

CITY OF GREENACRES

OFFICIAL MINUTES TRACKING

Council/Board: Joint Council/ARC Meeting
Meeting Date: 9-18-17
Transcribed by: muf No. of Pages: 10 Transcription Time: 8.25

REVIEW OF MINUTES

Reviewed By:

Name/Initials	Date	Revisions	
<u>[Signature]</u>	<u>9/20/17</u>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No

APPROVAL OF MINUTES

Meeting Date: 10-16-17

Motion By: Bausquet Seconded By: Tharp

Check One: ☒ Approved ☐ Tabled ☐ Denied Vote: 5/0

Changes requested by Council or Board? ☐ Yes ☒ No

If yes, note changes: _____

Date Scanned and Filed: _____ By: _____



OFFICIAL MINUTES

CITY OF GREENACRES
5800 Melaleuca Lane
Greenacres, FL 33463

JOINT CITY COUNCIL & CHARTER REVIEW COMMITTEE MEETING **Monday, September 18, 2017 – 6:30 p.m.**

1. Call To Order and Roll Call.

Mayor Flores called the Joint City Council & Charter Review Committee Meeting of Monday, September 18, 2017 to order at 6:35 p.m. City Clerk Joanna Cunningham called the roll.

ROLL CALL:

Council Present:

Joel Flores, Mayor
Paula Bousquet, Deputy Mayor
John Tharp, Council Member
Peter A. Noble, Council Member
Judith Dugo, Council Member
Anderson Thelusme, Council Member

Staff Present:

Andrea McCue, City Manager
James D. Stokes, City Attorney
Joanna Cunningham, City Clerk
Suzanne Skidmore, Director/Human Resources
Melody Larson, Assistant to the City Clerk

Charter Review Committee Present:

Chuck Shaw, Chairman
Frank Simon, Vice Chairman
Dannette Fitzgerald
Emily Robarts
Larry Tronco
Brian Willever
Ada Harris
Phil Konz
Benjamin Wade
Toni Willey

Absent:

Aileen Hernandez
Luis Torres

Attendees from Public: 1

Press: 1

2. Pledge of Allegiance to the Flag.

Mayor Joel Flores led the Pledge of Allegiance.

3. Comments From the Public for Agenda Items Only.

Mayor Flores asked if there were comments from the public; hearing none, he continued with the Agenda.

4. Agenda Approval.

- A. Additions, deletions, or substitutions to the Agenda.
- B. Motion to approve and adopt entire agenda as set.

Mayor Flores inquired if there were any additions, deletions or substitutions to the Agenda; hearing none, he called for a motion.

MOTION: Deputy Mayor Bousquet made a motion to approve the Agenda.
Council Member Noble seconded the motion.

VOTE ON THE MOTION: **In Favor:** Deputy Mayor Bousquet, Council Member Tharp, Council Member Noble, Council Member Dugo, and Council Member Thelusme.

Motion carried: 5 - 0.

5. Regular Agenda:

Mayor Flores described the purpose of a City Charter and gave a brief history of the last Charter review conducted in 1998. At the June 19, 2017 City Council Meeting, Council discussed holding a joint meeting to review/discuss the CRC's findings. He thanked the members of the Charter Review Committee (CRC) for their professionalism and dedication to the community. Each Committee Member introduced themselves to the Mayor and Council.

A. Discussion of City Charter – James Stokes, City Attorney

City Attorney James Stokes presented the six (6) referendum questions recommended by the CRC and explained that the final decision would come from the voters. This is an opportunity for the Mayor and Council to ask questions; they are in a fact-gathering mode. He noted that an ordinance with the ballot language would be required.

Mayor Flores hoped to finalize the review of the ballot language by the second meeting in October, schedule the ordinance for the two (2) required public hearings in November, for submission to the Supervisor of Elections by the December 1st deadline.

CRC Chairman Chuck Shaw arrived at 6:48 pm.

- Referendum Question 1 – Art. I, Section 4 Form of Government.
Increase Mayor and Council terms of office from 2 to 4 years.

Consensus: All five Council Members were in favor of the proposed change.

- Referendum Question 2 – Art. II, Section 3 Mayor
Eliminate 2-year term reference for Mayor and address filling Office of the Mayor vacancies.
- Referendum Question 3 – Art. III, Section 3 Term of Councilman
Eliminate 2-year term reference for Council and address filling Council vacancies.

City Attorney Stokes explained that the proposed clarification on the commencement of the Mayor's term of office following receipt of the certified election results from the PBC Supervisor of Elections could be done by ordinance. However, the section related to filling a vacancy for the office of the Mayor must go to referendum for the voters to decide.

The Charter currently states when mayoral vacancies occur more than 120 days prior to the next election, Council must appoint a replacement within 30 days.

The question was asked, "With proposed 4-year term limits and holding elections every 2 years, if the seat remains vacant until the next election or does Council appoint a replacement?"

City Attorney Stokes explained that the purpose is to avoid holding special elections. The proposed language states that Council would select one of its members to fill the vacancy until the next election. (The term of the Council seat used to fill the vacancy would expire immediately.)

Comments:

- Filling vacancies until the next regular election cycle.
- It would cause voter confusion.
- The need to educate the public.
- Staggered terms.
- Council voting on theory and having the language refined.
- Changing "biennial election" to "next 2-year election".

City Attorney Stokes suggested if Council would provide him with their ideas he would refine the language. He asked, "If a Council Member fills a mayoral vacancy, does Council want that person to serve out the remainder of the full 4-year term or serve just until the next election?"

Comments:

- Once a Council Member is selected to fill a vacancy it should be for the full term of the office.
- It saves the City \$30,000 in election costs.

- How does this affect term limits.

City Attorney Stokes explained that the Charter section where the person who is appointed to fill the vacancy serves the remainder of the term, then runs for office and wins,. The time served by appointment does not count as a full term. They then can run for three (3) full terms (12 years).

Comments:

- Council Members serving (3) 4-year term limits could then run for Mayor and serve another 12 years.
- What if the Deputy Mayor does not wish to fill the vacancy of Mayor; the option of Council appointing a replacement Mayor.
- The voting rights of the Deputy Mayor serving as pro-tem.
- The Deputy Mayor serving pro-tem until a replacement is appointed.
- If the Deputy Mayor fills the vacancy for Mayor, their former Council seat is surrendered and must be filled by Council appointment.
- A Deputy Mayor serving pro tem maintains voting rights.
- There is a difference between temporary and permanent;

City Attorney Stokes requested a consensus to add language addressing vacancies for unchallenged seats in which no one runs for that seat and the seat has met the maximum 12-year term limit therefore, does the Council appoint or does the incumbent serve until replaced:

Mayor Flores called for a consensus to serve and replace or have Council appoint:

Deputy Mayor Bousquet: Appointed by Council.

Council Member Tharp: Served until replaced.

Council Member Noble: Appointed by Council.

Council Member Dugo: Appointed by Council.

Council Member Thelusme: Appointed by Council.

Consensus: 4-1 in favor of vacant seats with maxed out term limits and no challengers shall be appointed by Council.

- Referendum Question 4 – Art. IV, Section 4 Elections, Qualification of Candidates

Changing the qualifying/filing dates to no earlier than 75 days and no less than 60 days prior to an election and setting term limits to three consecutive 4-year terms of office for Mayor and Council.

City Attorney Stokes explained that this question deals with term limits for Mayor and Council. Following three 4-year consecutive terms of office, neither the Mayor nor Council can run for their respective seats, however, the Mayor can run for a Council seat and Council Members can run for the Office of Mayor.

Comments:

- The ability to run for the same office following a 4-year gap.

- The consensus of the CRC members proposed three consecutive 4-year term limits.
- Other term limits discussed were 8 years, 16 years and 5 years.
- For many years, no one ran for Council or Mayor.
- Term limits give residents a chance to get involved in their community.
- What happens if a seat meets the 12-year term limit and no one runs for that seat - does the office become vacant and Council appoints.
- An alternative would be for the incumbent to hold that seat until a successor is elected.
- City Attorney Stokes offer to add new language regarding unchallenged seats meeting term limits;

Mayor Flores called for a consensus on three consecutive 4-year term limits:

Deputy Mayor Bousquet: In favor.

Council Member Tharp: In favor.

Council Member Noble: In favor.

Council Member Dugo: Too convoluted and ambiguous. Not in favor.

Council Member Thelusme: In favor.

Consensus: 4-1 in favor of three consecutive 4-year term limits.

- Referendum Question 5 – Art. VIII, Section 4 Civil Service Board Eliminating the Civil Service Board and creating a Labor-Management Committee.

City Attorney Stokes explained that the Civil Service Board (CSB) provides employee protection by hearing employee grievances and is responsible for reviewing/revising the City's personnel policy making recommendations to Council. He emphasized that the CSB has been inactive since 2001. The CRC recommended eliminating all references to the CSB and recommended replacing it with a Labor Management Committee. He proposed repealing this entire section of the Charter and adopting an ordinance that states the Civil Service Board shall consist of the Mayor and Council sitting as ex-officio+ members of the CSB. He noted that the CRC was not presented with this latest proposal of having the Mayor and Council serve as the CSB.

Comments:

- The new proposal could cause public confusion.
- Make sure to add the mayor pro tem language to the ordinance.
- Need to ensure employees are being represented by their peers.
- The CSB was created prior to Florida having collective bargaining units.
- Having Council serve as the CSB is a good solution.
- The City has classified and unclassified employees.

Human Resources Director Suzanne Skidmore was asked to explain the current grievance process for employees. She explained that it consists of the employee submitting a complaint to their Department Director, it is then reviewed by the City Manager then it goes before the CSB and finally to Council.

Comments:

- What are the ramifications of Sunshine Law related to employee grievances?
- The Personnel Policies and Procedures Manual has not been updated since 1998.
- Human Resources, the City Attorney and the City Manager will bring any changes to the City's Personnel Policy Manual to the Council for approval.
- Volunteer resources are being tapped out.
- Wanting to ensure employee representation and the ability for employees to file a grievance.
- Change the name from Civil Service Board to Employee Relations.
- Council maintains the ability to create new boards.

Mayor Flores called for a consensus to have Council serve as the CSB:

- Deputy Mayor Bousquet Yes
- Council Member Tharp Yes
- Council Member Noble Yes
- Council Member Dugo Yes
- Council Member Thelusme Yes

Consensus: All five Council Members agreed to serve as the CSB.

- Referendum Question 6 – Art. VIII, Section 4 Definitions
Clarifying the term “full Council”

City Attorney Stokes explained that the term “full Council” is used only twice in the Charter. Because it causes some confusion, Council has asked to redefine it.

CRC Member Brian Willever questioned in the event of a Deputy Mayor pro tem would that be considered “full Council”?

City Attorney Stokes offered to modify the language to read, “to the Mayor and all sitting Council Members”.

Mayor Flores called for a consensus to modify the definition to read, “the Mayor and all sitting Council Members”:

- Deputy Mayor Bousquet: In favor.
- Council Member Tharp: In favor.
- Council Member Noble: In favor.
- Council Member Dugo: In favor.
- Council Member Thelusme: In favor.

Consensus: Modify the definition of “full Council” to read, “the Mayor and all sitting Council Members.”

B. Charter Changes without Referendum

- Changing the Municipal General Election from 2nd Tuesday in March to First Tuesday in November.

City Attorney Stokes noted that pursuant to state statutes the date of the municipal election and the dates for the qualifying period can be changed by ordinance. The CRC discussed moving City elections to November.

Comments:

- Try something new and by changing them to November could improve voter turnout.
- November elections would cause voter fatigue.
- A future bill will be introduced in Tallahassee proposing that all elections be moved to November. Important to watch.
- Would be cheaper to piggy-back off of November elections.
- If referendum questions create a new page, the Supervisor of Elections (SOE) has emphasized the City would be responsible for the difference.

Mayor Flores called for a consensus on holding March or November elections:

Deputy Mayor Bousquet: March
 Council Member Tharp: March
 Council Member Noble: March
 Council Member Dugo: March
 Council Member Thelusme: March

Consensus: All five Council Members agreed to keep municipal elections in March.

- Changing the qualifying period to begin 75 days before and ending 60 days before the Election.

Comments:

- When can these ordinances be expected to come before Council?
- Except for the ordinance establishing the qualifying period which should be passed sooner to coincide with the upcoming election.

City Attorney Stokes reported that a resolution will be presented at the Oct. 2, 2017 Council meeting to change the qualifying period to December, since the SOE requires the names on the ballot to be submitted by the first week in January, in contrast to the City Charter. It is necessary to change the qualifying period due to Federal law requiring vote by mail ballots (absentee ballots) to be mailed 45 days prior to an election.

Mayor Flores called for a consensus:

Deputy Mayor Bousquet: In favor.
 Council Member Tharp: In favor.
 Council Member Noble: In favor.
 Council Member Dugo: In favor.
 Council Member Thelusme: In favor.

Consensus: All five Council Members were in favor of changing the qualifying period to December 2017.

- Clarifying induction of the Mayor and Council at the first regular Council meeting following the receipt of the certified election results from the SOE.

City Attorney Stokes explained that the Charter states newly elected officials will be inducted into office at the next Council meeting following the election. However, that could pose problematic in the case of the certified election results being received in time.

Comment:

- If the induction time is extended does the incumbent serve until then?

City Attorney Stokes explained that elected officials cannot be sworn in until the certified election results are received. A special meeting would be required for induction into office.

Mayor Flores called for a consensus on holding a special meeting in the event that the certified election results are not received by the next Council meeting:

Consensus: All five Council Members agreed with holding a special meeting.

Housekeeping.

City Attorney Stokes explained that he and the City Clerk would be working together to modify outdated gender language.

Comment:

- Can the nouns for Council be changed to "Councilor" to prevent gender differentiation.

Mayor Flores called for a consensus on changing the term "Council Member" to "Councilor":

Deputy Mayor Bousquet: Change to "Councilor".

Council Member Tharp: No comment.

Council Member Noble: Leave as is or use "Council Person".

Council Member Dugo: No comment.

Council Member Thelusme: What about "Commissioner"?

Consensus: Council decided to continue using the term "Council Members".

City Attorney Stokes stated that he anticipated preparing these ordinances when the referendum ordinances are complete to coincide with the effective date.

Council Member Noble announced his intention to run again for office in 2018 and pointed out that he could be running for a 2-year, or 4-year term depending on what the voters decide. He asked that transitional language be included in the ordinance to reflect the voter outcome.

City Attorney Stokes agreed, the term of office would be contingent upon the referendum being approved by the voters and would take effect on March 13, 2018.

C. Supplemental Ordinances to the Charter

- *Appointment, Deferment and Vacancy of Deputy Mayor – to appoint & rotate annually.*
- *Electronic voting of City business*
- *Designate City Clerk, City Manager and City Attorney as Canvassing Board for City Elections.*
- *Replace CSB with Labor-Management Committee*

Appointment, Deferment and Vacancy of Deputy Mayor

Comments:

- Council Member Dugo agreed with former Council Policy 12 (*abolished 4-18-16*) wherein the Mayor makes a recommendation for the appointment of Deputy Mayor with Council approval.
- Council Member Noble was not in favor of that process and preferred rotating by District.

Consensus: None.

Replacing the Civil Service Board with a Labor Management Committee

City Attorney Stokes pointed out that if the CSB question is eliminated, it would make way for a sixth (6) referendum question to be added that states, "neither the Fire Rescue Department nor the Police Department can be abolished, merged or outsourced to another agency without a referendum vote". This topic was suggested by some CRC members with employee protection in mind. Council should not be permitted to take random action without having adequate public hearings or a referendum.

Comments from CRC members:

- In speaking with Public Safety personnel, some were for, and others were against the merger.
- Citizens deserve to be more informed.
- In 2015, Council was originally considering hiring more officers but quickly decided to merge with PBSO instead. The City Attorney warned Council that once they switched, they could not return to having a Public Safety Department.
- This new referendum question has the potential of protecting other departments like Public Works.
- The merger was handled miserably, but happy with PBSO. Disagrees with placing this on the ballot as a referendum.

Greenacres City Charter

ARTICLE VIII. - ADMINISTRATIVE DEPARTMENTS

Section 1. - Administrative Departments, Offices and Agencies.

The City Council may establish the City departments, offices or agencies in addition to those created by this Charter, and may prescribe the functions, powers and duties of all departments, offices or agencies. Where the positions are not incompatible, the Council may authorize combining in one department, office or agency the functions and duties of two or more of them.

Neither the city's fire department nor the city's police department shall be abolished, merged with, or outsourced to, another agency or entity without a referendum vote of the city's electors approving such action. A referendum is not required to terminate a contract with any outside agency providing such fire or police services.

- PBSO could have trained Public Safety personnel and the City could have kept its law enforcement personnel.
- Could this topic be addressed by ordinance instead of a referendum?
- It gives the residents the choice.
- In Dade County there is one fire department for the entire county. If that works, if Palm Beach County were to consider doing the same, then the City should make it easy to adopt.
- The Community Meeting held at Rambo Park was very successful.
- There is a difference between holding public hearings and allowing the public to speak at Council meetings.

Mayor Flores believed he was elected as a result of how the merger was handled. He called for a consensus to add a sixth (6) referendum question:

Deputy Mayor Bousquet: Yes, however, she was against how the contract was negotiated.

Council Member Tharp: Yes.

Council Member Noble: Unsure of timing, prefer to discuss at a public hearing.

Council Member Dugo: No.

Council Member Thelusme: Yes.


Consensus: 3-2 in favor of adding a sixth referendum question, "neither the Fire Rescue Department nor the Police Department can be abolished, merged or outsourced to another agency without a referendum vote".

Mayor Flores thanked the CRC members for their input and time dedicated to this important effort.

6. Adjournment.

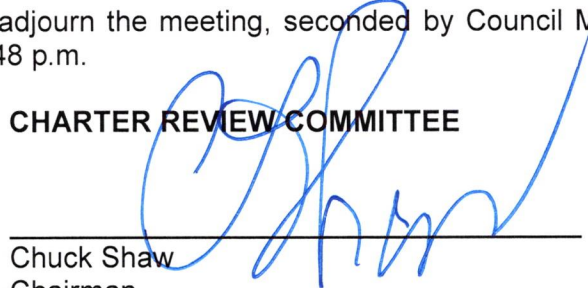
Deputy Mayor Bousquet moved to adjourn the meeting, seconded by Council Member Dugo. The meeting adjourned at 8:48 p.m.


CITY COUNCIL


 Joel Flores
 Mayor
 Respectfully submitted,



CHARTER REVIEW COMMITTEE


 Chuck Shaw
 Chairman


 Joanna Cunningham, MMC
 City Clerk

Date Approved: 10/16/17

Attachment
 /mel