



## CITY OF GREENACRES, FLORIDA

### MINUTES Charter Review Committee Meeting

January 19, 2017 – 10:30 a.m.

City Hall Council Chambers  
5800 Melaleuca Lane

#### Committee Members

Chuck Shaw, Chairman  
Frank Simon, Vice Chairman

Dannette Fitzgerald	Ada Harris
Aileen Hernandez	Phil Konz
Luis Torres	Larry Tronco
Benjamin Wade	Toni Willey

#### Administration

Andrea McCue, City Manager  
James D. Stokes, City Attorney  
Melody Larson, Assistant to the City Clerk

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**Web Site:** <http://www.ci.greenacres.fl.us>



**Minutes  
Charter Review Committee  
January 19, 2017 – 10:30 a.m.**

**1. Call To Order and Roll Call.**

Chairman Chuck Shaw called the meeting to order at 10:30 a.m. and called the roll. All members were present and two (2) from the public.

**2. Pledge of Allegiance to the Flag.**

Chairman Shaw asked Committee Member Hernandez to lead the Pledge of Allegiance.

**3. Comments From the Public for Agenda Items Only.**

There were none.

**4. Approval of Minutes of January 12, 2017 Meeting**

Vice Chairman Simon moved to approve the minutes of January 12, 2017, seconded by Committee Member Fitzgerald. Motion passed unanimously: 10 -0.

**5. Regular Agenda.**

**A. Statutory Charter Items- City Attorney James Stokes.**

City Attorney James Stokes explained that at this meeting, committee members would be reviewing the first three Articles of the City Charter dealing with the City's form of government, boundaries, terms of office for the Mayor and Council, and salaries.

Chairman Shaw noted that during the upcoming State legislative session, a committee would be appointed to propose constitutional revisions to the State Constitution; however, those changes are expected to have little or no impact on local governments. He urged committee members to stay abreast of what was being proposed.

City Attorney Stokes noted that when proposing changes to any section of the Charter, committee members should be aware that the less specific language proposed, the better chances of avoiding future conflicts.

**B. Other Municipality's Term Limits - Andrea McCue, City Manager.**

City Attorney Stokes discussed terms of office of other municipalities and explained that election costs of \$30,000 play a key factor when considering extending term limits. He believed 2 years gives insufficient time to accomplish goals before having to focus on campaigning for re-election. He

noted that some Councilmembers have expressed a desire to see longer terms.

Committee Member Wade pointed out that some cities with 5 council members have a mayor with voting rights.

City Attorney Stokes agreed, noting that some local governments have 5-7 council members who choose their mayor; others have elected mayors with full voting rights. Greenacres' mayor is ceremonial and serves as a tie breaker.

Committee Member Fitzgerald asked what a strong mayor represented. City Attorney Stokes explained it basically means the mayor serves as the administrator/city manager and runs the day-to-day operations of the City.

Chairman Shaw provided a brief historical perspective of how the City was first formed, having only council members, a mayor and a police chief; there were no departments or city manager then. As the City grew, things changed.

Committee Member Willey wanted to discuss 4-year, 2 term limits with the mayor having voting rights, similar to the Village of Wellington.

City Manager Andrea McCue agreed and believed by extending term limits it would enable staff to meet Council's goals and objectives, whereas shorter term limits pose a challenge in meeting those goals.

Committee Member Wade agreed that a 3-year term of office would be better.

Committee Member Harris supported an even number term limit to avoid complete turnover.

Although City Attorney Stokes believed a 3-year term was a good idea, from an election standpoint, he suggested a 4-year term to coincide with national elections since annual election costs are currently \$30,000. It would save the City from having to hold special elections.

Committee Member Konz pointed out that municipal elections are held separately to avoid mingling national, state and county issues. By changing the municipal elections to November, it would indeed increase voter turnout. He agreed that longer term limits would decrease costs.

Vice Chairman Simon pointed out that going to November elections may provide a higher voter turnout; however, voter fatigue sets in after reading lengthy ballot questions. He believed 4-year terms of office with a 3 term limit would be sufficient.

Committee Member Tronco asked what percentage does the \$30,000 election cost represent in the City's overall annual budget. He suggested a 4-year term for mayor and 3-year terms for council members.

City Attorney Stokes pointed out that the objective is to provide good government.

**No action was taken.**

**C. State Constitutional Revision Process**

This is statutory and no action is needed.

**D. Article I Incorporation: Form of Government; Powers and Boundaries**

**Section 1. Incorporation.**

No changes.

**Section 2. Creation of Municipality.**

No changes.

**Section 3 Boundaries.**

No changes.

**Section 4 Form of Government.**

Chairman Shaw suggested revisiting this section based on prior discussions.

**E. Article II – Mayor**

**Section 1. Mayor.**

Committee members discussed at-large Council representation posing a voting problem (tie votes) if the mayor position was replaced with a sixth council member position.

Committee Member Wade pointed out that any changes to this section would affect the entire Charter. The Mayor is a tie-breaker and has 5-day veto rights on resolutions and ordinances which he believed should be extended to 20 days.

Vice Chairman Simon emphasized that although the Charter requires a Council member to reside in their respective district, the vote is at-large; unlike the School Board and the County.

Committee Member Konz asked for statistics on other cities that vote by district.

City Attorney Stokes offered to provide statistics at the February 2, 2017 CRC meeting, noting that usually larger cities use district voting.

Committee Member Konz noted that the City used to vote by district but later changed to voting at-large. As the eighth largest city in the County, if the seven larger cities are voting by district, then this Committee should reconsider this issue. If candidates concentrate solely on their district, they are not representing the City.

Chairman Shaw cautioned that voting by districts can create territorial chaos and special interests; however, as a former councilman with at-large voting, he did not have any such challenge.

Committee Member Konz asked what the cost would be to change to 4 council districts and a mayor with full voting rights form of government with at-large voting.

City Attorney Stokes explained that the City of Pompano changed to four districts and used the assistance of Florida Atlantic University's Department of Public Affairs to create the districts but was unsure of the cost.

**Consensus: Leave unchanged.**

### **Section 2. Deputy Mayor.**

Chairman Shaw explained that a Deputy Mayor used to be appointed every year and rotated by district in numerical order; however, that had recently changed.

City Attorney Stokes explained it can change under rules of procedure (as with a Council Policy); however, for more permanency he suggested that the Committee include language in the Charter.

Chairman Simon proposed adding clear language to the Charter related to the Deputy Mayor's right to vote in case of a tie and a one year appointment.

Committee Member Wade suggested modifying Art. II, Section 1(c) to retain the Mayor's right to reject ordinances even if he/she is not present at the meeting in which it was proposed.

City Attorney Stokes emphasized that the Mayor still retains his/her veto power even if he/she does not attend a meeting. He pointed out that the reason why language addressing the voting rights of the Deputy Mayor in the absence of the Mayor was not included was due to the unlikeliness of a tie. The same applies in the absence of the Mayor and Deputy Mayor where a Council member fills in; they still retain their right to vote and therefore it becomes a non-issue.

Chairman Shaw asked Committee Members their thoughts on rotating the Deputy Mayor designation in numerical order by district and serving as Deputy Mayor for more than one year.

Committee Member Hernandez pointed out that Council Policy 12 requires the Mayor's nominee to have served at least one year on the Council; however, that language does not appear in Resolution 91-06.

City Attorney Stokes asked City Manager McCue if she believed it would be beneficial for Committee Members to receive copies of Council Policies for possible incorporation into the Charter.

Chairman Shaw instructed City Manager McCue to provide copies of Council Policies at the next meeting relating to the sections of the Charter being reviewed.

City Attorney Stokes read Council Policy 12 into the record.

Chairman Shaw called for a consensus on a Councilmember serving a minimum of one year on the Council prior to being nominated as Deputy Mayor. **Vote by a show of hands, motion tied: 5- 5.**

Committee Members Harris and Hernandez believed that a newly elected councilmember could serve as Deputy Mayor without prior experience. Committee Member Tronco believed the Deputy Mayor position should be open to all councilmembers.

Vice Chairman Simon believed that in the event of an emergency, the City Manager and Mayor would make the necessary decisions. If a Deputy Mayor in the Mayor's absence was relegated to making a decision he would like to see someone with experience.

Chairman Shaw called on City Manager McCue to provide a scenario where the Mayor's approval would be needed.

City Manager McCue stated that in the event of a natural disaster, the lines of authority do change. For the most part, I seek Council consensus on most matters. From an administrative perspective, I deal more directly in consultation with the Mayor.

City Attorney Stokes asked if the Committee would like to see language where a newly elected official could opt out or defer appointment for one year.

Committee Member Tronco said yes, and added following deferment, Council could then appoint another councilmember giving others the same opportunity.

Chairman Shaw asked the City Manager how many times did the Deputy Mayor run a Council meeting in the past year.

City Manager McCue recalled three times due to the Mayor attending out-of-town meetings.

**Motion: Committee Member Tronco moved to rotate the Deputy Mayor position by district for one term. In the event the nominated Councilmember declines, the nomination would revert to Council for a vote. Committee Member Wade seconded the motion.**

Discussion on the Motion:

City Manager McCue asked for clarification that instead of rotating numerically to the next corresponding district, Council would then nominate any councilmember to the Deputy Mayor position.

City Attorney Stokes pointed out that would allow a Councilmember to serve as Deputy Mayor for two years.

Chairman Shaw asked about the Deputy Mayor nominee having experience serving on the Council prior to being nominated.

Committee Member Hernandez noted that if the Committee is looking to extend terms of office to four (4) years and the motion states the Deputy Mayor will serve for a "term", then four (4) years is too long.

Committee Member Tronco amended the word "term" to "year".

Committee Member Harris believed that anyone could serve as Deputy Mayor without prior experience and believed they would do a good job.

**Motion to Amend: Vice Chairman Simon moved to amend the original motion to clarify that the Deputy Mayor nominee shall have one year of experience serving on the Council prior to being nominated for Deputy Mayor and the appointment shall be for one full year. In the event the Deputy Mayor nominee defers, Council would nominate the next Councilmember in numerical order by district for appointment. The Deputy Mayor shall not vote unless to break a tie vote. Committee Member Tronco seconded the motion. Motion passed unanimously.**

Section 3. Term of Mayor.

City Attorney Stokes offered to add term limits to this section of the Charter for Committee approval.

**Chairman Shaw called for a consensus by a show of hands on 2, 3 and 4 year terms of office. Committee members voted for a 4-year term of office for the Office of Mayor. Motion carried: 9 – 1.**

**Section 4. Salary of Mayor.**

This section was deferred following the City Council meeting of January 23, 2017.

**Section 5. Qualification.**

No changes.

**Section 6. Induction of Mayor.**

City Manager McCue suggested changing the oath of office to after the official certified election results are received from the Supervisor of Elections. **Consensus: Committee members agreed.**

*Section 6. Induction of Mayor.*

*At the first regular meeting following receipt of the official certified election results from the Palm Beach County Supervisor of Elections the general election, the City Council shall hold a meeting for the purpose of conducting a ceremonial induction of the newly elected Mayor and organizing the Council.*

**F. Article III – City Council**

**Section 1. Organization of Council.**

No changes.

**Section 2. Powers of the Council.**

Chairman Shaw firmly emphasized the role of Council setting policy, not administering the City and suggested adding language to clarify that distinction. The daily operations of the City should be the responsibility of the City Manager and should not be interfered with by Council. He explained that only the City Attorney and City Manager are employees of Council.

City Attorney Stokes reported compiling information for Council on what other municipalities have in their charters, which showed that Council inquiries are directed through the City Manager. This matter arose out of Council Policy 14 and not having similar language in the Charter. He pointed out that Greenacres is one of the few cities that does not have such language in its Charter. He noted that statutory provisions allow unions like the IAFF to communicate with Council. He stated that the language being



considered is to protect the employees. The Mayor or Council should not influence the hiring and/or firing of employees.

**Section 2. Powers of the Council.**

*All powers of the City not in conflict with the Constitution of the State of Florida, and subject to the limitations of this Charter, shall be vested in the City Council; to set policy which shall by enacting appropriate legislation, and do and perform any and all acts and things that may be necessary and to properly to carry out these powers or any provisions of the Charter. The daily operations of the City shall be handled by and through the City Manager.*

**Section 3. Term of Councilman.**

City Attorney Stokes offered to add term limits to this section of the Charter for Committee approval.

**Chairman Shaw called for a consensus on 2, 3 and 4-year terms of office. Committee members voted 9 – 1 for a 4-year term of office for Councilmembers. Motion passed.**

**Section 4. Qualifications.**

**Consensus: Make reference of he/she or his/her statements at beginning of Charter.**

**Section 5. Salary and Council People.**

This section was deferred following the City Council meeting of January 23, 2017.

**Section 6. Procedure.**

City Attorney Stokes noted provisions from other charters where summer break was included and suggested considering adding this to the City Charter.

**Section 7. Rules of Procedure.**

Committee Member Wade recalled in past Council meetings, items were walked onto Council agendas catching the public by surprise.

City Attorney Stokes pointed out that Chapter 166, F.S. states that only during Special Meetings does the agenda have to be strictly adhered to; not so with regular agendas. Items can be walked onto any regular agenda at the last minute, although it is not widely favored by elected officials.

Chairman Shaw suggested adding a provision that emergency items may be added to the agenda by the City Manager.

Chairman Shaw recommended adding: Any item added to the Council agenda other than an emergency item as defined by state statutes, can be added as a discussion item but not voted on by Council.

**Section 8. Voting.**

Chairman Shaw questioned if a Councilmember can abstain from voting. City Attorney Stokes explained only if it poses a voting conflict as defined by state statute.

City Manager McCue suggested adding language to accommodate voting by phone and allow Skype meetings.

Chairman Shaw gave examples of recent cases wherein he and other School Board members voted by phone. Prior to Board approval, confirmation that a quorum existed (*excluding the member voting by phone*) was required.

**Chairman Shaw instructed City Attorney Stokes to include language to allow voting by phone with a provision that multiple members cannot call in their vote.**

**Section 9. Induction of City Council into Office.**

No changes.

**Section 10. Annexation.**

No changes.

Chairman Shaw asked that the term limits for Mayor and Council be added as the first item on the February 2, 2017 CRC agenda.

City Manager McCue explained that Elections would be the only article of discussion at the February 2<sup>nd</sup> agenda. Additionally, powers of Council and qualifications as they relate to health issues and FMLA regulations will be provided following further research by the City Attorney.

**G. Next Committee Meeting Date and Time**

Vice Chairman Simon requested a meeting schedule for upcoming CRC meetings be distributed to all committee members. He asked to be excused at 12:12 pm.

Chairman Shaw announced that the next CRC meeting is scheduled for February 2, 2017 at 5:30 p.m. He asked about holding future meetings at 10:30 a.m. Committee Member Konz stated he would be out of the state.

City Attorney Stokes explained that the objective of holding meetings at 5:30 p.m. was to allow for public participation; however, that could change.

Committee Member Wade asked if the Committee would be revisiting the changes being proposed.

City Attorney Stokes explained that he would be adding and deleting language based on consensus and suggested that the Committee ultimately make formal motions and votes at a later date to create a final document.

Chairman Shaw brought back the issue of changing the meeting times to 5:30 p.m.

Committee Member Tronco liked the idea of varying the meeting times.

6. **Adjournment.**

**Committee Member Willey moved to adjourn the CRC meeting, seconded by Committee Member Konz. The motion passed unanimously.**

The meeting adjourned at 12:28 p.m.

Approved by:

  
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Chuck Shaw  
Chairman

Attest:

  
\_\_\_\_\_  
Joanna Cunningham, MMC  
City Clerk



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