section 5 - Vacancies; forfeiture of office; filling of vacancies

- In case of extraordinary vacancies, have a succession plan so the Governor does not appoint an interim Commission
 - Order of succession could include chairs of appointed City boards or former elected officials
 - Consensus for Mr. Ezrol to research options
- Paragraph (d) states, “if Commission is reduced to less than a quorum, the remaining members may by majority vote...” Majority vote would only be two people, which does not seem wise. This provision only deals with filling a vacancy – all other items require a quorum. The filled vacancy would only be for 60 or 90 days, and then a special election would be held.

Section 7 – Procedure

- Table for discussion at next meeting

Section 15 - City funds; emergency purchases; budgeted purchases

- Table for discussion at next meeting – City staff will bring recommendations

Section 23 - City Boards

- City Clerk is developing standard operating procedures for the City boards as well as individualized board applications
 - Some applications may be customized based on the board function
- Will all boards be live-streamed?
 - No, because it is a budgetary issue with closed captioning with a per meeting cost (Ms. Henderson)
 - Consider doing it for quasi-judicial bodies such as Planning and Zoning (Chair Rajner)
- Explore possible term limits for boards (especially the Planning and Zoning Board and the Budget Review Committee), perhaps similar to the Commission
 - Perhaps recommend that the City do it by ordinance
 - Favors term limits since the board members are selected by the Commission, not the voters
 - Remember that some board members are appointed mid-term
 - Some board terms are three years and some are two
 - Do not include the Wilton Manors Improvement District (WDID) in term limits because they deal with a separate entity
- Ms. Henderson reported that the discussion on board diversity was on the next agenda for the Community Action Advisory Board (CAAB)

- Matrix of terms for each board will be supplied by Ms. Henderson for the next meeting
- Some boards need specific professions/talents for the board
 - Maybe waive the term limit requirement for certain individuals who hold specific skills needed by the board (would that be legal?)
 - Or – treat certain boards which require specific skills differently
- Bring back for next meeting

- ARTICLE IV – ELECTIONS

- **Section 1 - Registration books; polling places; use of voting hereby amended to read as follows:**

- Conduct of elections is governed by State law. Charters may include information on qualifying, fees for qualifying, etc. (Mr. Ezrol)
- City cannot cut down on the number of precincts/polling places
 - The Commission could recommend a change to the Supervisor of Elections
 - Polling places are not very busy on election day since many people vote early
- Address the January date for payment for filing dates in June
 - This is a holdover from the time when the filing date was in March
 - Mr. Ezrol will check to see if this has been changed by ordinance
- Editor's notes are not always correct – they are done by Unico Corporation
 - Requests have been made for corrections
- Number of polling places is okay to allow people to can confirm their voting status

- ARTICLE V - REVENUE AND TAXATION

- **Section 12 - City clerk to act as (assessor and) collector**

- Obsolete. The Board should put a recommendation for it to be on the ballot as a housekeeping item.

- ARTICLE VI - BONDS, NOTES, AND INDEBTEDNESS

- Has already been editorially deleted - no action needed

- ARTICLE VII - (RESERVED)

- ARTICLE VIII - RECALL PROVISIONS (Pre-empted by State Statute)

- Has been editorially deleted – no action needed

- ARTICLE IX. THE REFERENDUM

- No action needed

- ARTICLE X. MISCELLANEOUS
 - No action needed
- ARTICLE XI. EXTENDING OR CONTRACTING TERRITORIAL LIMITS
 - Pre-empted by State law – may delete
- ARTICLE XII – CIVIL SERVICE
 - No action needed
- ARTICLE XIII – PENSION AND RETIREMENT
 - No action needed
- ARTICLE XIV – LOCAL IMPROVEMENTS AND SPECIAL ASSESSMENTS
 - Should be deleted – should not be in Charter (Mr. Ezrol)
- ARTICLE XV – RIGHT OF INITIATIVE
 - No action needed
- OTHER RECOMMENDATION - ADDRESS GENDER NEUTRALITY THROUGH-OUT THE CHARTER
 - The word “they” is commonly used for gender neutrality. Chair Rajner asked if Mr. Ezrol could research the usage, but Mr. Ezrol commented it was not a legal issue. If the City Commission were to take action on the issue, it would be resolved. He said there has not been clear direction from the Commission on how to handle gender neutral pronouns to date, and he follows the direction of the current Commission when he drafts language.
 - Chair Rajner wanted to bring the matter back to the next meeting.

12. TIMELINE FOR THE CHARTER REVIEW PROCESS

Chair Rajner reviewed that the Board has to have its work completed and to the City Commission by March 1, 2020. At the September meeting, the Board will review the flagged items and staff recommendations.

Mr. Ezrol stated he is drafting language based on the direction received, and all the items specifically requested by the Board should be presented at the next meeting. It is up to the Board as to how they want to handle the public hearing process. There will be referendum items and recommendations to the Commission that will not be in referendum format.

Chair Rajner suggested tabling the item to the next meeting.

13. ITEMS FOR NEXT MEETING AGENDA

- Template for a report of the recommendations
- Chair Rajner said the Board was established by ordinance, but thought the name was misleading – it should be an “Advisory” board. Should they amend the charter process in terms of having a Charter Review Board, or leave it as it is in the ordinance with a recommendation to add “Advisory” to the name of the Board?

14. PUBLIC COMMENT – None

15. ADJOURNMENT

Hearing no further business, the meeting was adjourned at 8:22 p.m.

[Minutes transcribed by J. Rubin, Prototype, Inc.]

Approved by the Charter Review Board on September 16, 2019

Michael E. Rajner, Chair



Life's Just Better Here

**CHARTER REVIEW BOARD
2020 WILTON DRIVE
WILTON MANORS, FLORIDA 33305
MONDAY, SEPTEMBER 16, 2019 – 6:30 P.M.**

MEMBERS	ATTENDANCE
Michael Rajner, Chair	P
Scott Newton, Vice Chair	P
Salvatore Torre	P
Christopher Ryan	P
Doug Blevins	P

Staff

Leigh Ann Henderson, City Manager
Kerry Ezrol, City Attorney
Brigitte Chiappetta, Prototype, Inc.

Guests

Commissioner Paul Rolli

1. CALL TO ORDER

Chair Rajner called the meeting to order at 6:32 p.m.

2. ROLL CALL

Roll was called by Ms. Chiappetta, and a quorum was present.

3. PLEDGE OF ALLEGIANCE - Recited

4. PUBLIC COMMENT - None

5. REVIEW OF PUBIC COMMENTS RECEIVED BY EMAIL

There is an email in the Board packets that was received after the agenda was sent out. No other emails other than that and the ones sent out with the agenda were received.

6. ADDITIONS/CHANGES/DELETIONS

Mr. Blevins requesting adding an item about Public Comment protocol under Unfinished Business – Item g.

7. APPROVAL OF MINUTES

a. August 19, 2019

Motion made by Mr. Torre, seconded by Mr. Blevins, to approve the minutes of the August 19, 2019, meeting as presented. In voice vote, the motion passed unanimously.

8. REPORTS BY CHAIR, CITY MANAGER, AND/OR CITY ATTORNEY

Chair Rajner said the agenda was lengthy and they would try to keep the meeting to two hours.

Neither City Manager Henderson nor City Attorney Ezrol had anything to report.

9. UNFINISHED BUSINESS

a. City staff recommendations

City Manager Henderson reported that the Finance Department asked for more time to review the Charter. The other departments agreed to the gender neutrality revision and to recommendations to delete obsolete sections.

Mr. Ezrol said he would have a draft with gender neutral language for the next meeting. Chair Rajner advised that Mr. Ezrol is drafting the items by the language of the ordinance.

b. Article II – General Municipal Powers

Mr. Ezrol reviewed that the Board had decided to remove all the listed enumerated powers and replace them with one general section that encompasses all powers that are granted to a legislative body/city government by Constitution or Home Rule authority. The change is not required to be done by referendum. If the Board recommends removing the section and the City Commission approves the ordinance, it would go to the Municipal Code Corporation, who would handle making the revisions with tracking notations.

Motion made by Vice Chair Newton, seconded by Mr. Ryan, to approve Article II, General Municipal Powers. Motion prevailed unanimously by roll call vote.

c. Impact of Florida CRC Amendment relating to lobbying and public officials

Mr. Ezrol explained the provision defines a public officer to include an elected municipal official (would include a City Commissioner). According to the Constitution, a public officer shall not lobby for compensation on issues of policy, appropriations, or

procurement before the Federal government, the legislature, any State government body or agency, or any political subdivision of this State during their term of office. It also prohibits a City Commissioner from lobbying for compensation on issues of policy, appropriations, or procurement affecting the level of government they left for a period of six years after vacation of the public position.

The provision will take effect December 31, 2022. Mr. Ezrol assumed that the provision would not affect those leaving office now, but noted that would be determined by the Commission on Ethics.

d. Article IIIA – Legislative

Section 1 – City commission; powers; composition

Section 2 – Elections and terms

Attorney Ezrol stated that the draft ordinance in the backup materials creates specific Commissioner seats and requires submission to referendum vote of the public. Four seats are created, requiring the individual to designate at the time of qualifying what seat they will be running for; seats are staggered, starting in November, 2022. Term limits are also outlined: three terms for 12 consecutive years of service, not including a partial appointed year as part of that limitation.

Mr. Ezrol advised that the Mayor would be limited to six terms (12 consecutive years), not including the partial year.

It was confirmed that the Board agreed to a 2-year break for both the Mayor and Commissioners after 12 consecutive years of service. It was also agreed that the 2 offices cannot be combined to allow a person to serve 24 consecutive years.

Discussion ensued on what would happen if two people run for “Seat 1” but no one runs for “Seat 2.” In addition, there might be a case where an incumbent runs for “Seat 1,” and other candidates run for “Seat 2” to give them a better chance of winning. Chair Rajner suggested using judicial races as an example and did not think there would be a problem. If someone declared they were running for “Seat 1” but switched to “Seat 2,” they would have to pay a second filing fee.

Noting that nothing would preclude four candidates running for an incumbent’s seat, Mr. Blevins thought the proposed system would give the incumbent a big advantage, and he preferred keeping the current system.

Chair Rajner asked the Board members for input, but nobody expressed support for changing it.

Mr. Blevins stated that he has received numerous emails regarding term limits, and all of them support it. However, it was noted that on Facebook, there have been varying reactions to term limits.

Chair Rajner stated that the Board is preparing a recommendation that will be voted upon by the City Commission. He added that not all public response has been positive on term limits.

Attorney Ezrol confirmed that the various items being recommended will probably be presented as separate items on the ballot, pending Commission action. It was suggested that some of the items could be combined, such as the Mayor/Commissioner term limits, in order to save room and costs on the ballot.

Although Mr. Torre was opposed to term limits, he agreed to combine the Mayor and Commissioner term limits on the ballot.

Attorney Ezrol will work on the ordinance draft to reflect the direction of the Board. The changes will be tracked from version to version.

Motion made by Mr. Ryan, seconded by Vice Chair Newton, to adopt the provision that establishes seats for the various City Commissioners. Motion prevailed (4-1) in a roll call vote, with Mr. Blevins opposed.

Motion made by Mr. Ryan, seconded by Vice Chair Newton, to adopt the provision that states that there will be 12-year limits for both the City Commissioners and for the Mayor, as stated in the documents prepared by Mr. Ezrol. Motion prevailed by unanimous roll call vote.

Chair Rajner mentioned that the City Clerk had researched several requested items, and the results appear on pages 30, 31, and 32 of the agenda packet.

Section 5 – Vacancies

Chair Rajner read the attendance policy for the City of Fort Lauderdale Commissioners. Material on policies from other jurisdictions is included in the backup.

Attorney Ezrol stated that most City Charter sections deal with extraordinary vacancies – more than three members of the Commission – and provide for the Governor to fill the vacancies. Mr. Ezrol did not know if that had ever occurred and said a municipality cannot legally require the Governor to make appointments. He reviewed the policy adopted by Anna Maria, Florida, which provides for the Mayor (or City Clerk) to appoint the vacant positions.

The process was discussed, with Mr. Torre wanting to see a method other than gubernatorial appointments, such as a line of succession. Other suggestions included

election by the residents or interim appointments by a City staff person, such as the City Manager.

Mr. Ezrol pointed out that the Charter addresses filling all the vacancies. As long as one individual is still a member of the City Commission, that person could possibly make the appointments (Subparagraph “c” in Section 5). Whether there would be a special election would depend on the time remaining in the unexpired terms.

Discussion points continued as follows:

- The City Manager would be more impartial in selecting interim Commissioners than a lone Commissioner
- Ms. Henderson made the point that the City Manager is appointed by the Commission, but is not the same as being an elected representative. She believed the decision should be made by someone responsible to the electorate.
- If two members are left and they cannot agree on whom to appoint, the senior member should have preference
 - Should the senior member appoint all the vacant positions, or just enough to produce a quorum?
 - Once a quorum is attained, the quorum could appoint the remaining members for the interim. (Two members pick 1, and then 3 members pick 2.)
 - All the interim appointees would face a special election
- If 1 member is left, that person would appoint 2 members to arrive at a quorum, and then those 3 would select the remaining 2. All of the appointees would be in a special election.
- If no members are left, who would be the designated survivor?
 - City Manager? City Clerk? County Mayor or Board?
 - City Manager appoint people to fill in temporarily
 - Ms. Henderson said that would place a burden on whoever was City Manager
 - Convene chairs of advisory boards or select advisory boards to produce a quorum and decide how to proceed?

It was decided that the matter of extraordinary vacancies would be tabled until the next meeting to give the Board members time to digest the information.

Chair Rajner asked for feedback on the City of Fort Lauderdale’s forfeiture of office policy:

- Allowing four unexcused consecutive absences is very lenient
- The City Commission has to vote to excuse an absence
- Consensus to bring that forward to the next meeting

Section 7 – Procedure

Procedures for City Commission meetings were adopted by resolution in March of this year, but not by ordinance or the Charter. There were concerns expressed about attendance, telephoning in, and votes.

Discussion points included the following:

- Members should not be able to call in “excessively”
- Calling in is disruptive to the meeting
- Either attend or not
- Voting by phone is allowed, but voting in a quasi-judicial proceeding is discouraged because a Commissioner is expected to observe the demeanor and candor of witnesses, observe the exhibits, etc. Abstaining from voting is allowed to avoid bias or prejudice.
- Perhaps phoning in should be allowed in emergencies or under extraordinary circumstances
- Fort Lauderdale does not allow phoning in or voting by phone
- What if Commissioners are away on City business and have important information to present that just happened where they are?
- Consensus to table the matter to next month’s meeting to work on proposals
- Limit the number of annual phone-ins

Section 14 – City treasurer

Mr. Ezrol stated this is an obsolete position, but since it is a Charter position, it would require a referendum to remove it. Alternatively, the Board could do nothing and it would remain in the Charter. If it goes to the ballot, it would be the second item.

Chair Rajner preferred to make a motion to move it forward to public hearing, and then if there are too many ballot issues in the end, they can just pull it back or suggest it be voted upon at a later date.

The title of the ordinance and the question (yes/no format) are the only parts that go on the ballot. The ballot language is already in Section 3 of the ordinance.

It was noted that the obsolete provisions could be grouped into one housekeeping amendment.

Motion made by Mr. Ryan, seconded by Vice Chair Newton, to recommend that the City Treasurer position be removed from the Charter. Motion prevailed unanimously by roll call vote.

Section 23 – City boards

Chair Rajner referred to items in the agenda backup addressing diversity issues and appointment procedures to boards.

Discussion points are as follows:

- Broward County has a policy for appointments that calls for the “best efforts” to represent the diverse population and demographics of the County
- It was pointed out that approximately 72% of the registered voters of Wilton Manors are white males, and 9,000 out of the total population of 12,000 are registered voters
 - Perhaps the City has already met its own diversity requirement
- The City has not defined “diversity”
- Diversity is more than ethnicity and gender: it can include socio-economic status, number of children, where they are from, skill sets, etc.
- The City should adopt language on diversity as part of the appointment process
- Perhaps recommend a hybrid approach of what the County does in their appointments
 - Commissioners nominate an individual
 - Entire board votes the nominee in
 - If the Commissioner felt the appointee was not performing well, they could remove the individual from the board via memo
- Perhaps have seven members on all the advisory boards
 - Mayor and each Commissioner get one appointee
 - The remaining two would be at large, appointed by the full board
 - Have a ranking system
 - This process would allow the board members to assess the diversity and fill gaps if necessary
 - All boards now have staggered terms – could be phased in as vacancies arise
 - This process also might improve communication between boards and Commissioners
- Should there be term limits for City boards?
 - Commissioners may be unwilling to vote against an applicant due to various “political” reasons
 - Turnover on boards is important to bring in new ideas
 - If the Commission has term limits, so should the boards
 - Various boards have different terms (two years to four years)

Motion made by Vice Chair Newton, seconded by Mr. Torre, to recommend to the City Commission that all boards will have a three-term limit.

- The three terms would apply no matter how long the terms are.
- How much time should apply before they could run for another board?

Amendment to the **motion** made by Vice Chair Newton that a board member can come back on the board after one term of absence. Mr. Torre seconded the amendment.

- Should people be limited to serving on more than one board, except for a special board such as the Charter Review Board?
 - Fine with serving on a maximum of two boards, but not being an officer of two boards

Friendly amendment made by Mr. Torre that a person could serve on two boards, but only be an officer of one. Amendment not brought to vote.

A vote was then taken on the first **amendment to the motion**, that a board member can come back on the board after one term of absence. Motion prevailed by unanimous roll call vote.

Mr. Ezrol advised that, by Statute, a person could not be an officer of more than one quasi-judicial board (Pension Board, Civil Service Board, and Planning and Zoning Board).

Motion made by Mr. Torre, seconded by Vice Chair Newton, that a person could serve on no more than two boards, and be an officer only on one.

Mr. Ryan thought the discussion was getting too detailed for a charter, and should be adopted by ordinance.

Mr. Ezrol did not think the Board should direct him to prepare an ordinance – it has nothing to do with the charter. It should be a recommendation to the Commission, and then the Commission can discuss it and take action. However, if the Board wishes to put term limits in the Charter, Mr. Ezrol said he could prepare an ordinance that could be presented to the City Commission.

Chair Rajner commented that he wanted to keep the ballot short, and thought that this matter should be a recommendation to the City Commission for an ordinance.

Motion prevailed by unanimous roll call vote.

Motion as a whole prevailed by unanimous roll call vote.

Chair Rajner asked the Board if they wished to bring the discussion on diversity back to the next meeting in terms of a brief draft recommendation statement that the Commission could adopt as an ordinance. No support was expressed for the idea.

e. Article V – Revenue and taxation

Mr. Ezrol stated the provision is obsolete and suggested merging the obsolete provisions into one item. The ordinance referendum proposes to repeal Article V, which provides that the City Clerk is the City's tax collector.

Motion made by Mr. Blevins, seconded by Vice Chair Newton, to recommend removing this section from the Charter as being obsolete. Motion prevailed by unanimous roll call vote.

f. Article IV – Elections

Mr. Ezrol stated this item did not require a referendum, even though the Charter will be updated to be consistent with State law and Broward County Special Acts. The date upon which a qualifying fee and filing must be done has to coincide with the change in the election dates from March to November.

Mr. Torre questioned the date, pointing out the filing date is listed as September. He thought it was in June. Mr. Ezrol will double-check the date with the City Clerk.

The item was tabled for follow-up at the next meeting.

g. Public Comment protocol *(requested by Mr. Blevins)*

Mr. Blevins wanted to guard against Public Comment becoming a conversation, which most likely goes beyond the three-minute time limit. That sets an uncomfortable precedent. He suggested that all comments be absorbed and then have the Board respond as needed before the end of the meeting.

Vice Chair Newton also pointed out that back-and-forth can lead to heated arguments.

Chair Rajner recalled that at the earlier meeting when he conversed with the members of the public, he did not intend to undermine anything they had said. He thought his comments were appropriate. He wanted to ensure that residents who took the time to attend were valued and informed of steps the Board was taking.

It was suggested to drop the discussion and move on since there are so few meetings left.

Mr. Blevins reiterated his concern that other boards might see it as a precedent and follow in line. In addition, if the Chair has the opportunity to respond, all other members of the Board should also be able to respond.

Chair Rajner recalled that he had invited any member of the Board to ask a question of the public. Hearing no motion on the matter, Chair Rajner continued with the agenda.

10. NEW BUSINESS

a. Discuss and review the role of charter Review Board after recommendations

Chair Rajner explained that he did not know what will happen to the Board after the March deadline, and wanted to see if other members had concerns.

The item was tabled until the Board has its recommendations.

b. Discuss draft timeline, public hearings

Chair Rajner thought the Board's recommendations would be ready in December-January. Mr. Ezrol confirmed the timeline, depending on how many more ordinances or referendum questions would be included. Everything should be done by November in order to have a hearing in December.

Mr. Ezrol advised that the City needs to contact the Supervisor of Elections by early June, and Vice Chair Newton did not think the Commissioners would have enough time to review the recommendations unless they had them in February.

The item will be taken up at the next meeting.

c. Report on Charter Review Board Recommendations - tabled

d. Formation of a Report Committee - tabled

e. Discuss workshop with commissioners – tabled

11. ITEMS FOR NEXT MEETING AGENDA

- Staff recommendations, if any
- Extraordinary vacancies
- Procedure
- Article 9, Elections
- Verify the two-year break for the City Commissioners, etc.

Chair Rajner asked if any Board members would like to discuss the designation process for Vice Mayor per the City of Fort Lauderdale Charter, but there was no interest.

12. PUBLIC COMMENT – None

13. ADJOURNMENT

Hearing no further business, the meeting was adjourned at 8:39 p.m.

[Minutes transcribed by J. Rubin, Prototype, Inc.]

Wilton Manors – Charter Review Board
September 16, 2019
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Approved by the Charter Review Board on October 21, 2019

Michael E. Rajner, Chair



Life's Just Better Here

**CHARTER REVIEW BOARD
2020 WILTON DRIVE
WILTON MANORS, FLORIDA 33305
MONDAY, OCTOBER 21, 2019 – 6:30 P.M.**

MEMBERS	ATTENDANCE
Michael Rajner, Chair	P
Scott Newton, Vice Chair	A
Salvatore Torre	P
Christopher Ryan	P
Doug Blevins	P

Staff

Leigh Ann Henderson, City Manager
Kerry Ezrol, City Attorney
Brigitte Chiappetta, Prototype, Inc.

Guests

Vice Mayor Tom Green

1. CALL TO ORDER

Chair Rajner called the meeting to order at 6:32 p.m.

2. ROLL CALL

Roll was called by Ms. Chiappetta, and a quorum was present.

3. PLEDGE OF ALLEGIANCE - Recited

4. PUBLIC COMMENT - None

5. REVIEW OF PUBIC COMMENTS RECEIVED BY EMAIL - None

6. ADDITIONS/CHANGES/DELETIONS - None

7. APPROVAL OF MINUTES

a. September 16, 2019

Motion made by Mr. Torre, seconded by Mr. Blevins, to approve the minutes of the September 16, 2019, meeting as presented. Motion prevailed by unanimous voice vote.

8. REPORTS BY CHAIR, CITY MANAGER, AND/OR CITY ATTORNEY

a. Outreach Efforts

Chair Rajner reported that an article appeared in the *New Pelican*, and he thanked City Attorney Ezrol and City Manager Henderson for their assistance fact-checking the information submitted to the publication.

Chair Rajner also reported that updates on the Board will appear in the November/December *Town Crier*.

City Manager Henderson stated that the Community Affairs Advisory Board will present their report and recommendations on diversity and recruitment for advisory boards and committees to the City Commission on October 22, 2019.

City Attorney Ezrol had nothing to report.

9. UNFINISHED BUSINESS

a. Article IIIA – Legislative

(1) Section 2 - Elections and Terms

City Attorney Ezrol brought up the matter of grouping items for the ballot. If grouped, both items would have to pass or fail as one item. It was noted that several City Commissioners wanted the ballot to be kept as short as possible, but it was also pointed out that the elections and terms items have different views on each and might warrant separate ballot questions.

City Attorney Ezrol stated he would need to research if term limits for advisory boards could be handled by ordinance, or if the item would have to go to referendum.

Chair Rajner confirmed that the section on General Municipal Powers could be updated by ordinance. City Attorney Ezrol added that the two ordinances the Board discussed which required a referendum to eliminate two obsolete provisions can be grouped into one housekeeping item.

City Attorney Ezrol then returned to discussion of Section 2, recommending that the seat numbers have to be designated. The easiest way would be to identify the seats in order of expiration date, and then in alphabetical order. In 2020, seat #1 would be Commissioner Resnick, and seat #2 would be Commissioner Rolli. In 2024, seats #3 and #4 would be designated by alphabetical order. Discussion ensued on whether the numbers should be sequential, or odd numbers (#1 and #3) in one year, and then even

numbers in the other. Consensus was reached to number the seats sequentially, with the option of later discussion.

Consensus was also reached to split the two items (elections and terms) into two ballot items.

City Attorney Ezrol thought if incumbents ran in an election, they would run for the same seat number they had held.

Other discussion points:

- The incumbents should not be restricted to running for the seat they held
- Incumbents should be able to run against each other
- Implementation of the ordinance is done by the Election Code (Mr. Ezrol)
 - By the ordinance, the Board would be establishing the at-large seats for the Commission seats
 - If desired, the Board can just create the four seats and leave everything else up to the City Commission
- Voting-at-large is what is now in place
- The idea of numbering seats was that candidates had to choose which seat they were running for
- “At-large” means a person can vote for any seat, rather than be restricted to voting by a geographical area
- Can an incumbent or candidate change his seat during the election process?
 - Cannot change after the qualifying period is closed, but City Attorney Ezrol would have to research if it could be changed during the qualifying period, after a candidate has qualified
- Insert something like: “Largest number of votes for each seat will prevail”
- Consensus to add to the recommendation the method of choosing seat numbers: in order of expiration date, and then in alphabetical order

It was agreed that Sections 3 and 4 have had ambiguous language clarified.

Motion made by Mr. Blevins, seconded by Mr. Torre, to accept the changes as the Board’s recommendation moving forward. Motion prevailed by unanimous voice vote.

(2) Section 5 – Vacancies

Attendance

City Attorney Ezrol commented that the Fort Lauderdale model for attendance was an easier model to follow: forfeiture of office based on absence of four consecutive meetings, unless excused by the City Commission and entered into the minutes.

Extraordinary Vacancies

City Attorney Ezrol addressed the extraordinary vacancy provision, noting that the provision for the Governor to fill vacancies if all members are removed is in the ordinance. He reiterated the plan if a majority of the Commission is removed, but not all. If one person remains, that person would appoint the second person. The first two would then appoint the third person, and then the majority would appoint the rest. A special election is required by the existing provisions in the Charter.

Discussion items were as follows:

- Under the Governor appointment scenario, a special election would be required. If less than six months were left in the seat, the Commission would choose a successor; and if more than six months remain, those appointed by the Governor would be required to undergo a special election. (City Attorney Ezrol)
- There is no way to compel the Governor to make an appointment
- In the absence of a quorum of the commission, the City Manager would have authority to conduct business. The Department of Revenue would have to be contacted regarding any budget issues, per State Statute. (City Attorney Ezrol)
- This is a ballot item
- Should it be one item or two?
 - Forfeiture
 - Extraordinary vacancy

Chair Rajner reviewed the number of ballot items so far:

1. Designation of Commission seats
2. Term limits for Mayor/Commission
3. Advisory board term limits, officers, etc.
4. Housekeeping
5. Extraordinary vacancies
6. Forfeiture of office based on absence

Consensus was reached to move all the items forward and rank them in importance. If the ballot is limited in number, some may have to be taken up at a later ballot.

Discussion points on extraordinary vacancies were as follows:

- The possibility of extraordinary vacancies is remote – voters would probably vote “No” because they would not understand it
 - The language is confusing
 - Remove it from list
- These are different, more dangerous, times – keep it in the list
- Put it as the lowest priority, but keep it so the Commission can discuss it
- Wording is confusing
 - If only one member remains, that would be a majority vote
 - Probably in the situation, there would be an emergency declaration from a judge or guidance from the Attorney General and Supervisor of Elections

- Consensus to leave the section out, include discussed items in the report, and recommend that the Commission look at it in the future

Motion made by Mr. Ryan, seconded by Mr. Torre, to change the recommendation to only address the portion about absences and removal from office for that purpose and leave extraordinary vacancies as part of the report for the City Commission to determine whether they want to act on it. Motion prevailed by unanimous voice vote.

(3) Section 22 – City Commission, mayor, vice mayor, and transitional

City Attorney Ezrol stated he will check to see if this item could be repealed by ordinance or if it required a referendum.

(4) Section 23 – City boards

Advisory boards - finalize recommendation for term limits and other conditions

City Attorney Ezrol reviewed the changes he made and commented on Section 23:

- No substantive changes
- Allow one individual to serve on no more than two separate boards at the same time
- When will the term limits be effective and how does the Board want to count prior terms towards term limits for those currently serving?

Discussion ensued on term limits:

- Do not count prior terms, begin counting from enactment of the ordinance
- Some boards have staggered two- and three-year terms, but term lengths are consistent within each board
 - Set the term limits to three terms instead of an arbitrary time like 12 years
- When a board is created, sometimes the term lengths do differ, but that is to allow for staggering the terms. After re-appointment, the boards have a set term. Example: Wilton Drive Improvement District (WDID)
- Make it consistent with the City Commission and max out at 12 years
- Consensus to set the term limits for advisory boards at three terms

Regarding which boards to exempt from the term limits, City Manager Henderson mentioned that several boards have a very limited pool of potential members: Pension Board of Trustees, Volunteer Fire Pension Board (consists of former volunteer firefighters of which there are few), Employee and Police Pension Board (requires pension member from the Police Department and from the general employee pool), and WDID (limited pool who are eligible and willing to serve). The Civil Service Board rarely meets and members are elected by other employees.

Discussion points were as follows:

- WDID is a separate entity and should not be included
- Do not see the need to include the Civil Service Board
 - Residents' terms are three years, employees are two years
 - Do not serve the function that the fire and pension boards do
- Fire and Pension Board members attend ongoing education and training

Motion made by Mr. Torre, seconded by Mr. Blevins, to keep with the way it was written now: three terms and having two years off a board if a member is term-limited. Certain boards would be exempted: Fire Pension Board, Wilton Manors Pension Board, and Wilton Drive Improvement District.

City Attorney Ezrol asked if partial terms would apply, and Mr. Torre thought that the proposed change specified full terms.

Motion prevailed by unanimous voice vote.

Motion made by Mr. Torre, seconded by Mr. Ryan, to approve the City boards as amended with the exclusion of the boards voted on.

City Attorney Ezrol verified that the Civil Service Board, the WDID, and the two pension boards are not included.

Motion prevailed by unanimous voice vote.

**Charter Review Board – discuss recommendation to change to
Charter Review Advisory Board**

After a brief discussion, the recommendation was declined.

b. Article IV – Elections

City Attorney Ezrol reported that an amendment was made in 2012 to the Special Act in Broward County dealing with changing of the date for qualifying. He incorporated the language from the Special Act into the draft ordinance. This change will not have to go on the ballot.

Motion made by Mr. Torre, seconded by Mr. Blevins, to move the item on election date filing as a recommendation for ordinance change. Motion prevailed in a voice vote.

**c. Review recommendation for use of gender neutral language in
charter,
ordinances, and resolutions**

City Attorney Ezrol reviewed the recommendation and said this item would not go on the ballot. He noted the Charter with his revisions was not uploaded, but he went through the Charter and changed any references to male/female gender pronouns. He had wanted the Board to see his changes, so he will send it out before the next meeting, and the item will be tabled until then.

d. Discuss Florida CRC amendment on lobbying and Broward County Ethics Ordinance

Chair Rajner explained that the CRC amendment regarding public officers and lobbying goes into effect in 2021 and he wanted to revisit the City's opt-out of the County's Ethics Ordinance in 2011. However, after reviewing the County's ordinance, he saw he did not like that it requires an individual to declare the amount of their income within very small brackets. He saw it as an inequity for those earning a median income since the disclosure stops at \$100,000. He also did not want to re-engage the divisiveness that occurred in 2011 over the issue. He asked members if they had any other concerns related to ethics and none were raised.

10. NEW BUSINESS

a. Review timeline for Charter Review Board including date and format of public hearings

Chair Rajner referred to the timeline in the agenda packet. He thought the Board might be ready to go for the first public hearing at the December 16, 2019, meeting and have the second public hearing in January 2020.

Consensus reached on having the first public hearing in December 2019 and the second in January 2020.

Due to the Martin Luther King holiday, the January 2020 meeting will have to be changed. Two possible dates are January 16 or January 21. By consensus, January 21, 2020, was selected for the January meeting.

February 17, 2020, is President's Day, so that meeting also needs to be rescheduled. Possible dates are February 13 or February 18. By consensus, February 18 was selected for the February meeting.

Regarding the public hearings, City Attorney Ezrol advised the hearings could either be conducted item by item or all as one grouping. Item by item might be better organizationally, but could add to the meeting length.

Discussion points were as follows:

- Have a time limit of three minutes per speaker for the whole meeting, rather than letting a person speak for three minutes on each item

- Have a handout showing the proposed changes along with a checklist that people could check as the changes are summarized by the Chair. That way, when they are ready to talk, they can refer to their checklist.
- The first meeting could be a “grouping” of items, with the second meeting being more defined
- Have a condensed version for the first hearing to see which items merit more time for comments. Then, the second hearing could address those items.
- If something was heard in the first public hearing that resulted in an amendment, that could be brought up at the second hearing.
- The Board would vote at the hearings only if they wanted to revise something

b. Discuss format for report of recommendations and possible workshop with the City Commission to present recommendations

Chair Rajner said he will write a draft of the report, but wanted others to assist him. Mr. Torre volunteered to help him.

City Attorney Ezrol said he will help, but the City Commission is concerned with his fees and time. He asked that the committee only send drafts to him to review for language.

The meetings will be noticed and under Sunshine Law, but recording the meeting would not be necessary. Action minutes would be required, but not verbatim – a Board member could be assigned to be the recording secretary. City Manager Henderson said that a staff member would be present.

Consensus was reached that the Board would like to have a workshop with the City Commission to present recommendations and provide an opportunity for discussion.

City Manager Henderson advised that the request be made in a Board report at a City Commission meeting. It could be done in writing and in person. A memo could be sent ahead of the Commission meeting.

Consensus to send a memo to the City Commission and also present the request in a Board report.

c. Discuss possible role of Charter Review Board after submission of recommendations

It was suggested to leave the item open until a later time to see what the Commission wants.

Mr. Blevins applauded the outreach efforts, noting that the comments in the *New Pelican* were great.

Chair Rajner recalled that City Attorney Ezrol was going to get back to the Board on amending the notice for special meetings from 24 hours to 72 hours. Mr. Ezrol said it is a requirement already held by the City because it is a County requirement. The Charter and other rules of the Commission could be amended to reflect the notice, and he said he would have to research to make sure it would not require a ballot item.

Chair Rajner also said they did not resolve the matter of participation by telephone. He wanted to table it for next month so they could have more discussion on it. Chair Rajner asked members to have any proposals and motions ready to go on the item for the November meeting.

City Attorney Ezrol advised that a referendum would be required to change the notice for special meetings in the City Charter. Chair Rajner was amenable to putting forward a recommendation for it, but keeping it at a low priority because the County already requires the 72 hours. City Attorney Ezrol commented that the County Charter is “always” being consulted to see if an item is pre-empted.

By consensus, the Board agreed to have a recommendation to the City Commission to change the Charter language for the notice, but not to request City Attorney Ezrol to draft an ordinance submitting it to referendum.

11. ITEMS FOR NEXT MEETING AGENDA

No additional items were mentioned.

12. PUBLIC COMMENT – None

13. ADJOURNMENT

Hearing no further business, the meeting was adjourned at 8:14 p.m.

[Minutes transcribed by J. Rubin, Prototype, Inc.]

Approved by the Charter Review Board on November 18, 2019

Michael E. Rajner, Chair



Life's Just Better Here

**CHARTER REVIEW BOARD
2020 WILTON DRIVE
WILTON MANORS, FLORIDA 33305
MONDAY, NOVEMBER 18, 2019 – 6:30 P.M.**

<u>MEMBERS</u>	<u>ATTENDANCE</u>
Michael Rajner, Chair	P
Scott Newton, Vice Chair	P
Salvatore Torre	P
Christopher Ryan	P
Doug Blevins (arr. at 6:50 p.m.)	P

Staff

Leigh Ann Henderson, City Manager
Kerry Ezrol, City Attorney
Brigitte Chiappetta, Prototype, Inc.

Guests

City Commissioner Julie Carson
City Commissioner Paul Rolli

1. CALL TO ORDER

Chair Rajner called the meeting to order at 6:41 p.m.

2. ROLL CALL

Roll was called by Ms. Chiappetta, and a quorum was present.

3. PLEDGE OF ALLEGIANCE – Commissioner Carson led the Pledge.

4. PUBLIC COMMENT – None

5. REVIEW OF PUBLIC COMMENT RECEIVED BY EMAIL – None received

6. ADDITIONS/CHANGES/DELETIONS

Chair Rajner requested adding an Item “h” – Enumerated Powers

7. APPROVAL OF MINUTES

a. October 21, 2019

Motion made by Mr. Ryan, seconded by Mr. Torre, to approve the minutes of the October 21, 2019, meeting as presented. Motion prevailed by unanimous voice vote.

8. REPORTS BY CHAIR, CITY MANAGER, AND/OR CITY ATTORNEY

Chair Rajner expressed his appreciation to City Manager Henderson and City Attorney Ezrol for their help reviewing the drafted materials.

Chair Rajner reported he spoke at the last City Commission meeting, and a workshop was tentatively scheduled for March 24, 2020. An hour was deemed sufficient for the workshop. When the presentation is made, the Board should stand behind the recommendations, allowing time if a person wishes to briefly highlight a point. Time should also be allowed for the Commission to ask questions.

[Mr. Blevins arrived at 6:50 p.m.]

City Manager Henderson had nothing additional to report.

City Attorney Ezrol reported on the Abramowitz-Glasser case from 1995 where a trial court invalidated a term limit amendment to the City of Tamarack's charter, but an appellate court reversed the decision.

City Attorney Ezrol continued that generally speaking, Florida Statute sets the general requirements that amendments must be printed in clear, unambiguous language followed by the words YES or NO. The ballot title is limited to 15 words and the summary to 75 words. The bottom line is that the voters should receive "fair and actual notice" of the referendum's proposed purpose and effect. Mr. Ezrol referred to two more cases that cited the Abramowitz-Glasser case.

City Attorney Ezrol said that since the proposed Charter does not allow for seat-swapping, term limits apply regardless of the office, whether Commissioner or Mayor.

a. Charter Review Board timeline

Chair Rajner referred to the updated timeline in the agenda packet. He asked other members of the Board who may have done any outreach (that should be included on the timeline) to email that information to City Manager Henderson.

9. UNFINISHED BUSINESS

a. Approve recommendation for gender neutral language throughout Charter

City Attorney Ezrol introduced the item, noting that a referendum is not required. The provided text is what will be presented to the City Commission.

Motion made by Vice Chair Newton, seconded by Mr. Blevins to approve the recommendation in Agenda Item 9a. Motion prevailed by unanimous voice vote.

b. Repeal Articles IIIA, Section 14 City Treasurer; Power and Duties, and V Revenue and Taxation

City Attorney Ezrol noted this is a revised item and requested a discussion on **Article IIIA, Section 22 Transitional (Agenda Item 9g)** at this time. Mr. Ezrol reviewed previous actions the Board had taken on this item. He also stated that Section 22 provided for a transitional Mayor and City Commission. He said the three provisions (Section 14, Article V, and Section 22) are obsolete, and he wished to combine them into one ordinance, which has to go to referendum. This action will result in one housekeeping ordinance so as to not add to the ballot.

Motion made by Mr. Ryan, seconded by Vice Chair Newton, to adopt the recommendation as drafted. Motion prevailed by unanimous voice vote.

c. Forfeiture of Office

City Attorney Ezrol advised this item has been revised for clarification, and the title has been reworded to avoid confusion.

Motion made by Mr. Blevins, seconded by Mr. Torre, to adopt the amended draft as presented. Motion prevailed by unanimous voice vote.

d. Term Limits for City Boards and Limitations on Board Appointees

City Attorney Ezrol stated that the ordinance is unchanged from the last version:

- Not permitted to serve on more than two boards concurrently
 - For boards commencing on or after November 3, 2020
 - Includes an exception for the General Employees and Police Officers Pension Board of Trustees, the Firefighters Pension Board of Trustees, and the Wilton Drive Improvement District
- Prohibits any board member who serves on two boards from serving as an officer on more than one board

Chair Rajner commented that some members of the public felt there should be an allowance for the Commission to bypass the rules in the case of extraordinary circumstances.

At this point, City Attorney Ezrol clarified that this action cannot be done by ordinance by recommendation, but has to be put on the ballot. He elaborated that Section 23 of the

current City Charter has three sections that are in the ordinance verbatim. Those may not be changed without referendum. Adding Sections 4, 5, and 6 to the City Charter requires a referendum.

However, City Attorney Ezrol stated that, alternatively, the City Commission could adopt those provisions (Sections 4, 5, and 6) in an ordinance format without a referendum, since the subject matter is not dealt with in the existing Charter.

Chair Rajner was concerned about adding another item to the ballot and asked for the Board's feedback. All members favored sending the item to the City Commission for an ordinance rather than having it on the ballot.

Vice Chair Newton opposed allowing the Commission to bypass the term limits in any circumstance.

Chair Rajner clarified that the creation of an ordinance for term limits for board members would accomplish what they want without amending the Charter.

Motion made by Vice Chair Newton, seconded by Mr. Torre, to adopt the recommendation by sending it as an ordinance to the City Commission. Motion prevailed by unanimous voice vote.

e. Specific Seats for Commissioner Candidates

City Attorney Ezrol reviewed the changes. Assuming that the referendum passes, seat numbers will be assigned after the election in November 2020. Beginning in November of 2022, individuals would have to qualify by seat number, with the winner based on the largest number of votes.

Mr. Ryan confirmed that "largest number" means just that – it is a plurality, not a majority.

Motion made by Mr. Ryan, seconded by Vice Chair Newton, to adopt the amended proposal for the assignment of the numbers for the City Commission seats.

Mr. Blevins confirmed his understanding of the number of votes needed.

Motion prevailed by unanimous voice vote.

[Chair Rajner called for a short break at 7:15 p.m. for a group photo. The meeting resumed at 7:23 p.m.]

f. Term Limits for Commissioners and Mayor

City Attorney Ezrol reported the language was refined and clarified, but the content was

the same as previously directed. He emphasized the term limit is for 12 years, no matter whether the person is the Mayor or a Commissioner. If a Commissioner is in their tenth year and their term is ending, they would not be eligible to run again. However, if they served two terms as Commissioner, and one as Mayor, they could run for Mayor, but not Commissioner.

Motion made by Mr. Blevins, seconded by Vice Chair Newton, to approve Agenda Item 9f. Motion prevailed by unanimous voice vote.

g. Article IIIA Section 22 Transitional – Discussion – Already addressed

h. Enumerated Powers (*Requested by Chair Rajner*)

City Attorney Ezrol read a minor typographical correction into the record:

- Change “The City of Wilton Manors shall have all powers possible for a city to have under the constitution and laws of the State of Florida as fully and completely as though *there* were specifically enumerated in this Charter.” To: “The City of Wilton Manors shall have all powers possible for a city to have under the constitution and laws of the State of Florida as fully and completely as though *they* were specifically enumerated in this Charter.”

Motion made by Vice Chair Newton, seconded by Mr. Blevins, to adopt the recommendation as amended and read into the record. Motion prevailed by unanimous voice vote.

10. NEW BUSINESS

a. Discussion of Commission rules and Resolution 2019-19

Chair Rajner reviewed the Board’s previous discussions on this item, particularly opportunities for public comment, notice for public meetings, and participation by telephone. He remarked that the Board can decide the path (by resolution) to put rules into the Charter.

Comments on participation by telephone were made as follows:

- Can be permissible under appropriate circumstances
- Attorney General has consistently suggested that only in “extraordinary circumstances” should someone be permitted to telephone in to a meeting, and a quorum must be physically present.
- So far there is no policy in Wilton Manors
- Boards have mirrored the actions of the City Commission
- Telephone call-ins are very disruptive (background noise, audio, etc.)
- Must have a very good reason, perhaps City business out of the area
- Officials are elected to do a job and should be present at meetings
- Telephone attendance can be abused

- City Commission should make its own rules
- The Charter Review Board can recommend additional items to add to the resolution
- Commissioners are not allowed to participate via telephone in a Quasi-Judicial hearing
- Would support the Commission re-evaluating the matter and limit it more to official business
- An excused absence would be better than someone calling in and disrupting the meetingThe Commission could table an item if it needs full attendance
- City Commission needs to understand the guidelines of calling in

Motion made by Mr. Torre, seconded by Vice Chair Newton, to urge the City Commission to adopt a policy regarding phone-in ability to City Commission meetings.

Vice Chair Newton said it should be discussed at a public City Commission meeting.

Motion prevailed by unanimous voice vote.

Chair Rajner brought up the matter of walk-on items at Commission meetings that have no public notice.

City Attorney Ezrol stated that Broward County requires public notice of agendized items with backup 48 hours in advance, but there is no penalty for violations. He has cautioned the Commission against taking action on an item not on the agenda. That would put the City at risk for attorney's fees because of a provision in the Florida State Statutes. Exceptions are made to the requirement: an official act dealing with emergency situations regarding public health, safety, and welfare; ministerial acts and ceremonial proclamations; shade session; and Quasi-Judicial meetings.

Comments on the subject were made as follows:

- Commission should have to open the floor to the public after an item is introduced if it does not meet the exceptions
- People who may have wanted to attend if they knew the item would be discussed would not be there
 - Provides the appearance that the Commission is trying to “push something through”
- The Commission should wait for the next meeting to discuss it
- City Attorney already advises the Commission if it is an item that is not of an urgent nature
 - Should it also be in the Charter review?
- Item could be discussed, but not voted on
- Conclusion that further action is not needed by the Board.

Regarding public comment at Commission meetings, it was noted that the comments

are placed at the beginning of the agenda, and people should be able to speak at the meeting's end on items that came up during the meeting. Mr. Blevins suggested keeping the time limit at two minutes.

Motion by Mr. Blevins, seconded by Vice Chair Newton, to recommend that the City Commission adopt a second public comment period at the end of the meeting for a maximum of two minutes per speaker.

Mr. Blevins supported the idea that people who sit through the meeting should have the opportunity to speak at the end.

Motion prevailed by unanimous voice vote.

b. Discussion of outreach efforts for Public Hearings

Flyers have been prepared by City staff to notify residents about the upcoming hearings for the Charter Review Board.

Chair Rajner said he created a PowerPoint presentation on the topic and said he ordered the recommendations in what he believed to be the priority of the Board. He asked for feedback on the slides:

- He labeled the recommendations as “Proposal #1” etc., since ordinance numbers started to look the same
 - He will update the proposal so that they reflect the ballot title and ballot question
 - Add the justification for the proposal on the slide or in the narrative?
- He noted the changes needed for Proposal #3
- Put “term limits” before “specific seats” since there was more public input on that
- On the page for “Forfeiture of Office,” include that there is an option of asking to be excused by the City Commission by a formal action duly entered into the minutes
 - Use language from the ordinance

Chair Rajner asked if Board members wanted the floor open to the public after they see the PowerPoint presentation and prior to opening the Public Hearing so they can ask for clarification on recommendations. The Board would entertain questions at that time. It would be made clear that during the Public Hearing, the public would not be able to ask questions and there would be no back-and-forth communication.

An alternative would be to allow questions of the City Manager or the City Attorney during the Public Hearing.

City Attorney Ezrol presented two options:

1. Take comments from the public and close the floor to the public. Then address the questions if wanted, the Board could allow someone to speak afterwards.

2. Go back and forth with each person.

Chair Rajner reminded the Board that each speaker only gets three minutes of total speaking time.

City Attorney Ezrol remarked that he has one ordinance (the resolution) to revise for the Board. He will make it available before the end of the current week.

Discussion ensued about what information should be added to the Board's web page in advance of the meeting dates, with the decision being that the PowerPoint would be uploaded to the website, minus the justifications.

c. Prioritize recommendations and draft justification statements

Chair Rajner noted he would update the list of Charter recommendations included in the backup materials and wondered if the justification should be included on the website also. However, it was noted that the more that is said, the more chance there is for confusion. Mr. Torre suggested that Board members take the materials home to study and then submit their feedback to City Manager Henderson.

City Attorney Ezrol recommended that if the document becomes public, it should be clear that the justifications are the Charter Review Board's justifications.

City Attorney Ezrol advised the Board on how to communicate their comments to City Manager Henderson in compliance of the Sunshine Law. Ms. Henderson asked for a deadline for comments. The compiled document would be a draft, subject to review and approval by the Board.

The following changes were made by Consensus to the ranking of priorities (according to the numbers on the PowerPoint slides):

- Move Proposal #2 to #1
- Move #1 to #2
- Keep Proposals #3 and #4 as is
- Move Proposal #6 to #5
- Move Proposal #5 to the end (will be #8)
- Proposal #7 becomes #6
- Proposal #8 becomes #7

11. ITEMS FOR NEXT MEETING

The agenda will be as follows:

- The "Call to Order" through "Approval of the Minutes" (excluding Public Comments)
- Reports, if applicable

- New Business
 - Approval of new draft
- Public Hearing

12. PUBLIC COMMENT – None

13. ADJOURNMENT

Hearing no further business, the meeting was adjourned at 8:21 p.m.

[Minutes transcribed by J. Rubin, Prototype, Inc.]

Approved by the Charter Review Board on December 16, 2019

Michael E. Rajner, Chair



Life's Just Better Here

**CHARTER REVIEW BOARD
2020 WILTON DRIVE
WILTON MANORS, FLORIDA 33305
MONDAY, DECEMBER 16, 2019 – 6:30 P.M.**

MEMBERS	ATTENDANCE
Michael Rajner, Chair	P
Scott Newton, Vice Chair	A
Salvatore Torre	P
Christopher Ryan	A
Doug Blevins	P

Staff

Leigh Ann Henderson, City Manager
Kerry Ezrol, City Attorney
Brigitte Chiappetta, Prototype, Inc.

Guests

Mayor Flippen
Commissioner Julie Carson
Commissioner Paul Rolli

1. CALL TO ORDER

Chair Rajner called the meeting to order at 6:36 p.m.

2. ROLL CALL

Roll was called by Ms. Chiappetta, and a quorum was present.

3. PLEDGE OF ALLEGIANCE – Paul Kuta led the Pledge.

4. REVIEW OF PUBLIC COMMENTS RECEIVED BY EMAIL

City Manager Henderson stated there were none submitted via email since the last meeting.

5. ADDITIONS/CHANGES/DELETIONS – None

6. APPROVAL OF MINUTES

a. November 18, 2019

Mr. Blevins moved to approve the minutes of the November 28, 2019, meeting as presented. Mr. Torre seconded the motion, which passed by unanimous voice vote.

7. REPORTS BY THE CHAIR, CITY MANAGER, AND/OR CITY ATTORNEY

Chair Rajner thanked City Manager Henderson and City Attorney Ezrol for their time helping prepare in between meetings.

Neither City Manager Henderson nor City Attorney Ezrol had anything to report.

8. UNFINISHED BUSINESS

a. Approval of presentation materials for the public hearings

Chair Rajner advised that he made slight changes to the PowerPoint presentation since the last meeting.

- On the slide titled “Referendum/Ordinance/Resolution,” he corrected “civil” to “civic” in the source notations
- For the slide on Advisory Boards, the specific number of terms of consecutive service was given
- Added quotes for all the ballot questions
- Clarified the first bullet under “Proposal 9”

There were no objections voiced to the changes.

9. PRESENTATION OF CHARTER REVIEW BOARD PROPOSALS

Chair Rajner introduced the presentation, noting he has already received some feedback on several items and changes may be made.

Chair Rajner gave a PowerPoint presentation [Attached].

Chair Rajner noted that two of the Board members are absent – Vice Chair Scott Newton and Chris Ryan. He pointed out that the Board convenes every 10 years.

Chair Rajner mentioned that the Board ranked the proposals by priority for consideration. They believe all referendum items should go forward to the ballot.

- Proposal 1 - Term limits for commissioners and mayor (Referendum)**
- Proposal 2 - Specific seats for commissioner candidates (Referendum)**
- Proposal 3 - Changes related to city boards (Ordinance)**

- d. **Proposal 4 - Forfeiture of office for missing four consecutive regular city commission meeting (Referendum)**
- e. **Proposal 5 - Amends the City Charter to include gender-neutral pronouns and eliminates gender preference language (Ordinance)**
- f. **Proposal 6 - Amends Article II to reflect municipal powers to be consistent with Florida Laws (Ordinance)**
- g. **Proposal 7 - Amends Article IV, Elections, Section 2 to correct the date of payment of the qualifying fee (Ordinance)**
- h. **Proposal 8 - Repeals obsolete Articles IIIA, Sections 14 and 22 and Article V (Referendum)**
- i. **Proposal 9 - Recommendation to amend rules and policies of governing meetings of the city commission (Resolution)**

10. PUBLIC HEARING

- a. **Members of the public may speak up to three (3) minutes**

Chair Rajner opened the floor to public comment. He noted that members of the public could speak longer than three minutes if necessary.

Paul Kuta, 500 NE 28 Street, thanked the members of the Charter Review Board for their diligence, thoroughness, and transparency. He also thanked Chair Rajner for his periodic briefings at City Commission meetings. Mr. Kuta appreciated that, when possible, changes would be made by ordinance in order to keep the ballot short. Mr. Kuta commented as follows:

- Proposal 1 – Supports
 - Nothing said about the combination of mayor/commissioner term limits about 12 years until line four
 - Suggested something like: “elected officials shall serve no more than 12 consecutive years, whether as a city commissioner, a mayor, or a combination of both”
 - Agrees with two-year absence before going back on
- Proposal 2 – Does not support
 - Believes it will be confusing to the public and will not work
- Proposal 3 – Does not support fully
 - Three terms is only six years (too short) and more time is needed on some boards to get a grasp on the mission (such as the Planning and Zoning Board and the Budget Review Committee)

- Agrees with not serving on more than two City boards concurrently, and suggested using the words “board/committees” in lieu of “boards”
- Opposed limiting board members to serving as officers of one board at a time because some boards are quite small or only meet several times a year
- Proposal 4 – add language below:
 - Add “due to unexcused absences” to the ballot question
- Proposal 5 – Supports
- Proposal 6 - Supports
- Proposal 7 – Supports
- Proposal 8 – Supports
- Proposal 9 – See comments
 - On bullet #2, participation by phone should be allowed if the Commissioner is on City business or League of Cities, etc., but not if it is too frequent
 - Telephoning in should be allowed for time-sensitive issues and left to the discretion of the City Commission
 - If the issue is “major,” telephoning in should not be allowed
 - Supported public comment at the end of the Commission meetings since things may come up during the meeting that the public wants to comment on

Commissioner Paul Rolli, 2016 NE 6 Terrace, stated for the record that he was present for part of the November 18, 2019, meeting.

Ken Stone, 621 NE 21 Court, thanked the Board for their thorough work. He observed that sometimes voters are overwhelmed by the number of words on the ballot. He recommended simplifying the ballot questions more to help people understand what they are voting on.

Michael Sansevero, 1425 NE 23 Street, commented as follows:

- Proposal 1 – Language is ambiguous and should have something to the effect of “combination thereof”
- Proposal 2 – Confusing
 - Filing candidates and then moving positions and posturing to re-align sounds bad
 - Either run for a seat number, do not run for a seat number, or leave the seats at-large
- Proposal 3 –
 - There are plenty of people who can serve on boards, and power should not be in the hands of few (related to officers)
 - Supports three-term limit with a two-year absence so that others can get on the board
- Proposal 4 –

- Does not like the Commission to determine what is an excuse for themselves
 - Should be more objective
 - The absences should be “unavoidable” not just “excusable”
- Wants to cut the referenda to only two – there are too many, especially considering the Presidential election

Hearing no further comments, Chair Rajner closed the floor to public comment.

Discussion by the Board members:

Proposal 1: Term limits for commissioners and mayor

- Concur with Mr. Kuta about rewriting the question to include the combination of offices
- City Attorney Ezrol: The number of words in the question is limited to 75, and there are no particular restrictions as long as the language is clear and not misleading and informs the voter of the question. Revisions could be worked out before the next public hearing.
- Find a way to keep it simple, including the words “combination thereof”
- List the 12-year limit in the first line and then give the breakdown for each office
- City Attorney Ezrol will come back to the next meeting with revised language

Proposal 2: Specific seats for commissioner candidates

- Although it sounded good at first, after hearing input from residents, it should be stricken or reworked. Gives an edge to the incumbent.
- Having two incumbents run in a race already has benefits – by having specific seats, the two incumbents are split into two separate races creating a better opportunity for non-incumbents.
- Supports the recommendation, but explain it better
 - No different than when a candidate has switched from running for a commission seat or mayor
 - Does not give the incumbent an edge
 - Does not promote bullet-voting because there is up to one vote for each race
 - Makes commission seats more competitive – could narrow the field for a given seat
- Could be confusing to voters
 - Ballot design should be made clear by the Supervisor of Elections
- Current situation could also be confusing to voters
 - Voters do not know how many to vote for
 - More education is needed
- It is up to the City Commission to educate the voters
 - A vendor is contracted to do the education
- Proposed method gives the opportunity for a tighter race

- If only running against one person, the new candidate could question the incumbent's record more efficiently

Proposal 3: Changes related to city boards

- The ordinance language does not state that some boards are exempt from the provision. The exempt boards are: The General Employees and Police Officers Pension Board of Trustees; the Firefighters Pension Board of Trustees; and the Wilton Drive Improvement District.
- Two members strongly supported the proposal due to frequent re-appointment of current serving board members
 - Need new ideas/people on boards
- City Attorney Ezrol: Have to change text to include reference to committees

Proposal 4: Forfeiture of office

- Make the change recommended by Paul Kuta, add language referring to “unexcused absences”
- The Commission is permitted by Florida Statute to develop their own process
- There is a difference between “unavoidable” and “unexcused” absences
 - The distinction would likely come up in the Commission as they develop their own rules for absences
 - Keep it simple by using “excused” – “unavoidable” has not been defined and could be subjective
- Consensus to add the word “unexcused” before “absence” in the ordinance language

Proposal 5: Gender-neutral language – no discussion

Proposal 6: Municipal powers – no discussion

Proposal 7: Payment of qualifying fee

- The date was January for the March election, then was updated to be compatible with the most recent Special Act setting the qualifying period (September) in Broward County for November elections
- City Attorney Ezrol will review the date to make sure it is September or June. If the date is wrong, he will correct it.

Proposal 8: Obsolete Articles/Sections

- Decided not to put the title for Article V because there was not enough room to add titles to the others
- The referendum is fairly clear
- Can the wording in the ballot question mention that there is no longer a tax collector nor a treasurer so voters do not think the City is eliminating a current position?

- City Attorney Ezrol said he will have to look at the question to see if it can be done.
- Could the deletion of obsolete parts be done at another time, rather than crowding the ballot?
 - Chair Rajner asked City Manager Henderson to provide the board with what the State legislature might be considering for ballot initiative in order to determine how lengthy the ballot will be.
 - Proposal 8 could be held until the 2022 election if preferred

Proposal 9: Rule and policies of governing meetings

- City Attorney Ezrol said there is a Broward County charter amendment effective January 1, 2019, which requires matters be agendaized and agendas be made available publicly on websites along with all backup materials at least 48 hours before a meeting. Also, Section 286.0114 Florida Statutes states that members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or a commission: if the opportunity to be heard is not at the same meeting where the decision is made, it should be a meeting close in time before the official action occurs; the commission should adopt rules of procedure, and exceptions are granted specifically for certain actions that do not have to comply with the Statute such as emergencies, ministerial acts, etc.
- Pleased to hear support for additional opportunity for public comment at the end of the Commission meetings

Mr. Blevins commended Chair Rajner for his work with the Board and for all who assisted with the mission.

Chair Rajner was grateful that the meetings have been civil, constructive, and solution-oriented. He also thanked City Manager Henderson and City Attorney Ezrol for their outstanding support.

Chair Rajner asked for items for the next meeting's agenda other than follow-up. He stated he will be out of town later on and asked if the report committee can conduct its meeting via conference call, providing it is properly noticed.

City Attorney Ezrol advised they cannot take any official action by a conference call - for non-official matters, a quorum of committee members would need to be present. The report writing committee has only two members. City Attorney Ezrol recommended that the committee meet in person and advertise the meeting.

The next Board meeting will be Tuesday, January 21, 2020, with the second public hearing.

Chair Rajner acknowledged that the three-minute time limit for comments from the public was perhaps too short for nine proposals and suggested a five-minute limit if not

too many residents are present. Discussion occurred on what limit to set, including suggestions of six minutes and ten minutes.

Motion made by Mr. Torre, seconded by Mr. Blevins, to extend the public comments to six minutes at the next public hearing. Motion prevailed by unanimous voice vote.

ADJOURNMENT

Hearing no further business, the meeting was adjourned at 8:02 p.m.

[Minutes transcribed by J. Rubin, Prototype, Inc.]

Approved by the Charter Review Board on January 21, 2020

Michael E. Rajner, Chair



Life's Just Better Here

**CHARTER REVIEW BOARD
2020 WILTON DRIVE
WILTON MANORS, FLORIDA 33305
TUESDAY, JANUARY 21, 2020 – 6:30 P.M.**

MEMBERS	ATTENDANCE
Michael Rajner, Chair	P
Scott Newton, Vice Chair	P
Salvatore Torre	P
Christopher Ryan	P
Doug Blevins	P

Staff

Leigh Ann Henderson, City Manager
Quentin Morgan, Assistant City Attorney
Brigitte Chiappetta, Prototype, Inc.

Guests

City Commissioner Julie Carson
City Commissioner Paul Rolli

1. CALL TO ORDER

Chair Rajner called the meeting to order at 6:33 p.m.

2. ROLL CALL

Roll was called by Ms. Chiappetta, and a quorum was present.

3. PLEDGE OF ALLEGIANCE – The Pledge was recited.

4. REVIEW OF PUBLIC COMMENTS SUBMITTED IN WRITING

Letter and email from residents

Chair Rajner reported an email from Steve Hanley and a memo from Paul Kuta. Chair Rajner sent a reply to Mr. Kuta [Attached], which appears on page 16 of the agenda packet. Mr. Kuta had suggested that the sale of City property in excess of \$750,000 would have to be a referendum item. Chair Rajner responded to the suggestion, saying it was too late in the process for consideration and asked for any feedback from the Board. None was given.

It was noted an email was also received from Ray Carrier.

5. ADDITIONS/CHANGES/DELETIONS

Chair Rajner pointed out that a third item (Discuss Considerations in Future of Charter Reviews) was omitted from New Business.

Chair Rajner announced that after the approval of the changes to the presentation, he wished to table the remaining of New Business to go into the presentation of the proposals and the Public Hearing; after that, the agenda will return to the second item under New Business.

Mr. Blevins asked to review the content of the two emails received in the spirit of fairness. Chair Rajner noted the individuals were present and could speak. He explained that he highlighted Mr. Kuta's communication since it offered an item for the Board's consideration. Mr. Blevins noted both emails were in opposition to the referendum item for specific seat numbers.

6. APPROVAL OF MINUTES

December 16, 2019

Motion made by Mr. Blevins to approve the minutes of the December 16, 2019, meeting as presented. Mr. Torre seconded the motion, which passed by unanimous voice vote.

7. REPORT BY CHAIR, CITY MANAGER, AND/OR CITY ATTORNEY

Letter from Chair Rajner

In addition to his previous comments on Mr. Kuta's letter, Chair Rajner reported that he and Mr. Torre met as part of the Report Writing Committee and began a template (to be addressed under New Business).

City Manager Henderson advised that staff sent a request to Board members for short bios to include in the report to the City Commission.

Statewide ballot amendments and initiatives

City Manager Henderson stated there are three confirmed citizen initiative items that will be on the 2020 ballot, and several others are circulating or filed for language review (but do not have enough signatures); the legislature may also refer ballot items during their current session. The deadline for signatures to be certified by the Florida Secretary of State to qualify is February 1, 2020; however, the legislature has the entire session to submit.

Chair Rajner acknowledged the presence of Commissioner Paul Rolli and Commissioner Julie Carson and stated that Quentin Morgan, Assistant City Attorney, was standing in for City Attorney Ezrol.

Assistant City Attorney Morgan offered to share information on the qualifying dates. The last Special Act for Broward County in Elections was done in 2012, and Mr. Morgan confirmed that the September date is the correct qualifying date.

Discussion ensued, with comments being made that September seemed too close to the election, and City Manager Henderson said she would get an opinion from the City Clerk on what the qualifying deadline would be.

(Editorial note – after the meeting, the City Attorney and City Clerk confirmed that the qualifying date is in June.)

8. New Business

Approval of changes to presentation

Chair Rajner reviewed the following changes to the presentation for approval:

- Added page 8 to the presentation slides showing sample ballots
- Pages 9-10-11 were added to reflect options in language based on public comment and discussions with the City Attorney between the two meetings
- Pages 14-15-16 were added to provide clarity
- A handout appears after page 16 regarding the seats
- Page 18 was edited to include the word “excused”
- Page 21 might change to correctly reflect the qualifying date

Chair Rajner asked for Board feedback on the changes, and there were no concerns.

Discussion of report to the City Commission (Moved to later in the agenda)

Discuss Considerations in Future of Charter Reviews (Moved to later in the agenda)

9. PRESENTATION OF CHARTER REVIEW BOARD PROPOSALS

At this time, Chair Rajner showed the PowerPoint presentation on the Board proposals [Attached].

Proposal 1 - Term limits for commissioners and mayor (Referendum)

[Note: Paul Kuta submitted new language, but it exceeded the 75 maximum words allowed for a referendum, so it was edited.]

Proposal 2 - Specific seats for commissioner candidates (Referendum)

[Note: The Board is suggesting going to the Plurality Voting System. If the Board desires, Chair Rajner was open to having a speaker come in and talk about the “specific seat” process.]

Proposal 3 - Changes related to city boards (Ordinance)

[Note: The following boards are excluded from the proposed changes: General Employees and Police Officers Pension Board of trustees; The Fire Fighter Pension Board of Trustees; and the Wilton Drive Improvement District.]

Proposal 4 - Forfeiture of office for missing four consecutive regular city commission meetings (Referendum)

Proposal 5 - Amends the City Charter to include gender neutral pronouns and eliminates gender preference language (Ordinance)

Proposal 6 - Amends Article II to reflect municipal powers to be consistent with Florida Laws (Ordinance)

Proposal 7 - Amends Article IV, Elections, Section 2 to correct the date of payment of the qualifying fee (Ordinance)

[Note: The correct date will be inserted when it is verified.]

Proposal 8 - Repeals obsolete Articles IIIA, Sections 14 and 22 and Article V (Referendum)

Proposal 9 - Recommendation to amend rules and policies of governing meetings of the city commission (Resolution)

10. PUBLIC HEARING

Mike Bracchi, 2609 14 Avenue, said he has attended or watched all the meetings and has read all the minutes from the previous meetings. He asked what problem was trying to be solved with the term limits and number of seats and what the benefits would be for the electorate. Regarding term limits, Mr. Bracchi did not see the point in allowing a commissioner to run again after a two-year hiatus if the goal was to avoid “lifetime commissioners.”

Continuing, Mr. Bracchi said the only people who would benefit from eliminating bullet voting would be the incumbent commissioners. Under bullet voting, Mr. Bracchi remarked that voters can vote for any candidate they wish to vote for, or none at all. He provided several scenarios where a candidate could wait until the last minute to decide what seat to run for based on who else is running.

Mr. Bracchi also believed that the wording of the ballot language was ambiguous. The wording does not tell the average voter that anyone running would have to run for a specific seat. In addition, the average voter does not understand the meaning of “at-large.”

Ray Carrier, 2048 NE 6 Terrace, referred to his submitted written objection to the numbered seats. He added that he did not think it warranted to have an “expert” speaker come to the meeting to explain the numbering of seats, since the Board is composed of knowledgeable members. He reiterated that he would like to see the numbered seats dropped. Although he may not totally agree with all the other proposals, Mr. Carrier respected the work done by the Board.

Hearing no further comments, Chair Rajner closed the floor to public comment.

At this time, the Board returned to New Business with Board discussion of changes to the proposals.

Proposal #1:

- The third option, the one proposed by resident Paul Kuta, clarified the various terms
- If a candidate is “not liked,” they will be voted out; the seat option is not needed
- Sees both sides and will not oppose it
- Supports term limits – incumbents are otherwise favored, especially supported by City-provided service contractors and vendors. Twelve years is a generous time to serve, allowing for fresh and new ideas.
- Use the term, “combination of service,” instead of “mixture of service” for clarity
- Agrees with the third option because it clarifies the combination of services for two offices
- “Incumbent” is not necessarily a dirty word; the amount of campaign funds is not always an indicator of winning the election
- The term limits will probably have overwhelming support by voters; shorter term limits might divide the City
- If a commissioner is only in office for a short period of time, they may not be vested in their votes

Motion made by Mr. Blevins to adopt the “Kuta modified language” as the ballot question for Proposal #1. Vice Chair Newton seconded the motion.

Mr. Blevins noted that there has been support for some type of term limits in the public feedback, and Chair Rajner commented about the importance of public feedback.

Motion prevailed by unanimous voice vote.

Motion made by Vice Chair Newton, seconded by Mr. Blevins, to adopt the “Kuta modified language” with the change of “mixture of services” to “combination of services.” Motion prevailed by unanimous voice vote.

Proposal #2:

- Concern that language should be broadened

- First-time voters might be confused by the present wording
- Add the word “continues” after the word “candidates”
- Add “multi-winner” and “single-winner”
- Add “Seat one has one winner” and “seat two has one winner,” etc.
- The ordinance is clear, but the ballot language is not
 - Chair Rajner clarified that when he suggested bringing in someone from the academic world to explain, he did not mean to imply the person would be a “salesman” for a particular verbiage it would simple be to provide the Board guidance on fair voting.
- Public comment reflected issues relating to a two-party system, which is not an issue in Wilton Manors as municipal elections are non-partisan
- Having numbered seats is more prevalent in larger cities, and a larger electorate might dilute specific issues that certain groups have because they would have to appeal city-wide
 - Since Wilton Manors is so small, residents’ concerns are all local
 - Perhaps take a second look at the proposal
 - Last municipal election could have been different if there were numbered seats
- Could agree to strike the proposal
- Ballot question is “extremely” confusing and current system works well in City – would like to strike the item
- Language is not clear enough – should be reworked. The voters should make the choice, not the Board.
- Have not heard a large outcry from the public to have seats – have never had a problem with different segments of the population residing in different areas
- Voter turnout for commission races was just over 50% in 2018. Some individuals voted for two candidates, some voted for one in the commission races. Are some voters gaming the system by voting for one, or are they used to only voting for one?
- Voting by seat is more transparent and provides a level playing field
- There have been social media posts to drive “outcries” on some other issues
- Chair Rajner was open to scheduling a special meeting before the next regular meeting to hear an expert on the subject
- The effect of bullet voting in a small population might be very limited
- Using the seats has the effect of “policing” the voter and takes away from the democratic process. If a voter wants to vote for only one person, that is their prerogative. An analyst is not needed.

Motion made by Vice Chair Newton, seconded by Mr. Blevins, to strike Proposal #2.

Mr. Torre commented that, after discussion, he had changed his mind to support removing the proposal.

Motion prevailed by voice vote (3-2), with Chair Rajner and Mr. Ryan opposed.

Proposal #3:

- Some residents are opposed to this proposal, due to the varying term lengths on different boards
- Sometimes there are lots of candidates, but sometimes there are not
 - If too many candidates, new applicants might get passed over by incumbents
- Should the limit be defined by terms or by years?
- Chair Rajner read from the ordinance where it explains the 3-term limit
- The Commission can always amend the proposal

There were no changes to Proposal #3, so the Board moved on to Proposal #4.

Proposal #4:

Motion made by Vice Chair Newton, seconded by Mr. Torre, to approve Proposal #4 as amended. Motion prevailed by unanimous voice vote.

Proposals #5 and #6:

No discussion.

Proposal #7:

This item was tabled to the next meeting when it will come back with the confirmation of the qualifying date.

Proposals #8 and #9:

No discussion.

Discussion of report to the City Commission

Mr. Torre reported that he, City Manager Henderson, and Chair Rajner met to discuss the outline of the Commission report. A template of the table of contents for the report was included in the meeting packet [Attached].

Chair Rajner went through the template and asked all Board members to submit a bio of 150 words, tailored to what made them a good candidate to sit on the Charter Review Board. The bios will be rewritten in one voice for consistency, if necessary. The bios were requested as soon as possible.

The proposals will be listed in the report by type: that is, “B” for ballot proposals, “O” for ordinances, and “R” for resolutions.

In the section for “Recommendations for Next Charter Review Process,” Chair Rajner suggested including an earlier start time, inclusion of experts, and a stand-alone public hearing.

Chair Rajner thanked City Manager Henderson and the City Attorney for their generous time.

For what might be changed for the future for other Charter Review Boards, the following ideas were mentioned:

- Perhaps have an outline to follow
- Show what this Board did and how long it took
- Recommend more time
- Be conscious of legal time and fees
 - Fees are mostly due to drafting of ordinances
 - The ordinance creating the Charter Review Board required that the Board develop the language for the ballot items, the ordinances, etc.
 - The fees are just over \$22,000
 - City Attorney Ezrol called Chair Rajner several times to confirm wording for a draft, which saved time in the long run

Chair Rajner requested that City Manager Henderson provide a link to the State Statute, the Special Act, and any other items needed for the report.

ADJOURNMENT

Hearing no further business, the meeting was adjourned at 8:33 p.m.

[Minutes transcribed by J. Rubin, Prototype, Inc.]

Approved by the Charter Review Board on February 24, 2020

Michael E. Rajner, Chair



Life's Just Better Here

**CHARTER REVIEW BOARD
2020 WILTON DRIVE
WILTON MANORS, FLORIDA 33305
MONDAY, FEBRUARY 24, 2020 – 6:30 P.M.**

MEMBERS	ATTENDANCE
Michael Rajner, Chair	P
Scott Newton, Vice Chair	P
Salvatore Torre	P
Christopher Ryan	P
Doug Blevins	P

Staff

Leigh Ann Henderson, City Manager
Kerry Ezrol, City Attorney
Brigitte Chiappetta, Prototype, Inc.

Guests

City Commissioner Paul Rolli
Ray Carrier, President of Central Area Neighborhood Association

1. CALL TO ORDER

Chair Rajner called the meeting to order at 6:39 p.m.

2. ROLL CALL

Roll was called by Ms. Chiappetta, and a quorum was present.

3. PLEDGE OF ALLEGIANCE – The Pledge was recited.

A moment of silence was observed for the passing of City Attorney Ezrol's mother.

4. PUBLIC COMMENT – None

5. REVIEW OF PUBLIC COMMENTS RECEIVED BY EMAIL - None

6. ADDITIONS/CHANGES/DELETIONS - None

7. APPROVAL OF MINUTES

a. January 21, 2020

DRAFT

Motion made by Mr. Torre, seconded by Mr. Blevins, to approve the minutes of the January 21, 2020, meeting as presented. Motion prevailed by unanimous voice vote.

8. REPORTS BY CHAIR, CITY MANAGER, AND/OR CITY ATTORNEY

Chair Rajner reported that changes had been made to the packet, which were shown on the screen. In addition, he thanked all members of the Board, in case this was the last meeting. He also thanked City Manager Henderson, City Attorney Ezrol, City staff, and Ms. Chiappetta from Prototype, Inc., for all of their ongoing support.

City Manager Henderson had nothing to report.

City Attorney Ezrol had nothing to report but noted a correction to be made on the document that was distributed [Attached]: special meetings require 48 hours' notice of meetings, not 72 hours.

9. UNFINISHED BUSINESS

a. Discuss and approve Proposal 7, confirming the qualifying period for candidates

Chair Rajner clarified that the language in the proposal states what is in the Statute, but does not specify an actual date. It would be interpreted that it would be qualifying for a June election. It has been administered by the City Clerk's office as referring to the June election and will remain that way.

Motion made by Mr. Blevins, seconded by Vice Chair Newton, to approve the Proposal 7 as amended. Motion prevailed by unanimous voice vote.

10. NEW BUSINESS

a. Discuss and approve proposed change to Proposal 3, recommendation for City boards and committees

Chair Rajner proposed the following in Section 2-48 (City Boards and Committees: Term limits; and Service on multiple Boards or Committees): change "more than two separate boards or committees concurrently" to "more than two separate boards, committees, or commissions concurrently" in each of the three sub-sections.

Motion made by Vice Chair Newton, seconded by Mr. Torre, to accept the recommendation on city boards as amended. Motion prevailed by unanimous voice vote.

b. Discuss sunseting of Charter Review Board

Chair Rajner thought there would be no purpose to the Board still being active after submitting their report unless the City Commission asked the Board to review an item that did not require a ballot measure. The language that is going to be on the ballot has to be submitted by June.

Continuing, Chair Rajner remarked that he thought the City Commission would budget for a consultant to do outreach to voters, relieving the Board of that duty.

Mr. Blevins thought that once the recommendations are evaluated by the Commission, sunsetting the Board would be appropriate. He commented that he was glad to have had the opportunity to work on the Charter review.

Members agreed that it would be appropriate for the Commission to sunset the Board unless the Commission tasked the Board with a specific charge.

c. Review and approve final report to the City Commission

Chair Rajner showed the drafted report to the Board [Attached] making the following comments:

- Use of the City seal is more appropriate than using the logo
- The adopted date would be February 24, 2020
- Page numbers for Table of Contents will be inserted after all pages are edited and other documents are finished
- Introduction:
 - Minor language changes
 - Third paragraph from the bottom on page 1, added, “Board meetings lasted no more than two hours to ensure the Board remained focused on its agenda, and the Chair met and worked with the City Manager in between meetings to prepare the agenda and review and address outstanding issues.”
- Biographies were presented as submitted
- An acknowledgement page will follow the bios
 - Add the name of “John,” who helped with IT
- Section III
 - Updated timeline
 - Need to add when/where presentations were done
 - Need to add dates of media coverage
- Section IV – Recommendations
 - Each recommendation would have a cover page to the attached ordinance so people would not have to flip back and forth to an appendix
 - The content was taken from the PowerPoint presentations

At this time, Chair Rajner asked for feedback from the Board members.

- Page 11, bolded paragraph

- Change “all powers possible for a city to have” to “all powers granted to a city under the Constitution”
- Page 9, Section 2-48
 - What is intended by adding “commissions” to the list?
 - It does not mean the city commission, but a board that is called a “commission”
- Page 14, Designation of Commission Seats
 - “The proposal was intended to promote fair elections in the City, however, the Board reversed its decision to send this proposal to the Commission for consideration.”
 - It sounds like the City does not care about fair elections
 - Unfair to the board members who voted to reverse the decision
 - It is historically correct
 - Others agree to strike the second sentence.
 - **By consensus**, the Board agreed to the following wording for the second sentence: “However, the Board reversed its decision to send this proposal to the Commission for consideration and promoted an alternative selection process in the City.”
 - Add something about Fair Vote?

Chair Rajner asked if there were any concerns over last-minute changes in the document that he distributed at the meeting:

- 48 hours or 72 hours for special meeting notice?
 - Emergency meetings are different than special meetings
 - County Charter addresses emergency meetings with less than 48 hours’ notice
 - Add wording that “special” meetings are not “emergency” meetings?
 - Leave the “72 hours” for the Commission to decide

Appendices:

- Since the Board will not meet again, the minutes for this meeting will not be adopted.
 - Technically, the Board should meet to approve the final version of the minutes for this meeting
 - Call a meeting for the limited purpose of approving the minutes (before the workshop)
 - Alternatively, the minutes could be inserted into the report as a draft
- Public comments received in writing will be exact emails
 - Should email addresses be included?
 - The addresses are already in the agenda packets, so it is a moot point

After a brief discussion, the Board decided **by consensus** to strike any reference to “Fair Vote.”

Appendix G refers to the PowerPoint presentation given at that meeting, not any public comments.

Motion made by Mr. Blevins, seconded by Vice Chair Newton, to approve the report as amended. Motion prevailed by unanimous voice vote.

d. Discuss March 24, 2020 joint City Commission and Charter Review Board Workshop

City Manager Henderson stated that the Board and the Commission would sit at a workshop-type table. The Chair of the Board would make a short presentation or summary of recommendations. The Commission will have had the opportunity to review the report, but do not often provide questions in advance.

Discussion ensued about whether to include a cover letter with the report, with the conclusion being that the introduction is adequate.

11. PUBLIC COMMENT – None

12. ADJOURNMENT

Hearing no further business, the meeting was adjourned at 7:30 p.m.

[Minutes transcribed by J. Rubin, Prototype, Inc.]

NEXT MEETING DATE - Joint workshop with the City Commission on March 24, 2020

APPENDIX E. PUBLIC COMMENTS RECEIVED IN WRITING

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Leigh Ann Henderson

From: Anthony LoGrande <tonylogrande@aol.com>
Sent: Friday, July 26, 2019 7:46 AM
To: Charter Review
Subject: Recommendation

THIS IS AN EMAIL FROM AN OUTSIDE SENDER !

Do not reply to it, click any links, or open any attachments unless you recognize the sender's email address as legitimate and know the content is safe. If you have any concerns, call the Help Desk at 2179.

Dear Charter Review Committee Members ,

As a resident and business owner ,I recommend Mayor and Commission members have a limit of two terms for each position .

While I appreciate the experience brought by long term serving commissioners and Mayor , we need keep our opportunities for new ideas , people and methods open .

This wouldn't preclude a Mayor becoming a commissioner and vs versa but again if they have served two terms as Commissioner and two terms as Mayor , that should be it!

They should be sincerely thanked for their commitment to the city ,and serve the community on other committees and boards .

That experience base would enhance our service committees with a high level of knowledge and focus.

Sincerely,
Anthony LoGrande
517 NE 23 St
Wilton Manors FL
33305

Sent from my iPhone

Leigh Ann Henderson

From: steve@hanleyonline.com
Sent: Friday, January 17, 2020 3:53 PM
To: Charter Review
Cc: Leigh Ann Henderson; Gary Resnick; Julie Carson; Justin Flippen; Paul Rolli; Tom Green
Subject: Charter Review - Separate "Seats" for Commissioners

THIS IS AN EMAIL FROM AN OUTSIDE SENDER !

Do not reply to it, click any links, or open any attachments unless you recognize the sender's email address as legitimate and know the content is safe. If you have any concerns, call the Help Desk at 2179.

Dear Charter Review Committee:

I would like to submit my opinion as regards the proposal for having commissioners run for separate at-large "seats," and to register my absolute opposition to such a proposal.

Most election cycles include elections for more than one commissioner. Under this at-large "seat" proposal, **a candidate who gets fewer votes could actually wind up elected**. Here's an easy-to-understand example of vote tallies:

Seat A -- Candidate 1: 101 votes. Candidate 2: 99 votes.
Seat B -- Candidate 3: 95 votes. Candidate 4: 10 votes.

Under this scenario, Candidate 3 would win even though Candidate 2 received more votes. **That is precisely how we wound up with Donald Trump and George W. Bush**. We don't need more of that, and what you are proposing goes **precisely against** the democratic principle.

Whoever gets the most votes wins. Dividing the Commission among "seats" will not prevent bullet voting. It very well may, however, lead to the candidate with a lower number of votes to winning.

Since I cannot be at the next meeting of the Charter Review Committee due to a prior commitment, I ask that this email be read into the record and be brought up for a discussion.

Thank you and sincerely,

Steven Hanley, PA
LOKATION® Real Estate
BrowardFineProperties.com
Cell: 954.999.9000 | Text: 212.863.9985
Client VIP: 954.448.7614
Home: 954.495.9591

This transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. Please disregard if you are already represented by another broker.

Leigh Ann Henderson

From: Jim O'Donnell <jim@frogviewcottage.net>
Sent: Tuesday, July 30, 2019 8:16 AM
To: Charter Review
Subject: Term Limits

THIS IS AN EMAIL FROM AN OUTSIDE SENDER !

Do not reply to it, click any links, or open any attachments unless you recognize the sender's email address as legitimate and know the content is safe. If you have any concerns, call the Help Desk at 2179.

To The Board,

I am for term limits for mayor and commissioners. Power Corrupts.

Jim O'Donnell
2309 NE 15th Ave.
Wilton Manors,

Leigh Ann Henderson

From: Andrew Spina <andrew@andrewspina.com>
Sent: Tuesday, August 20, 2019 6:57 PM
To: Charter Review
Subject: My 2 cents on term limits

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I think the Mayor should serve up to 4 terms for a total of 8 years. And Commissioners should max out at 2 four year terms for a total of 8 years. I feel like 8 years is enough to make connections and execute ideas.

Leigh Ann Henderson

From: Craig Cox <coxraig@gmail.com>
Sent: Wednesday, August 21, 2019 1:43 PM
To: Charter Review
Subject: Comments for Charter Review Committee re Term Limits

THIS IS AN EMAIL FROM AN OUTSIDE SENDER !

Do not reply to it, click any links, or open any attachments unless you recognize the sender's email address as legitimate and know the content is safe. If you have any concerns, call the Help Desk at 2179.

Dear Committee Members-

In the short time since buying my home in Wilton Manors last year, I have sensed a strong sense of frustration among local community and business leaders at the slow rate of turnover among city elected offices and advisory boards.

This is why I support the implementation of term limits for these elected and appointed city positions.

I believe term limits ---perhaps two terms for each position--- will allow more people with fresh ideas, diversity and new perspectives to contribute their time and expertise to our city's development.

By welcoming talented newcomers to work alongside seasoned veterans of city government and advisory boards, I believe life will get even better in the Island City.

I appreciate the work of the Charter Review Committee and hope to help play a constructive role in the life of our wonderful community.

Thank you for your consideration, and best regards.

Sincerely,
-Craig

Craig Cox
3000 NE 5th Terrace, A-109
Wilton Manors, Florida 33334
954-507-7355



Leigh Ann Henderson

From: Anthony LoGrande <tonylogrande@aol.com>
Sent: Wednesday, August 21, 2019 3:19 PM
To: Charter Review
Subject: Screenshot 2019-08-21 at 3.12.26 PM
Attachments: Image-1.jpg; ATT00001.txt

THIS IS AN EMAIL FROM AN OUTSIDE SENDER !

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Dear Charter Review Board

Please see a simple post I did to elicit people's feelings about term limits .

I would say it is an important issue that I know you will address.

In addition ,I totally disagree creating numbered seats that candidates would run for .

This only preferences incumbents .

Citizens are more watchful of government these days and creating this scenario will not go down well once the citizens understand the true intent .

I certainly hope you will debate this topic further .

We need to make the commission more diverse and more open to participation . Isn't this what you stand for ?

Best regards

Tony LoGrande

Leigh Ann Henderson

From: kirk whaley <kirkewhaley@yahoo.com>
Sent: Thursday, August 22, 2019 2:08 AM
To: Charter Review
Subject: Term Limits

THIS IS AN EMAIL FROM AN OUTSIDE SENDER !

Do not reply to it, click any links, or open any attachments unless you recognize the sender's email address as legitimate and know the content is safe. If you have any concerns, call the Help Desk at 2179.

As a resident of Wilton Manors, I am in favor of **TERM LIMITS** for City Council. We must encourage new qualified candidates for office who are willing to serve Wilton Manors.

Kirk Whaley
12 NE 19th CT
A-207
Wilton Manors

Leigh Ann Henderson

From: Jerry Halliday <vegaspuppets@yahoo.com>
Sent: Thursday, August 22, 2019 2:15 AM
To: Leigh Ann Henderson
Subject: Term Limits Wilton Manors

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I strongly urge term limits be made into law for all Wilton Manors City Council members, to encourage fresh new ideas and positive progress as opposed to having complacent incumbents.

Sincerely yours,
Jerry Halliday
12 NE 19th Court
Unit A-207
Wilton Manors, FL 33305

Leigh Ann Henderson

From: Ray Carrier <ray@nyky.org>
Sent: Monday, December 23, 2019 3:44 PM
To: Charter Review; Leigh Ann Henderson
Subject: Fwd: My Objection to City Charter revision to include seat numbers

THIS IS AN EMAIL FROM AN OUTSIDE SENDER !

Do not reply to it, click any links, or open any attachments unless you recognize the sender's email address as legitimate and know the content is safe. If you have any concerns, call the Help Desk at 2179.

To all of the awesome members of the Charter Review Board I first want to thank you for your hard work and dedication. Your efforts do make a positive difference in our city.

After reviewing the summary of your findings and recommendations I must express to you my objection to including seat numbers for the election of city commissioners. Since our city is not structured with districts, commissions are to serve-at-large for the overall city. Any numbering of seats for election purposes is confusing and actually lessens the effectiveness of a democratic popular vote.

For the past 26 years I've been a voting resident in the City of Wilton Manors. Through that entire time the election of city commissioners was always based upon the overall number of votes to fill the number of open commissioner positions. If two commission spaces needed filling, then the top two "vote-getters" would be the winning candidates. I never learned of a problem with our democratic system. As a resident it was my right to vote for one or more candidates based on open commissioner positions. I could even choose to vote for NO candidate and allow the selection to be based on the votes of the other voting residents. There is no factual problematic event to serve as a reason to change this provision of our Wilton Manors City Charter.

Your board's proposal on this matter is a change of procedures that seems to aim at no particular problem but rather to create a new system of your choosing. Your change adds a new aspect to the "game" of elections. Candidates will be able to select the seat number based on where they see the best opportunity for their success in the election. This change does not benefit the city but rather serves as a benefit to the candidate. This change also provides advantage to incumbent candidates due to name familiarization and public exposure, it gives them a distinct edge to hold onto their elected position. I actually see this critical democratic procedural change as a scheme for individuals to find an advantage in future elections.

I do not like this new aspect of "gaming" to win a seat. Any candidate may be able to select the desired seat number based on how they perceive the strength/weakness of the competitors for that one seat. It does not allow me the voter to select the best one or two candidates overall. Procedurally, candidates could wait to file for election or even amend their application's seat number based on who their competitors are for the individual seats as election day nears. This does not benefit democracy, it does not benefit Wilton Manors. This one referendum item should be removed and not submitted to the people for their voting consideration.

Wishing you the best through the holidays and into the new year! Sincerely-

Raymond Carrier
2048 NE 6 Terr.
Wilton Manors, FL 33305

December 31, 2019

TO: Michael Rajner, Chair, Wilton Manors Charter Review Board
CC: Leigh Ann Henderson, Wilton Manors City Manager
FM: Paul Kuta, (H) 954-566-9019 **PAK**

RE: Revision to Wording in Proposal #1 (Referendum)

1. Background: As I stated at the December 16, 2019 Public Hearing on Proposed Changes to the Wilton Manors City Charter, I believe that the wording on Proposal #1 (Term Limits for Commissioners and Mayors) is confusing and should be revised.

2. Recommended Rewrite: I suggest the following language:

"Shall Article IIIA of the City Charter be amended to provide a limit of 12 consecutive years of service for Wilton Manors elected officials, whether as Mayor for six 2-year terms, as City Commissioner for three 4-year terms, or as a mixture of service in both offices; and require the elected officials to take a minimum 2-year absence after the 12 consecutive years of service before being eligible to again serve as either Mayor or City Commissioner?"

3. Recommended New Charter Proposal #10

I believe that the Charter Review Board should consider a new Charter Revision Proposal #10 (Sale of City-Owned Land) that is similar to that contained in the Deerfield Beach City Charter (see enclose article).

The language for such a proposal would read something similar to the following:

"Shall Wilton Manors propose to sell city-owned land at a retail price of \$750,000 or higher, such a proposed sale must be approved by a voters referendum."

PROPOSAL #1 (REFERENDUM)

BALLOT TITLE:

TERM LIMITS FOR COMMISSIONERS AND MAYOR

BALLOT QUESTION:

Shall Article IIIA of the City Charter be amended to provide a term limit of (3) consecutive four (4) year terms for commissioners; and a term limit of six (6) consecutive two (2) year terms for mayor; and require commissioners and the mayor take a two (2) year absence after twelve (12) consecutive years of service before being eligible to serve again as either mayor or commissioner?

City-owned lots can now be sold

By Judy Wilson

JWILSON@NEWPELICAN.COM

Deerfield Beach - Commissioners have approved a procedure that will enable the city to sell unused public lands.

Currently, Economic Development Director Kris Mory said there are 30 residential lots and 10 commercial parcels owned by the city.

The inventory ranges from a single family, waterfront lot and unusable slivers of property to two abutting commercial lots on Dixie Highway.

All are under the \$750,000

threshold limited by the city charter for sale without a referendum.

Mory said the properties come to the city in a variety of ways, sometimes deeded over, sometimes because there are no heirs.

It is surplus, vacant land not currently considered an asset. Sale of the properties will be at retail prices.

In the short term, Mory said, there is the money from the sales, but the real revenues will come in the future after the properties are developed.

Some of the parcels are slivers of land abutting developed property and have no use. In some cases, the

property owner is already maintaining the slivers.

With the new policy, deeding ownership to the adjacent property would become a simple process, Mory said.

All city-owned properties will be vetted for possible future use by the city.

If none are found, nearby owners will be notified of a property's availability. It will also be advertised at large. The property will be appraised and a market price established.

Mory said, in each case, the city commission will make "the business decision" to sell or not.

**APPENDIX F. PUBLIC HEARING PRESENTATION (FROM 2nd
PUBLIC HEARING)**

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CHARTER REVIEW BOARD

PUBLIC HEARING PRESENTATION

CHARTER REVIEW BOARD MEMBERS

MEMBER:

Michael Rajner, Chair

Scott Newton, Vice Chair

Doug Blevins

Christopher Ryan

Salvatore Torre

APPOINTED BY:

Commissioner Julie Carson

Mayor Justin Flippen

Commissioner Paul Rolli

Commissioner Gary Resnick

Vice Mayor Tom Green

THE CHARTER REVIEW BOARD

City Commission adopted Ordinance No. 2019-002 on February 26, 2019.

Section 2-176. - Charter Review Board:

- Established a five (5) member Board to be convened every ten (10) years.
- Each member of the City Commission appoints 1 individual to the Board
- Appointment of Board members expires the day after Election Day (November 3, 2020).
- Board members shall be electors of the City for the last 180 days prior to, and during their appointment.

THE CHARTER REVIEW BOARD

Section 2-177. - POWERS AND DUTIES OF THE CHARTER REVIEW BOARD:

The Charter Review Board shall meet on a period basis, as needed, to identify and address issues of concern to the City relevant to its Charter. The Charter Review Board shall study the existing City Charter with the view to improve the Charter to provide for the preservation of the general health, welfare and safety of the inhabitants of the City, and to make recommendations to the City Commission for changes, additions or deletions to the Charter. The Charter Review Board shall act only in an advisory capacity to the City Commission.

THE CHARTER REVIEW BOARD

The Charter Review Board shall hold a minimum of two (2) public hearings.

Any Charter amendment or revision submitted by the Charter Review Board to the City Commission must be approved by a vote of at least three (3) members of the Charter Review Board.

Any proposed Charter amendments and/or revisions with associated ballot language must be submitted to the City Commission no later than March 1, 2020.

The City Commission shall place the Charter Review Board's proposed amendment and/or revisions with the associated ballot language approved by the Charter Review Board on the November 3, 2020 general election ballot, unless rejected or modified by a majority of the City Commission.

CHARTER REVIEW BOARD TIMELINE

Board meetings scheduled monthly from May 2019 to February 2020.

Public may provide comment at meetings, hearings, and by email.

Public Hearings scheduled for December 16, 2019 & January 21, 2020.

Board to adopt Report on Recommendations on February 18, 2020.

Charter Review Board Recommends due to City Commission by March 1, 2020.

Workshop with City Commission tentatively scheduled for March 24, 2020.

REFERENDUM, ORDINANCE, OR RESOLUTION

Can the problem be solved by the passage of an ordinance?

Can the problem be addressed with an administrative measure (such as amending an existing departmental or city-wide administrative policy or procedure)?

Should a solution to the problem be sought by getting new officials in office?

Might state legislation address this problem more effectively than a change to the local charter?

(Source: National Civic League)

Ballot Style 10		Seq:010
Broward County Charter Question	Broward County Charter Question	Broward County Charter Question
Pregunta De La Carta Del Condado De Broward	Pregunta De La Carta Del Condado De Broward	Pregunta De La Carta Del Condado De Broward
Kesyon Konstitisyon Konte Broward	Kesyon Konstitisyon Konte Broward	Kesyon Konstitisyon Konte Broward
<p>Central Examining Boards Appointment of Alternate Members</p> <p>The Broward County Charter currently does not have a provision for the appointment of alternate members to the various Central Examining Boards. Therefore, shall the Broward County Charter be amended to revise Section 9.01 related to the operation of the Central Examining Boards to provide that there shall be alternate members appointed to each of the Central Examining Boards?</p> <p>Nombramiento de los funcionarios alternos de las Juntas Examinadoras Centrales</p> <p>Actualmente, la Carta Constitutiva del condado de Broward no tiene una disposición para el nombramiento de funcionarios alternos de las diversas juntas examinadoras centrales. Por lo tanto, ¿se deberá enmendar la Carta Constitutiva del condado de Broward para revisar la Sección 9.01 relacionada con la operación de las juntas examinadoras centrales para disponer que se deberá nombrar funcionarios alternos para cada una de las juntas examinadoras centrales?</p> <p>Nominasyon Manm Altènatif Pou Konsèy Egzaminasyon Santral</p> <p>Lwa Konte Broward kounye a pa gen yon pwovizyon pou nominasyon manm altènatif nan diferan konsèy egzaminasyon santral yo. Èske Lwa Konte Broward la dwe amande pou fè revizyon seksyon 9.01 ki konsène fonksyonman konsèy egzaminasyon santral la pou kapab gen manm altènatif ki nommen nan chak nan konsèy egzaminasyon santral yo ?</p> <p><input type="radio"/> Yes/Si/Wi</p> <p><input type="radio"/> No/No/Non</p>	<p>Board of Rules and Appeals Quorum Shall be the Majority of the Total Board Membership</p> <p>The current Charter provides that a quorum of the Board of Rules and Appeals shall consist of eleven (11) members of the Board of Rules and Appeals. Therefore, shall the Charter be amended to revise Section 9.02 related to the operation of the Board of Rules and Appeals to provide that a quorum of the Board of Rules and Appeals shall be a majority of the total membership of the Board of Rules and Appeals?</p> <p>El quorum de la Junta de Regulaciones y Apelaciones deberá ser la mayoría del total de los integrantes de la Junta</p> <p>La Carta Constitutiva actual dispone que el quorum de la junta de regulaciones y apelaciones deberá consistir de once (11) integrantes de la junta de regulaciones y apelaciones. Por lo tanto, ¿se deberá enmendar la Carta Constitutiva para revisar la Sección 9.02 relacionada con la operación de la junta de regulaciones y apelaciones para disponer el quorum de la junta de regulaciones y apelaciones deberá ser la mayoría del total de los integrantes de la junta de regulaciones y apelaciones?</p> <p>Komitè Règleman ak Apèl Kowòm yo dwe Majorite Manm Komisyon Konsèy la</p> <p>Lwa kounye a di ke kowòm nan Komisyon Konsèy ak Apèl dwe konpoze de onz (11) manm nan Komisyon Konsèy Règleman ak Apèl la. Se poutèt sa, èske yo dwe amande lwa a pou revize Seksyon 9.02 ki gen rapò ak operasyon Konsèy Administrasyon Règleman ak Apèl yo pou bay yon kowòm Konsèy Administrasyon Règleman ak Apèl yo se yon majorite manm total Konsèy Administrasyon Règleman ak Apèl la?</p> <p><input type="radio"/> Yes/Si/Wi</p> <p><input type="radio"/> No/No/Non</p>	<p>Posting of Notices, Agenda, and Backup Materials No Later than 48 Hours Prior to Meeting</p> <p>Shall the Charter be amended to provide that for all meetings subject to Section 286.011, Florida Statutes, the County and Municipalities shall post notices, agendas, and backup materials on the County's or Municipality's website, as applicable, at least 48 hours prior to the scheduled meeting, or as soon as practicable after development or receipt of the agenda materials; and in the event of emergency meetings for the postings to occur as soon as practicable?</p> <p>Publicación de avisos, agenda y documentos de sustento, por lo menos 48 horas antes de reunirse</p> <p>¿Se debería enmendar la Carta Constitucional para disponer que todas las reuniones que estén sujetas a la Sección 286.011 de los estatutos de la Florida, del condado y de los municipios deberán publicar avisos, agendas y documentos de sustento en el sitio de la web del condado o del municipio, tal como sea pertinente, por lo menos 48 horas antes de la reunión programada, o tan pronto como sea factible después de la creación o recepción de los documentos de la agenda; y en el caso de reuniones de emergencia, que las publicaciones ocurren tan pronto como sea factible?</p> <p>Afichaj Avi, Ajanda, ak Materyèl Rezèv a Pita pase 48 tè Avan Reyinyon</p> <p>Èske yo dwe amande Lwa kounye a pou bay tout reyinyon ki konsène Seksyon 286.011, Lwa Florid, Konte a ak Minisipalite yo dwe afiche avi, ajanda, ak materyèl rezèv sou sit entènèt Konte a oswa nan Minisipalite a, si sa aplikab, omwen 48 èditan anvan reyinyon ki pwograme a, oswa pi rapid sa ka posib apre devlopman oswa resevwa materyèl ajanda; ak nan reyinyon ijans yo pou afiche yo pi rapid sa ka posib?</p> <p><input type="radio"/> Yes/Si/Wi</p> <p><input type="radio"/> No/No/Non</p>

Example: 2018 Ballot Broward County Charter Questions

Ballot Style 10		Seq:010
Broward County Charter Question	Broward County Charter Question	Broward County Charter Question
Pregunta De La Carta Del Condado De Broward	Pregunta De La Carta Del Condado De Broward	Pregunta De La Carta Del Condado De Broward
Kesyon Konstitisyon Konte Broward	Kesyon Konstitisyon Konte Broward	Kesyon Konstitisyon Konte Broward
<p>Central Examining Boards Appointment of Alternate Members</p> <p>The Broward County Charter currently does not have a provision for the appointment of alternate members to the various Central Examining Boards. Therefore, shall the Broward County Charter be amended to revise Section 9.01 related to the operation of the Central Examining Boards to provide that there shall be alternate members appointed to each of the Central Examining Boards?</p>	<p>Board of Rules and Appeals Quorum Shall be the Majority of the Total Board Membership</p> <p>The current Charter provides that a quorum of the Board of Rules and Appeals shall consist of eleven (11) members of the Board of Rules and Appeals. Therefore, shall the Charter be amended to revise Section 9.02 related to the operation of the Board of Rules and Appeals to provide that a quorum of the Board of Rules and Appeals shall be a majority of the total membership of the Board of Rules and Appeals?</p>	<p>Posting of Notices, Agenda, and Backup Materials No Later than 48 Hours Prior to Meeting</p> <p>Shall the Charter be amended to provide that for all meetings subject to Section 286.011, Florida Statutes, the County and Municipalities shall post notices, agendas, and backup materials on the County's or Municipality's website, as applicable, at least 48 hours prior to the scheduled meeting, or as soon as practicable after development or receipt of the agenda materials; and in the event of emergency meetings for the postings to occur as soon as practicable?</p>

PROPOSAL #1 (REFERENDUM) - original

BALLOT TITLE:

TERM LIMITS FOR COMMISSIONERS AND MAYOR

BALLOT QUESTION:

“Shall Article IIIA of the City Charter be amended to provide a term limit of (3) consecutive four (4) year terms for commissioners; and a term limit of six (6) consecutive two (2) year terms for mayor; and require commissioners and the mayor take a two (2) year absence after twelve (12) consecutive years of service before being eligible to serve again as either mayor or commissioner?”

PROPOSAL #1 (REFERENDUM) - 1st edit

BALLOT TITLE:

TERM LIMITS FOR COMMISSIONERS AND MAYOR

BALLOT QUESTION:

“Shall Article IIIA of the City Charter be amended to provide term limits of twelve (12) years for mayor and commissioners; specifically, a limit of (3) consecutive four (4) year terms for commissioners; and a limit of six (6) consecutive two (2) year terms for mayor; and require commissioners and the mayor take a two (2) year absence after twelve (12) consecutive years of service before being eligible to serve again as mayor or commissioner?”

PROPOSAL #1 (REFERENDUM) - Kuta modified

BALLOT TITLE:

TERM LIMITS FOR COMMISSIONERS AND MAYOR

BALLOT QUESTION:

“Shall Article IIIA of the City Charter be amended to provide a term limit of 12 consecutive years of service for elected officials, as Mayor for six 2-year terms, as Commissioner for three 4-year terms, or as a mixture of service in both offices; and require elected officials to take a minimum 2-year absence after the 12 consecutive years of service before being eligible to again serve as either Mayor or City Commissioner?”

PROPOSAL #2 (REFERENDUM)

BALLOT TITLE:

SPECIFIC SEATS FOR COMMISSIONER CANDIDATES

BALLOT QUESTION:

“Shall Article IIIA, Section 1 of the City Charter be amended to provide for seat numbers for commissioner candidates to be elected at large?”

PROPOSAL #2 (continued)



**COMMISSION SEAT 1
November 2022**

**Candidates must
designate seat
at time of
qualifying**

**MOST VOTES
WINS**



**COMMISSION SEAT 2
November 2022**

**Candidates must
designate seat
at time of
qualifying**

**MOST VOTES
WINS**



**COMMISSION SEAT 3
November 2024**

**Candidates must
designate seat
at time of
qualifying**

**MOST VOTES
WINS**



**COMMISSION SEAT 4
November 2024**

**Candidates must
designate seat
at time of
qualifying**

**MOST VOTES
WINS**

Seat numbers shall be assigned alphabetically to the seated Commissioner based on first letter of last name

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Wilton Manors
Mayor Alcalde Majistra (Vote for One/Note por Uno/Note pou Youn)
<input type="radio"/> CANDIDATE #1 <input type="radio"/> CANDIDATE #2
Commissioner Comisionado Komisyon (Vote for Two/Note por Dos/Note pou De)
<input type="radio"/> CANDIDATE #1 <input type="radio"/> CANDIDATE #2 <input type="radio"/> CANDIDATE #3 <input type="radio"/> CANDIDATE #4

Block Voting is an electoral system in which a voter can select as many candidates as there are open seats. The candidates with the greatest number of votes are elected.

Margate

**City Commissioner Seat #3
Comisionado De La Ciudad Escaño #3
Komisè Vil La Syèj #3
(Vote for One/Note por Uno/Note pou Youn)**

- CANDIDATE #1
- CANDIDATE #2
- CANDIDATE #3
- CANDIDATE #4

**City Commissioner Seat #5
Comisionado De La Ciudad Escaño #5
Komisè Vil La Syèj #5
(Vote for One/Note por Uno/Note pou Youn)**

- CANDIDATE #1
- CANDIDATE #2

Plurality Voting System is an electoral system in which the winner of an election is the candidate that received the highest number of votes. The candidate need not win an outright majority to be elected. This system is sometimes referred to as first-past-the-post or winner-take-all. This is the most common voting system used in the United States.

Commissioner
Comisionado
Komisyon

(Vote for Two/Vote por Dos/Vote pou De)

- CANDIDATE #1
- CANDIDATE #2
- CANDIDATE #3
- CANDIDATE #4

Bullet Voting - is a voting tactic, usually in multiple-winner elections, where a voter is entitled to vote for more than one candidate, but instead votes for only one candidate. A voter might do this either because it is easier than evaluating all the candidates, or as a form of tactical voting.

ELECTION:	NOVEMBER 6, 2018	NOVEMBER 8, 2016
COMMISSION VOTER TURNOUT	6,515	7,014
COMMISSION CANDIDATE 1	1,448	2,501
COMMISSION CANDIDATE 2	2,186	1,027
COMMISSION CANDIDATE 3	2,510	2,848
COMMISSION CANDIDATE 4	2,776	2,376
TOTAL VOTES COUNTED	8,920	8,755
<i>POTENTIAL MAXIMUM VOTES</i>	<i>13,030</i>	<i>14,028</i>
MAYORAL RACE VOTER TURNOUT	5,931	6,200

PROPOSAL #3 (ORDINANCE)

Recommendation for the City Commission to adopt an ordinance to establish:

- Establish term limits for Board and Committee appointees; maximum 3 consecutive terms.
- Limit individuals to serving on no more than 2 City Boards or Committees concurrently; and
- Restricting board appointees to serving as an officer of only one (1) City Board or Committee at a time.

PROPOSAL #4 (REFERENDUM) - edited

BALLOT TITLE:

FORFEITURE OF OFFICE FOR MISSING FOUR UNEXCUSED CONSECUTIVE
REGULAR CITY COMMISSION MEETINGS

BALLOT QUESTION:

“Shall Article IIIA of the City Charter be amended to provide for the forfeiture from office of a commissioner or the mayor due to unexcused absence from four (4) consecutive regular city commission meetings?”

NOTE: The City Commission can excuse an absence by formal action.

PROPOSAL #5 (ORDINANCE)

Amends the City Charter to include gender-neutral pronouns by eliminating gender preference language within the within the Charter of the City of Wilton Manors to promote equality.

Example:

“There shall be a city manager who shall be the chief administrative officer of the city. ~~He~~ The city manager shall be responsible to the city commission for the administration of all city affairs placed in ~~his~~ the city manager’s charge by or under this Charter.”

PROPOSAL #6 (ORDINANCE)

Amends Article II - General Municipal Powers, Section 1. - Enumeration of Powers to remove obsolete language and replace with:

“The City of Wilton Manors shall have all powers possible for a city to have under the Constitution and Laws of the State of Florida as fully and completely as though they were specifically enumerated in this Charter.”

PROPOSAL #7 (ORDINANCE)

Recommendation to amend Article IV, Elections, Section 2 “Date of Election; Candidates Qualifying Fee and Acceptance of Candidacy“ to provide for the date of payment of the qualifying fee to be consistent with a November election.

“...first work day in September nor later than noon on the 14th day following the first work day in September...”

PROPOSAL #8 (REFERENDUM)

BALLOT TITLE:

REPEAL OBSOLETE ARTICLES IIIA, SECTIONS 14 AND 22 AND ARTICLE V.

BALLOT QUESTION:

Article IIIA, Section 14 of the City Charter provides for a City Treasurer, and Section 22 provided for a transitional City Commission in 1985, and Article V of the City Charter provides that the City Clerk shall be the City's tax collector and collect local business taxes as well. Shall the City Charter be amended to repeal Article IIIA, Sections 14 and 22, and Article V in their entirety?

PROPOSAL #9 (RESOLUTION)

Recommendation to amend Resolution 2019-19 as it relates to rules & policies governing meetings of the City Commission:

- Limit participation by phone for meetings of the City Commissioner
- Postpone action on new business items added during “Additions/Changes/Deletions” that not publicly advertised, except where permissible by statute
- Provide for additional period of public comment for up to two (2) minutes at the end of the meeting

PUBLIC HEARING

**Members of the public will now have up to 6 minutes, per individual,
to provide public comment on the Charter Review Board's
Proposals to the City Commission.**