

BROWARD COUNTY CHARTER REVIEW COMMISSION

MEMORANDUM NO. 2017-021

TO: Thomas McDonald, Chair
Members of the Charter Review Commission

CC: Carlos Verney, Executive Director
Madison Cerniglia, Assistant Executive Director

FROM: Samuel S. Goren, General Counsel *SSG*
Jacob G. Horowitz, Assistant General Counsel *JGH*

DATE: November 9, 2017

RE: Broward County Charter Review Commission ("CRC") / Governance Committee
/Elected Mayor

At the Governance Subcommittee (the "Subcommittee") meeting on November 3, 2017, the General Counsel's Office was directed to prepare this memorandum formally transmitting the Subcommittee's work product related to a countywide elected mayor to the CRC for further consideration. In accordance with Section 12 of the CRC Rules of Voting/Procedure, the Subcommittee has opted to present this in the form of a memorandum rather than proposed Charter language.

Over the course of several meetings, the Subcommittee discussed and debated a variety of options related to the structure, powers, duties and authority of such a position. While considering this issue, the Subcommittee heard testimony from the following individuals:

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|----------------------------|-------------------|
| 1) Dr. Robert E. Lee | May 6, 2016 |
| 2) Alex Penelas | June 3, 2016 |
| 3) George Burgess | June 3, 2016 |
| 4) Jack Osterholt | June 3, 2016 |
| 5) Lois Wexler | September 9, 2016 |
| 6) Dr. Lance deHaven-Smith | September 9, 2016 |
| 7) Katy Sorenson | October 20, 2016 |
| 8) Mayor Barbara Sharief | April 7, 2017 |
| 9) Mayor Josh Levy | April 7, 2017 |
| 10) Mayor Wayne Messam | April 7, 2017 |
| 11) Mayor Skip Campbell | April 7, 2017 |
| 12) Mayor Mike Ryan | April 7, 2017 |
| 13) Mayor Frank Ortis | May 3, 2017 |
| 14) Mayor Jack Seiler | May 3, 2017 |
| 15) Mayor Glenn Troast | May 3, 2017 |

- 16) Mayor Diane Veltri Bendekovic May 3, 2017
17) Merrett Stierheim May 31, 2017

The Subcommittee also conducted a public hearing on the issue on June 22, 2017.

The Subcommittee recognizes the interest in and the importance of this topic and recommended (10-2) that the full CRC decide the issue of Broward County having a countywide elected mayor. The Subcommittee is specifically recommending the following components of an elected mayor position:

- 1) The elected mayor position should be **full-time** and covered under the Florida retirement system. The individual serving in this position should have no outside/concurrent employment. (Vote: 8-4)
- 2) The elected mayor should have a **term limit** of two (2) consecutive four-year terms. (Vote: 12-0)
- 3) There should be a **waiting period** of two (2) years before the individual serving as mayor may run for another seat on the county commission. (Vote: 12-0)
- 4) The elected mayor should be a **partisan** position. (Vote: 8-4)
- 5) The elected mayor should not be a voting member on the county commission; however the position should have **veto power**. The county commission should be able to override the mayor's veto by a 6-3 majority vote¹. (Vote: 8-4)

The Subcommittee also considered keeping the current structure where the county mayor is selected among the county commissioners, but changing the term of the selected mayor from one (1) year to two (2) years. This item failed with a 6-6 tie vote.

Following its examination of this issue the CRC may provide direction to the General Counsel's Office to draft Charter language embracing these concepts for the CRC to consider further at its December 13, 2017 regular meeting.

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

¹ As the General Counsel's Office detailed in our Legal Memorandum No. 2017-004, dated February 6, 2017, since the elected mayor would not be a voting member of the county commission and would not have the authority to break a tie, the mayor would not be subject to the Sunshine Law and would be able to communicate individually with other members of the county commission.