



CITY OF HALLANDALE BEACH
CHARTER REVIEW COMMITTEE
FINAL REPORT – AUGUST, 2003



REPORT OF THE CHARTER REVIEW COMMITTEE
OF THE CITY OF HALLANDALE BEACH
AUGUST, 2003

The Committee was appointed by the City Commission and held it's Organizational Meeting on March 21, 2003. The Committee reviewed the City Charter and those of other cities, as well as its duties as prescribed by Article III, Division 3 of the City of Hallandale Beach Code of Ordinances. Rules of procedure were also adopted. The City Clerk was requested to keep minutes of the meetings and provide support services for the Committee and Special Counsel Richard Kane served as the facilitator for the Committee.

The following members were appointed to the Committee who elected their chairman and vice chairman as indicated:

Nathan Cutler (Chairman)
W. T. "Pat" Patterson (Vice Chairman)
Arlene "Bunny" Grob
Rev. Joe Johnson
Armin Lovenvirth
Hinda Smith
Gerald Williams
Albert Cunningham (Alternate)
Gaetano Barbieri (resigned)

This Report includes the final recommendations by the Committee for revisions to the Charter. The Committee met weekly in public sessions and received input from the City Commission, City Manager, staff and citizens. Input was invited by letters, e-mail and personal appearances. Two advertised public hearings were held in the evening to encourage and facilitate public input. The hearings were reasonably well attended.

GENERAL CHANGES:

Organization:

The Committee believes that the organization of the present Charter could be improved by reorganization of the present sections. For example, under the Legislative section, provisions relating to the City Clerk, City Attorney and City Manager are found but these officers are not legislative. The proposed revised index attached as Schedule A illustrates a more logical and useful index to organize the Charter.

Legal Description:

The present Charter contains a description of the City boundaries that is a patchwork of additions to the original Charter and is lengthier than it needs to be and it is cumbersome to read. The attached Schedule B, which is certified by a

licensed surveyor, is shorter, simpler, and just as accurate. It does not change anything. It simply restates the boundaries.

Committee Recommendations:

The Committee notes that in the past, many Charter Review Committee recommendations were not submitted to public referendum by previous City Commissions. Because the recommendations are the result of careful, independent study and public input, the Committee feels that its recommendations should be submitted to referendum. Accordingly, the Committee recommends a new Charter section requiring that all Charter Review Committee recommendations go to referendum if approved by a super majority (5) of members of the Committee.

LEGISLATIVE CHANGES:

The consensus of the Committee and the public, who commented, is that the present legislative system needs revision to meet the changing demographics of the City and to improve the methods of governing for the betterment of the community. The following are needed reforms:

Mayor:

The Mayor should be a specifically elected choice of the voters rather than a politicized selection by 5 Commissioners. The Mayor should be elected by an at large vote to a four (4) year term.

Vice-Mayor:

The Vice-Mayor should be appointed for a two (2) year term by the City Commission to permit rotation of this position every two (2) years.

City Commission:

A new districting system should be structured with 3 residential districts of substantially equal populations. A residential district is one wherein a Commission candidate must live but is voted on by the entire City. In addition, one at large seat should also be voted on by the entire City. The combination of at large and residential district elections will assure neighborhood representation, city wide accountability, and greater voter participation. If implemented, this will constitute a City Commission of five (5) members.

Election Schedule:

The Committee believes that all Commissioners should continue to run in staggered elections, namely that there will be an election every two (2) years, with two seats running in one election and two years later, the other three seats running.

City Commission Salaries:

Salaries of Commissioners are set by majority vote of the Commission. The section of the Code dealing with this should be moved from Section 2.31 to Section 3.05 of the Charter and revised to provide that any salary increases will not take effect until after the next regular election and such increases must be capped at the percentage increase of the Consumer Product Index (CPI) unless a higher amount is approved by a referendum of the electorate.

Vacancies:

Since the cost of special elections has increased and Commission terms have been extended to four (4) years, it is recommended that Charter Section 3.09 (3) (b) be extended from six (6) months to twelve (12) months as the period before the next regular election wherein the Commission can make an appointment to fill a vacancy rather than scheduling a special election.

Forfeiture of Office:

The Committee considered situations where a member of the Commission was required to be absent for an extended period due to illness, military service, or the like, and the possibility that Commission business would be hampered by tie votes or quorum problems. While the current Charter provisions provide that if a Commissioner misses three (3) consecutive meetings, he or she can be removed by the Commission, the Committee was concerned that Commissioners might be unwilling to remove one of their own. It therefore proposes strengthening the rules while at the same time providing for a longer absence period before the strengthened rules apply. Thus the Committee recommends that if a Commissioner misses three (3) consecutive months of meetings, he or she would automatically be removed from the Commission and the vacancy rules in the Charter would then be in effect.

Term Limits:

Many cities and states have adopted term limits for elected officials. The Committee believes that term limits for Hallandale Beach are desirable to encourage new Commission candidates, stimulate fresh ideas and approaches and to discourage elective "careers" with stagnant governing. We recommend a limit of two (2) consecutive four-year terms with an allowance for additional years to accommodate a situation where one is appointed or elected to complete an unexpired term.

ADMINISTRATIVE CHANGES:

Franchises:

The City Manager brought to our attention a practical problem created by Section 3.15 (4) (d) which prohibits the extension of franchises without a time consuming ordinance of the City Commission. A problem arises when a franchise expires but a new one has not been approved or negotiated. As a practical matter, the old franchise must continue until a new one is in place. Thus we recommend that the

word "extend" be removed from this section and an additional item be added into Section 4.03 which allows such extensions with Commission approval, but without an ordinance.

Reorganizing Departments:

Section 3.15 (4) (a) requires an ordinance to change or reorganize the administrative departments of the City. The City Manager finds this restriction to impede any needed administrative reorganization because of the time required to adopt an ordinance. Thus we recommend that this section be removed and an additional item be added into Section 4.03, Powers of the City Manager, which allows any such reorganization with Commission approval, but without an ordinance.

OTHER SUBJECTS:

The Committee considered and debated other subjects such as nepotism, approval of City Manager appointments, campaign financing, staff residency requirements and temporary Commission appointments but no majority recommendations were made by the Committee on these subjects.

TRANSITION PLAN:

The Committee recommends that the following transition plan be followed to implement their recommended changes as noted above:

1. In March of 2004, a referendum election should be held on these recommended changes.
2. In March of 2005, District 1 (the western district) and District 2 (the southeastern district) commissioners are elected by the voters of Hallandale Beach.
3. In March of 2005, following the election noted in #2 above, the Commission will select a Mayor for a two year term ending after the election in 2007.
4. In March of 2007, District 3 (the northeastern district) commissioner and the at-large Commission seat and the Mayor seat are elected by the voters of Hallandale Beach.

The Committee believes that this transition plan will ensure the smooth implementation of their recommended changes.

In summary, the recommendations of the Hallandale Beach Charter Review Committee are:

1. Reorganize the subjects in the Charter in a more logical order.
2. Simplify the legal description of the City's boundaries.
3. The City should be divided into three (3) substantially equal population districts (See Attachment C) and each district shall be the residential home of one Commissioner at the time of his or her qualifying for office. Said Commissioner shall be elected at large by the entire City.

The fourth seat on the Commission will be an at large seat wherein the Commissioner can reside anywhere in the City and shall be elected at large by the entire City.

The fifth seat on the Commission will be the Mayor's seat and the Mayor can reside anywhere in the City and shall be elected at large by the entire City.

4. Term limit of two (2) consecutive four-year terms, plus any time to fill an additional unexpired term shall apply for all elected Commissioners, including the Mayor.
5. Vacancy rules shall be changed so that if a Commission seat becomes vacant and no regular election is to be held within one (1) year of the vacancy, a special election is required. If a regular election is to be held within one (1) year of the vacancy, then the Commission can make an appointment to fill the seat until the election with someone who is otherwise qualified for the seat.
6. Any increase in Commission salaries can only be effective after the next regularly scheduled election and such increases are capped at the percentage of the Consumer Product Index (CPI) unless a higher amount is approved by the voters in a referendum election. This can be added to the Charter or by Code amendment.
7. If a Commissioner misses three (3) consecutive months of meetings, he or she automatically forfeits the office.
8. Recommendations of the Charter Review Committee must be submitted to referendum if approved by a super majority (5 members) of the Committee.
9. Franchises may be extended by the City Manager, with City Commission approval.
10. City departments may be reorganized by the City Manager, with City Commission approval.

The Committee did not draft the specific language of the proposed amendments or the referendum ballot language, as we understand that would be the responsibility of the City Attorney at the direction of the City Commission. However, in accordance with the section on Committee Recommendations above, the Committee believes that these issues should be submitted to a vote of the electorate, and we urge you to follow through with these recommendations by placing them on the March, 2004 ballot. Minority reports are attached for the City Commission's consideration.

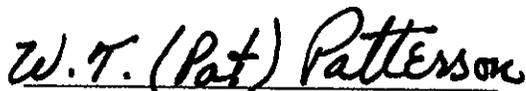
The Committee wishes to thank the City Commissioners for the appointment of the persons who comprise this Committee. Their backgrounds, experience, knowledge and contributions permitted the Committee to render an important service to our City, without regard to political considerations.

The work of this Committee could not have been performed, nor its goals achieved, without the diligent aid and assistance of Special Counsel Richard Kane and Assistant City Manager/City Clerk Jeff Naftal. We thank them profusely.

The Committee requests that this report be scheduled for a regular or special Commission agenda for formal presentation by the Chairman at which time any questions or clarifications can be addressed.

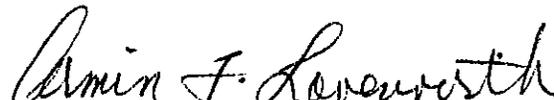
Respectfully Submitted


Nathan Cutler, Chairman


W. T. "Pat" Patterson, Vice Chairman

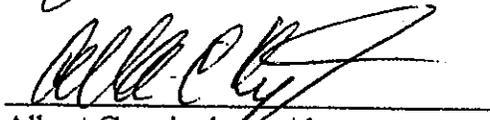

Arlene "Bunny" Grob

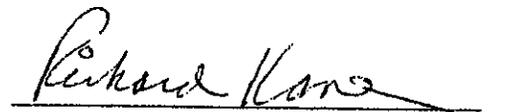

Rev. Joe Johnson


Armin Lovenvirth


Hinda Smith


Gerald Williams


Albert Cunningham, Alternate


Richard Kane, Special Counsel

MINORITY REPORT BY NATHAN CUTLER

I cannot agree with the Committee's proposed transition plan for implementing our most important legislative recommendations in two successive elections until 2007, rather than all at once in the election year 2005.

These legislative recommendations, which are summarized on page 5 and 6 of our report, represent the public's clamor for long-needed and long-suppressed changes in the City's methods of governing. Their undue delay can be paraphrased from an old adage as "reforms delayed are reforms denied."

There is nothing unique or radical about the policy of having every commissioner and a mayor elected concurrently in one year (e.g. 2005), since it is done in our neighboring city of Hollywood and other jurisdictions as well. The consequence that three of our present commissioners may have to curtail two years of their remaining four-year terms in 2005, is a relatively small price to pay for a new, quick beginning of enlightened city government.

Other significant benefits will result from complete implementation of all Committee recommendations in 2005, and every four years thereafter:

1. There will doubtlessly be a greater voting turnout by the stimulation to elect a whole new commission of balanced district and at-large members, as well as a new mayor concurrently.
2. There will be an election cost savings in 2007 and every four years thereafter.

I urge the commission to give this Minority Report favorable consideration, and if necessary, to permit the voters to decide by referendum, whether all charter changes should be implemented no later than March, 2005.

HINDA M. SMITH
318 Holiday Drive
Hallandale Beach, Florida 33009

(954) 454-5301 home
(954) 458-9534 fax
hindasmith@hotmail.com

MINORITY OPINION

1. On Election of Mayor

I am strongly opposed to the office of Mayor being included in the term limits that we have set. Even though our Mayor seems to be a purely ceremonial position, that position brings with it the ability to interact with the County Commission, serve as a key contact for City business, is the lead negotiator on contracts, and sets the agenda items. I feel that the experience of serving as a commissioner first would bring a level of experience to the position. During the week I have researched other cities that have both an elected Mayor and Commissioners and they consider the office of the Mayor to be a separate entity. Therefore we can allow our Mayor to have served a term or two as a commissioner.

Division 2: Referendum and Initiative

- Sec. 4.08: Referendum (7.03)
- Sec. 4.09: Initiative (7.02)
- Sec. 4.10: Commencement of proceedings (7.04)
- Sec. 4.11: Petitions (7.05)
- Sec. 4.12: Procedure for filing (7.06)
- Sec. 4.13: Referendum petitions; suspension of effect of ordinance (7.07)
- Sec. 4.14: Action on petitions (7.08)
- Sec. 4.15: Results of election (7.09)

Division 3: Recall

- Sec. 4.16: Recall (7.01)

Article V. Administration

Division 1: Ordinances and Resolutions

- Sec. 5.01: Ordinances and resolutions (3.15)
- Sec. 5.02: Emergency ordinances (3.16)
- Sec. 5.03: Authentication, recording and disposition of ordinances, resolutions and Charter amendments (3.17)

Division 2: Financial Procedures and Audit

- Sec. 5.04: Independent audit (3.13)
- Sec. 5.05: Fiscal year (5.01)
- Sec. 5.06: Emergency appropriations (5.04)
- Sec. 5.07: Payment of money by city (5.05)
- Sec. 5.08: Bonds of city officers and employees (5.06)

Division 3: Personnel System

- Sec. 5.09: Personnel system (4.05)

Article VI. Officers

Division 1: City Attorney

- Sec. 6.01: City Attorney (3.10)

Division 2: City Clerk

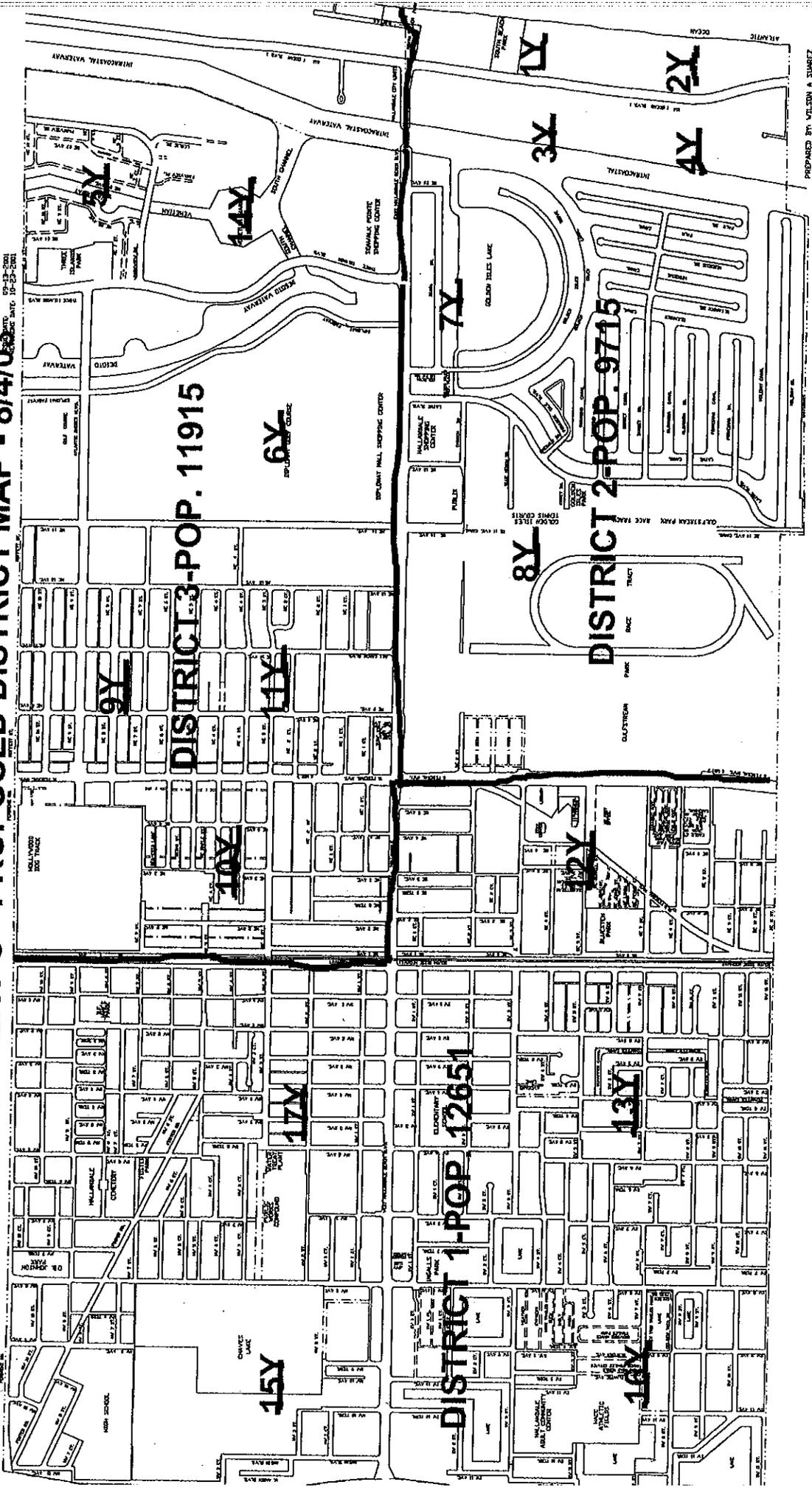
- Sec. 6.02: City Clerk (4.06)



CITY OF HALLANDALE BEACH

ATTACHMENT C - PROPOSED DISTRICT MAP - 8/4/03

LEGEND:
MAN
IMPROVED ROAD
UNIMPROVED ROAD
CITY LIMITS



PREPARED BY: WILSON A. SUAREZ

CHARTER REVIEW COMMITTEE
SUMMARY OF RECOMMENDATIONS

In summary, the recommendations of the Hallandale Beach Charter Review Committee are:

1. Reorganize the subjects in the Charter in a more logical order.
2. Simplify the legal description of the City's boundaries.
3. The City should be divided into three (3) substantially equal population districts (See Attachment C) and each district shall be the residential home of one Commissioner at the time of his or her qualifying for office. Said Commissioner shall be elected at large by the entire City.

The fourth seat on the Commission will be an at large seat wherein the Commissioner can reside anywhere in the City and shall be elected at large by the entire City.

The fifth seat on the Commission will be the Mayor's seat and the Mayor can reside anywhere in the City and shall be elected at large by the entire City.

4. Term limit of two (2) consecutive four-year terms, plus any time to fill an additional unexpired term shall apply for all elected Commissioners, including the Mayor.
5. Vacancy rules shall be changed so that if a Commission seat becomes vacant and no regular election is to be held within one (1) year of the vacancy, a special election is required. If a regular election is to be held within one (1) year of the vacancy, then the Commission can make an appointment to fill the seat until the election with someone who is otherwise qualified for the seat.
6. Any increase in Commission salaries can only be effective after the next regularly scheduled election and such increases are capped at the percentage of the Consumer Product Index (CPI) unless a higher amount is approved by the voters in a referendum election. This can be added to the Charter or by Code amendment.
7. If a Commissioner misses three (3) consecutive months of meetings, he or she automatically forfeits the office.
8. Recommendations of the Charter Review Committee must be submitted to referendum if approved by a super majority (5 members) of the Committee.
9. Franchises may be extended by the City Manager, with City Commission approval.
10. City departments may be reorganized by the City Manager, with City Commission approval.

These recommendations will be discussed at the City Commission meeting on Tuesday, September 16, at 6:45 p.m.