

Andrew J. Meyers  
County Attorney



OFFICE OF THE COUNTY ATTORNEY  
115 S. Andrews Avenue, Suite 423  
Fort Lauderdale, Florida 33301

954-357-7600 · FAX 954-357-7641

## MEMORANDUM

**TO:** Board of County Commissioners

**FROM:** Andrew J. Meyers, County Attorney /s/ Andrew J. Meyers

**DATE:** July 23, 2020

**RE:** **For the Board's Consideration at the August 4, 2020, Special County Commission Meeting - Proposed Substitute Versions of Resolutions Adopted under Items 81 and 82 on the June 16, 2020, County Commission Agenda**

On June 18, 2020 (the Board's June 16 meeting was continued to June 18 due to a power outage), the Board approved Resolutions to place three proposed amendments to the Broward County Charter on the November 2020 ballot. After that meeting, as authorized by the Board, we revised the Resolutions for purposes of legal sufficiency and provided the Board with updated Resolutions by memorandum dated June 24, 2020. Thereafter, as directed by the Board, we conferred with municipal counsel to attempt to resolve concerns raised by municipalities regarding the Resolution adopted under Item 82 (development of surtax-funded transportation improvements). As noted in the agenda item, these discussions led to the following proposed limited substantive language changes:

- Exhibit 2 and Exhibit 3 (which address use of regional parks for certain public health and safety purposes) - Language was added to require that, if using park property during an emergency changes the condition of the property, the County shall restore the park property to its prior condition when the emergency ends; and
- Exhibit 4 (which addresses development on County property of surtax-funded transportation improvements) - Language was added to require the Board by supermajority vote to make certain findings before exercising the new power.

The key language of each of the Resolutions remains the actual proposed charter language and the language that will appear on the ballot. For your more convenient review, that language can be found as follows:

Broward County Board of County Commissioners  
Mark D. Bogen • Lamar P. Fisher • Beam Furr • Steve Geller • Dale V.C. Holness • Nan H. Rich • Tim Ryan • Barbara Sharief • Michael Udine  
broward.org/legal

<b>Agenda Exhibit</b>	<b>Topic</b>	<b>Ballot Language (Charter Language)</b>	<b>Revised Substantive Language</b>
Exhibit 1	Ability to Use Regional Parks for Siting and Operating Emergency Communications Infrastructure	Page 5, line 14, to Page 6, line 3 <i>(Page 3, line 4, to Page 4, line 2)</i>	None
Exhibit 2	Ability to Use Regional Parks to Protect Public Health and Safety, Including Under Declared Emergencies	Page 6, lines 1-14 <i>(Page 3, line 10, to Page 4, line 18)</i>	Page 4, lines 13 to 18
Exhibit 3	Use of Regional Parks to Protect Public Health and Safety During Declared State of Emergency	Page 5, lines 1-10 <i>(Page 2, line 18, to Page 3, line 16)</i>	Page 3, lines 12 to 16
Exhibit 4	County Regulation of the Development of Surtax-Funded Transportation Improvements on County Property	Page 6, lines 1-14 <i>(Page 3, line 4, to Page 4, line 13)</i>	Page 3, line 23, to Page 4, line 10

Last week, we met with municipal representatives (the Mayors and Municipal Attorneys from Hollywood, Sunrise, and Weston) to discuss these items. They again requested that the County not place these items on the ballot and pledged to work with the County in good faith to attempt to resolve these underlying problems through a collaboratively developed process that would be specified in an interlocal agreement. Weston's Attorney, Jamie Cole, prepared the document attached as Exhibit 6 and sent it to the County on behalf of those Mayors.

We will contact your offices to arrange short individual briefings on this agenda item. In the interim, please contact Assistant County Attorney Joe Jarone, Deputy County Attorney Rene Harrod, or me if you wish to discuss this matter.

AJM/RDH/gf  
 Attachments

- c: Bertha Henry, County Administrator
- Bob Melton, County Auditor
- Rene Harrod, Deputy County Attorney
- Joe Jarone, Assistant County Attorney