

MINUTES OF MEETING  
DANIA BEACH CITY COMMISSION  
WORKSHOP – CHARTER REVIEW BOARD RECOMMENDATIONS  
TUESDAY, APRIL 26, 2016 – 5:00 P.M.

1. Call to Order/Roll Call

Mayor Salvino called the meeting to order at 5:00 p.m.

Present:

Mayor:	Marco A. Salvino, Sr.
Vice-Mayor:	Albert C. Jones <i>arrived at 5:03 p.m.</i>
Commissioners:	Chickie Brandimarte Paul A. Fetscher Bobbie H. Grace
City Manager:	Robert Baldwin
City Attorney:	Thomas J. Ansbro
City Clerk:	Louise Stilson

Mayor Salvino asked if we would be able to place all of the items on the ballot. City Attorney Ansbro responded yes.

Vice-Mayor Jones arrived at 5:03 p.m.

Commissioner Brandimarte is concerned about an item that was approved at the last meeting. She does not agree with removing a commissioner for missing 4 meetings if they are ill, and wants to rescind her vote.

Commissioner Grace requested a recap of what was done at the last meeting. She thinks a commissioner should stay on the commission until the voters remove them from office.

Vice-Mayor Jones also agrees that commissioners should not be removed from office for missing meetings due to illness.

Mayor Salvino does not understand why the Commission does not want to let the citizens decide on the recommendations of the Charter Review Board.

City Attorney Ansbro reviewed the minutes from the April 12, 2016 Workshop meeting. He confirmed the Commission agreed to the recommendation to remove a commissioner if they are absent from 5 meetings, which would include hospitalization or illness.

The Commission wants to change the recommendation of removal from office due to illness or hospitalization.

## 2. Charter Review Board Recommendations

### Miscellaneous Provisions

- Part II, “Legislative Branch and Legislation”, Article 1, “City Commission”, Section 7, “Limitations on powers”

Neither the city commission nor any of its members nor anyone acting on behalf of any of them shall dictate the appointment of any person to office or employment by the city manager, or in any manner prevent the city manager from using his or her own judgment in selecting those officers or employees which he or she is entitled to appoint or select under the provisions of this charter. The commission and its members shall deal with the administrative service solely through the city manager, and neither the commission nor any of its members nor anyone acting on behalf of any of them shall give orders to the subordinates of the city manager, either publicly or privately.

The Charter Board recommended a penalty provision be added to this section.

Chris Barile, Charter Review Board member, explained the board intended to make the commission members responsible for their actions. The intention of the Board was that they should be reprimanded publicly for knowing they were doing something they should not have done.

The Commission agreed there should not be any penalty provision for violation of this section.

- New “Section 9”, “Conflict of Interest; Ethical Standards” of Part II, “Legislative Branch and Legislation”. Article 1, “City Commission”

City Attorney Ansbro recommended that we do not need anything more than what already exists through federal law or the County Code of Ordinance.

The Commission consensus was not to adopt this proposed section.

- Part X, “Miscellaneous Provisions”, Article 4, “Contracts”, Sec. 2, “Approval by City Commission of certain contracts”

The city shall have the right to contract for the disposal of garbage, trash, waste and all types of debris by direct negotiation for such services without competitive bidding and without advertisement for bids for periods of time **not to exceed twenty (20) years.**

City Attorney Ansbro explained the Charter Review Board recommended reducing the time period from twenty years to five years.

The Commission consensus was to reduce the time limit to 5 years, subject to a 5 year renewal option.

- Part 1, “The Municipality of the City of Dania Beach”, Article 3, “Powers of the City”, Sec. 2, “Certain expenditures”

Any agreement, commitment or any other action of any kind, pursuant to which the city shall or may become obligated to expend more than one million dollars (\$1,000,000.00) in city funds, either in connection with one transaction or cumulatively from a series of directly related transactions, or which has a direct net fiscal impact, as determined by the city finance director, upon **city** funds exceeding that amount, shall require a four-fifths (4/5) vote of the city commission, as authorized in advance by adoption of an ordinance. There shall be two (2) public hearings on the ordinance and notice of each such hearing shall be published in a newspaper of general circulation within the city, at least ten (10) days before each such hearing.

City Attorney Ansbro noted the Charter Review Board recommendation was that this section would change the word “city” to “any” funds, which would include CRA and grant funds.

The Commission consensus was to make the recommended change.

- Part 1, “The Municipality of the City of Dania Beach”, Article 3, “Powers of the City”, Sec. 3, “Airport matters”

Any agreement of any kind to which the city may be a party, which affects any city residents and which involves any expansion, modification, addition to or change to or of any lands associated with the Fort Lauderdale-Hollywood International Airport, shall require a **unanimous vote** of the city commission, as authorized in advance by adoption of an ordinance. There shall be two (2) public hearings on the ordinance and notice of each such hearing shall be published in a newspaper of general circulation within the city, at least ten (10) days before each such hearing.

City Attorney Ansbro noted the recommendation is to change “unanimous” to “four-fifths” vote.

The Commission consensus was to change the vote to four-fifths.

- Part III, “Administrative Officers and Departments”, Article 3, “City Manager”, Sec.1, “Appointment, qualifications, compensation; powers and duties; suspension and removal”

The city commission shall appoint a city manager who shall be the administrative head of the municipal government under the direction and supervision of the city commission. Such appointment shall require at least a **four-fifths (4/5) vote**. He or she shall be

chosen on the basis of his or her executive and administrative qualifications, and shall be over the age of twenty-one (21). The city commission may require the city manager to be a resident of the city during his or her term of employment.

City Attorney Ansbro noted the recommendation was to change “four-fifths” vote to a “majority” vote to appoint a city manager.

The Commission consensus was not to make a change.

The city commission shall establish additional minimum requirements which serve as basic qualifications for the selection and appointment of a city manager. One such minimum requirement and qualification shall be that the appointee shall possess a degree in public administration or an equivalent degree, issued by an institution which has a nationally recognized accreditation. An "equivalent degree" shall, for purposes of this section, include the type of degree possessed by any department head who reports to the city manager, such as a degree in engineering or public finance. Any person who does not meet the foregoing minimum requirements and qualifications may be appointed as city manager, but such appointment shall require a **unanimous vote** of the city commission.

City Attorney Ansbro said the Board recommended changing this section from “unanimous” to “four-fifths” vote to appoint a city manager who does not meet the minimum qualifications.

The Commission consensus was to change the vote from “unanimous” to “four-fifths” if the person does not meet the minimum requirements for City Manager.

- Part X, “Miscellaneous Provisions, Article 2, “Sale of Public Property”, Sec. 5, “Sale of surplus real property”

(b) (3) An appraisal of the real property by a state certified real estate appraiser with **MAI designation**;

City Attorney Ansbro noted the recommendation was to remove the requirement for MAI designation.

The Commission consensus was to remove the requirement for MAI designation.

- Part X, “Miscellaneous Provisions, Article 2, “Sale of Public Property”, Sec. 5, “Resolution declaring property not needed for public use”

(b) Procedures. The Commission must pass by resolution with a **supermajority vote** requiring four out of five Commissioners' assent, which resolution must include the following:

City Attorney Ansbro noted the Charter Review Board also recommended changing “supermajority” vote to “majority” vote. He recommended changing the vote to “four-fifths”.

The Commission consensus was to keep “supermajority” vote.

- Proposed change: Part X, “Miscellaneous Provision”, Article 3, “Leases”, Sec. 1, “Power”

**Sec. 1, “Power”:**

**Sec 1:** Leases for not more than one year.

(NOTE: The Charter Board proposes a nearly verbatim adoption of provisions in the Fort Lauderdale City Charter, dealing with leases of municipally owned land.)

The city is empowered to lease or grant concessions for a period not exceeding one (1) year in any public property, upon a majority vote of the city commission. Included in properties which may be leased are public recreational facilities, tennis courts, recreational halls, football fields, baseball fields, playgrounds, public beaches, swimming pools, fishing piers, docks and wharves; the list enumerated is not exclusive but merely indicative of the class of public property deemed to be operated by the city in a proprietary capacity. The provisions of this section shall also be applicable to leases to civic or charitable organizations, public nonprofit corporations, and like organizations, for leases not exceeding one (1) year.

**Sec. 2:** Leases with governmental entities or agencies for governmental purposes.

The city is empowered to lease to other governmental entities or agencies for governmental purposes, for periods of up to and including twenty-five (25) years, any property of the city, without the necessity for submitting the same to competitive bidding, upon such terms and conditions as the city commission shall by resolution determine. Any and all such leases previously entered into by the city are ratified and confirmed.

**Sec. 3:** Leases of parking spaces in parking facilities owned or operated by the city.

Notwithstanding anything to the contrary in these provisions, the city is empowered to lease or concession, by negotiation and without competitive bidding, to private persons, firms or corporations for nonpublic purposes, parking spaces in parking facilities owned or operated by the city, for a period of not more than fifty (50) years.

**Sec. 4:** Leases for more than one year and up to but not more than twenty-five (25) years.

The city is empowered to lease or concession to private persons, firms or corporations, for nonpublic purposes, any lands, improvements, public buildings, recreational parks or facilities, public beaches, public utility plants, or any public works or public property of any kind including air space over public property owned or operated by the city and not needed for governmental purposes, whether used in a governmental or in a proprietary capacity, for a period of up to but not exceeding twenty-five (25) years, plus such length of time, not to exceed five (5) years, if determined by the city commission to be reasonably necessary to complete construction of any improvements proposed for the premises to be leased by such persons, firms or corporations. Each

lease shall be authorized only after a public hearing, under authority of a resolution duly adopted at a meeting duly held at a designated meeting, under the following conditions:

(a) One (1) of the conditions for leasing such public property may be obligations of the lessee to construct on the property buildings or improvements to be used in connection with an existing facility, or to construct improvements on the property, if same is vacant, and in a manner not detrimental or harmful to the operation of any existing facility. In no event shall the fee title of the city be subordinated except upon terms and conditions as approved by the city commission.

(b) The city commission shall adopt a resolution at a regular meeting of the city commission specifying the facility to be leased, described by a legal description and giving its location by street number, if any, and a description of all improvements, if any, located upon the land, and shall declare how the land and improvements have been used since they have belonged to the city and the reasons for offering such land and improvements for lease.

(c) At any time, not less than thirty (30) days nor more than sixty (60) days after the adoption of such resolution, the land and improvements shall be offered upon competitive conditions for lease as desired and a notice shall be published by the city in the official newspaper for two (2) issues prior to the date set for receiving such bids for lease, with the first publication not less than ten (10) days before the date of receiving bids and the second publication one (1) week after the first, specifying the date when sealed bids shall be received by the city commission for the lease of the publicly owned lands and facilities. The sealed bids must be accompanied by a cashier's check or certified check payable to the city in an amount equal to at least ten (10) percent of the first year's proposed rental. The city commission, in offering such public property or public owned facility for lease, shall set out in the resolution and notice such terms and conditions as deemed pertinent under which the land, facility or both will be leased and the number of years for which the land, facility or both shall be leased. The city commission shall consider any and all proposals and accept the proposal which, in its judgment, shall be the most advantageous lease for the city, however, the city commission may reject any and all bids. Upon the city commission approving any proposal submitted as provided in these provisions, a proposal, if acceptable, shall be accepted by resolution, authorizing preparation of the lease, provided a valid referendum petition has not been filed. If before the day advertised for receiving bids for lease of such property, a referendum petition is filed with the city clerk signed by fifteen (15) percent of the city's registered voters, demanding a referendum election upon the question of leasing such land, facility or both, no lease shall be executed by city officials until after approval by a majority of the voters participating in such referendum election. Such referendum election shall be called and held as provided in this charter.

(d) The resolution accepting the bid shall require the preparation of a form of lease for execution, embodying the terms and conditions of the bid and other legal requirements, for submission to the city commission at its next regular meeting or at a designated meeting. At least three (3) days before the meeting date, the lease shall be posted on a public bulletin board by the city clerk and each city commissioner shall be given a copy of the lease with a covering summary letter, provided, however, that in case of emergency, such procedure may be waived by the affirmative vote of three (3) of the

city commissioners. The city attorney or city manager shall be required to give a summary of the lease to the public at such meeting which meeting shall be open to the public. The public shall have an opportunity to speak or object to the terms and conditions of such lease. If the city commission is satisfied with the terms and conditions of such lease, it shall adopt a resolution authorizing execution of such lease by the proper city officials upon compliance upon the part of the lessee. Amendments to such lease may be made from time to time by mutual consent, observing the same formality as in the original lease.

(e) Leases for more than twenty-five (25) years (NOTE: The following provision is adapted from a charter provision used by the City of Weston)

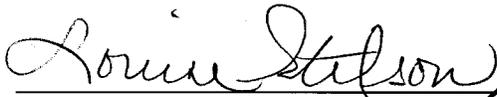
Prior to the conveyance, assignment, lease or management agreement for a term of twenty-five (25) years or greater (including options), for any city land, facility or both, city commissioners shall hold a minimum of two public hearings, at least ten (10) days apart, in order to obtain public input into the proposed conveyance, assignment, lease or management agreement. The first public hearing shall be held to determine whether to solicit offers or proposals for the subject land, facility or both. The second public hearing shall be held to rank the offers or proposals. The notice of a proposed conveyance, lease or management agreement for a term of more than twenty-five (25) years (including options), of any of the city's land, facilities or both shall be advertised on the city's website at least ten (10) days prior to each public hearing. The city shall also post a sign on the real property, the facilities, or both that it or they are subject to the proposed conveyance, lease or management agreement, which includes the date, time and location of each public hearing and a telephone number to call for additional information. The sign shall remain on the subject site until after the final public hearing. The sign shall be posted in a location that is clearly visible from the adjacent rights-of-way.

The Commission consensus was to adopt this proposed section.

### 3. Adjournment

Mayor Salvino adjourned the meeting at 5:54 p.m.

ATTEST:



LOUISE STILSON, CMC  
CITY CLERK



CITY OF DANIA BEACH



MARCO A. SALVINO, SR.  
MAYOR

Approved: May 10, 2016