



Broward County

Legislation Text

File #: 20-1244, Version: 1

Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

A. MOTION TO ADOPT Resolution No. 2020-361 in one of two alternate versions to place a proposed amendment to the Broward County Charter on the ballot for the November 3, 2020, General Election, amending Section 8.13 of the Broward County Charter with respect to the use of County Regional Parks, the title of which proposed amendment is as follows:

Version 1 (Exhibit 1):

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PROVIDING FOR A REFERENDUM ELECTION TO BE HELD ON NOVEMBER 3, 2020, THE DATE OF THE GENERAL ELECTION, TO DETERMINE WHETHER TO AMEND THE BROWARD COUNTY CHARTER TO ALLOW REGIONAL PARKS IN BROWARD COUNTY TO BE USED FOR SITING AND OPERATING EMERGENCY COMMUNICATIONS INFRASTRUCTURE; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

(See Board Action on Version 2 (Exhibit 2))

OR

Version 2 (Exhibit 2):

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PROVIDING FOR A REFERENDUM ELECTION TO BE HELD ON NOVEMBER 3, 2020, THE DATE OF THE GENERAL ELECTION, TO DETERMINE WHETHER TO AMEND THE BROWARD COUNTY CHARTER TO ALLOW REGIONAL PARKS IN BROWARD COUNTY TO BE USED FOR LIMITED PUBLIC HEALTH AND SAFETY PURPOSES; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

ACTION: (T-10:20 AM) On motion of Vice-Mayor Geller, seconded by Commissioner Fisher and unanimously carried, the Board approved Item 3B, C and F, waiving the portion of Section 18.7(j) of the Broward County Administrative Code.

VOTE: 9-0. Commissioners Bogen, Fisher, Rich, Sharief and Vice-Mayor Geller voted in the affirmative telephonically.

ACTION: (T-10:46 AM) On motion of Vice-Mayor Geller, seconded by Commissioner Fisher and unanimously carried, the Board approved waiving Item 3B, C and F, rescinding the Board's Action on Items 81 and 82 on the June 16, 2020 Commissioner Agenda, with none of the potential Charter Amendments being placed on the November 2020 Ballot.

VOTE: 9-0. Commissioners Bogen, Fisher, Rich, Sharief and Vice-Mayor Geller voted in the affirmative telephonically.

ACTION: (T-10:52 AM) Vice-Mayor Geller made motion to indefinitely postpone the Board's consideration of Item 3A, D, and E, so as to provide ample time for the parties to try to achieve collaborative arrangements to address important issues and enable some or all of these items to be brought back to the Board for inclusion on a later Ballot if arrangements cannot be achieved. The motion was seconded by Commissioner Fisher.

ACTION: (T-10:57 AM) Commissioner Sharief made motion to separate B (Parks) from E (Surtax). The motion was seconded by Commissioner Rich.

ACTION: (T-11:02 AM) Vice-Mayor Geller accepted Commissioner Sharief's motion as a friendly amendment to his motion.

VOTE: 9-0. Commissioners Bogen, Fisher, Rich, Sharief and Vice-Mayor Geller voted in the affirmative telephonically.

ACTION: (T-11:13 AM) On motion of Commissioner Udine, seconded by Vice-Mayor Geller and unanimously carried, the Board approved tabling Motion A and B indefinitely.

VOTE: 9-0. Commissioners Bogen, Fisher, Rich, Sharief and Vice-Mayor Geller voted in the affirmative telephonically.

ACTION: (T-11:14 AM) Commissioner Ryan made motion to rescind the Resolution on Regional Transportation Facilities. The motion was seconded by Commissioner Fisher. Following further discussion, and in response to Vice-Mayor Geller and Commissioner Udine, as to what the Board should vote on if Commissioner Ryan's motion fails, County Attorney Andrew J. Meyers recommended that the Board vote on Part E, Exhibit 4. (Refer to minutes for full discussion.)

ACTION: (T-11:47 AM) Commissioner Udine made motion to approve Part E (Exhibit 4) of Item 3 on today's Agenda. The motion was seconded by Commissioner Sharief. The Mayor called the Roll.

(This vote requires 6 votes.)

The voted failed. VOTE: 5-4. Commissioners Rich and Sharief voted in the affirmative telephonically. Commissioner Ryan voted no. Commissioners Bogen, Fisher, and Vice-Mayor

Geller voted no telephonically.

B. MOTION TO WAIVE Section 18.7(j) of the Broward County Administrative Code and rescind the Board's approval of Part A of Item 81 (after the item was bifurcated) on the June 16, 2020, agenda, which addressed use of regional parks during a declared state of emergency. ***ACTION: (T-10:20 AM) On motion of Vice-Mayor Geller, seconded by Commissioner Fisher and unanimously carried, the Board approved Item 3B, C and F, waiving the portion of Section 18.7(j) of the Broward County Administrative Code.***

VOTE: 9-0. Commissioners Bogen, Fisher, Rich, Sharief and Vice-Mayor Geller voted in the affirmative telephonically.

ACTION: (T-10:46 AM) On motion of Vice-Mayor Geller, seconded by Commissioner Fisher and unanimously carried, the Board approved waiving Item 3B, C and F, rescinding the Board's Action on Items 81 and 82 on the June 16, 2020 Commissioner Agenda, with none of the potential Charter Amendments being placed on the November 2020 Ballot.

VOTE: 9-0. Commissioners Bogen, Fisher, Rich, Sharief and Vice-Mayor Geller voted in the affirmative telephonically.

ACTION: (T-10:52 AM) Vice-Mayor Geller made motion to indefinitely postpone the Board's consideration of Item 3A, D, and E, so as to provide ample time for the parties to try to achieve collaborative arrangements to address important issues and enable some or all of these items to be brought back to the Board for inclusion on a later Ballot if arrangements cannot be achieved. The motion was seconded by Commissioner Fisher.

ACTION: (T-10:57 AM) Commissioner Sharief made motion to separate B (Parks) from E (Surtax). The motion was seconded by Commissioner Rich.

ACTION: (T-11:02 AM) Vice-Mayor Geller accepted Commissioner Sharief's motion as a friendly amendment to his motion.

VOTE: 9-0. Commissioners Bogen, Fisher, Rich, Sharief and Vice-Mayor Geller voted in the affirmative telephonically.

ACTION: (T-11:13 AM) On motion of Commissioner Udine, seconded by Vice-Mayor Geller and unanimously carried, the Board approved tabling Motion A and B indefinitely.

VOTE: 9-0. Commissioners Bogen, Fisher, Rich, Sharief and Vice-Mayor Geller voted in the affirmative telephonically.

ACTION: (T-11:14 AM) Commissioner Ryan made motion to rescind the Resolution on Regional Transportation Facilities. The motion was seconded by Commissioner Fisher. Following further discussion, and in response to Vice-Mayor Geller and Commissioner Udine, as to what the Board should vote on if Commissioner Ryan's motion fails, County Attorney

Andrew J. Meyers recommended that the Board vote on Part E, Exhibit 4. (Refer to minutes for full discussion.)

ACTION: (T-11:47 AM) Commissioner Udine made motion to approve Part E (Exhibit 4) of Item 3 on today's Agenda. The motion was seconded by Commissioner Sharief. The Mayor called the Roll.

(This vote requires 6 votes.)

The vote failed. VOTE: 5-4. Commissioners Rich and Sharief voted in the affirmative telephonically. Commissioner Ryan voted no. Commissioners Bogen, Fisher, and Vice-Mayor Geller voted no telephonically.

C. MOTION TO WAIVE Section 18.7(j) of the Broward County Administrative Code and rescind the Board's approval of Part B of Item 81 (after the item was bifurcated) on the June 16, 2020, agenda, which addressed the siting of emergency communications equipment in regional parks.

ACTION: (T-10:20 AM) On motion of Vice-Mayor Geller, seconded by Commissioner Fisher and unanimously carried, the Board approved Item 3B, C and F, waiving the portion of Section 18.7(j) of the Broward County Administrative Code.

VOTE: 9-0. Commissioners Bogen, Fisher, Rich, Sharief and Vice-Mayor Geller voted in the affirmative telephonically.

ACTION: (T-10:46 AM) On motion of Vice-Mayor Geller, seconded by Commissioner Fisher and unanimously carried, the Board approved waiving Item 3B, C and F, rescinding the Board's Action on Items 81 and 82 on the June 16, 2020 Commissioner Agenda, with none of the potential Charter Amendments being placed on the November 2020 Ballot.

VOTE: 9-0. Commissioners Bogen, Fisher, Rich, Sharief and Vice-Mayor Geller voted in the affirmative telephonically.

ACTION: (T-10:52 AM) Vice-Mayor Geller made motion to indefinitely postpone the Board's consideration of Item 3A, D, and E, so as to provide ample time for the parties to try to achieve collaborative arrangements to address important issues and enable some or all of these items to be brought back to the Board for inclusion on a later Ballot if arrangements cannot be achieved. The motion was seconded by Commissioner Fisher.

ACTION: (T-10:57 AM) Commissioner Sharief made motion to separate B (Parks) from E (Surtax). The motion was seconded by Commissioner Rich.

ACTION: (T-11:02 AM) Vice-Mayor Geller accepted Commissioner Sharief's motion as a friendly amendment to his motion.

VOTE: 9-0. Commissioners Bogen, Fisher, Rich, Sharief and Vice-Mayor Geller voted in the

affirmative telephonically.

ACTION: (T-11:13 AM) On motion of Commissioner Udine, seconded by Vice-Mayor Geller and unanimously carried, the Board approved tabling Motion A and B indefinitely.

VOTE: 9-0. Commissioners Bogen, Fisher, Rich, Sharief and Vice-Mayor Geller voted in the affirmative telephonically.

ACTION: (T-11:14 AM) Commissioner Ryan made motion to rescind the Resolution on Regional Transportation Facilities. The motion was seconded by Commissioner Fisher. Following further discussion, and in response to Vice-Mayor Geller and Commissioner Udine, as to what the Board should vote on if Commissioner Ryan's motion fails, County Attorney Andrew J. Meyers recommended that the Board vote on Part E, Exhibit 4. (Refer to minutes for full discussion.)

ACTION: (T-11:47 AM) Commissioner Udine made motion to approve Part E (Exhibit 4) of Item 3 on today's Agenda. The motion was seconded by Commissioner Sharief. The Mayor called the Roll.

(This vote requires 6 votes.)

The vote failed. VOTE: 5-4. Commissioners Rich and Sharief voted in the affirmative telephonically. Commissioner Ryan voted no. Commissioners Bogen, Fisher, and Vice-Mayor Geller voted no telephonically.

D. Contingent upon the Board's approval of Motion A, Version 1, and Motion B, MOTION TO ADOPT Resolution to place a proposed amendment to the Broward County Charter on the ballot for the November 3, 2020, General Election, the title of which proposed amendment is as follows (Exhibit 3):

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PROVIDING FOR A REFERENDUM ELECTION TO BE HELD ON NOVEMBER 3, 2020, THE DATE OF THE GENERAL ELECTION, TO DETERMINE WHETHER TO AMEND THE BROWARD COUNTY CHARTER TO EXPRESSLY ALLOW REGIONAL PARKS IN BROWARD COUNTY TO BE USED FOR PUBLIC HEALTH AND SAFETY PURPOSES DURING EMERGENCIES; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

ACTION: (T-10:20 AM) On motion of Vice-Mayor Geller, seconded by Commissioner Fisher and unanimously carried, the Board approved Item 3B, C and F, waiving the portion of Section 18.7(j) of the Broward County Administrative Code.

VOTE: 9-0. Commissioners Bogen, Fisher, Rich, Sharief and Vice-Mayor Geller voted in the affirmative telephonically.

ACTION: (T-10:46 AM) On motion of Vice-Mayor Geller, seconded by Commissioner Fisher and unanimously carried, the Board approved waiving Item 3B, C and F, rescinding the Board's Action on Items 81 and 82 on the June 16, 2020 Commissioner Agenda, with none of the potential Charter Amendments being placed on the November 2020 Ballot.

VOTE: 9-0. Commissioners Bogen, Fisher, Rich, Sharief and Vice-Mayor Geller voted in the affirmative telephonically.

ACTION: (T-10:52 AM) Vice-Mayor Geller made motion to indefinitely postpone the Board's consideration of Item 3A, D, and E, so as to provide ample time for the parties to try to achieve collaborative arrangements to address important issues and enable some or all of these items to be brought back to the Board for inclusion on a later Ballot if arrangements cannot be achieved. The motion was seconded by Commissioner Fisher.

ACTION: (T-10:57 AM) Commissioner Sharief made motion to separate B (Parks) from E (Surtax). The motion was seconded by Commissioner Rich.

ACTION: (T-11:02 AM) Vice-Mayor Geller accepted Commissioner Sharief's motion as a friendly amendment to his motion.

VOTE: 9-0. Commissioners Bogen, Fisher, Rich, Sharief and Vice-Mayor Geller voted in the affirmative telephonically.

ACTION: (T-11:13 AM) On motion of Commissioner Udine, seconded by Vice-Mayor Geller and unanimously carried, the Board approved tabling Motion A and B indefinitely.

VOTE: 9-0. Commissioners Bogen, Fisher, Rich, Sharief and Vice-Mayor Geller voted in the affirmative telephonically.

ACTION: (T-11:14 AM) Commissioner Ryan made motion to rescind the Resolution on Regional Transportation Facilities. The motion was seconded by Commissioner Fisher. Following further discussion, and in response to Vice-Mayor Geller and Commissioner Udine, as to what the Board should vote on if Commissioner Ryan's motion fails, County Attorney Andrew J. Meyers recommended that the Board vote on Part E, Exhibit 4. (Refer to minutes for full discussion.)

ACTION: (T-11:47 AM) Commissioner Udine made motion to approve Part E (Exhibit 4) of Item 3 on today's Agenda. The motion was seconded by Commissioner Sharief. The Mayor called the Roll.

(This vote requires 6 votes.)

The vote failed. **VOTE: 5-4.** Commissioners Rich and Sharief voted in the affirmative telephonically. Commissioner Ryan voted no. Commissioners Bogen, Fisher, and Vice-Mayor Geller voted no telephonically.

E. MOTION TO ADOPT Resolution to place a proposed amendment to the Broward County Charter on the ballot for the November 3, 2020, General Election, amending Section 11.01 of the Broward County Charter to provide that County ordinances shall prevail over municipal ordinances with respect to the use of County property to develop surtax-funded transportation improvements, the title of which proposed amendment is as follows (Exhibit 4):

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PROVIDING FOR A REFERENDUM ELECTION TO BE HELD ON NOVEMBER 3, 2020, THE DATE OF THE GENERAL ELECTION, TO DETERMINE WHETHER TO AMEND THE BROWARD COUNTY CHARTER TO PROVIDE THAT COUNTY ORDINANCES RELATING TO THE USE OF COUNTY PROPERTY TO DEVELOP SURTAX-FUNDED TRANSPORTATION IMPROVEMENTS SHALL PREVAIL OVER MUNICIPAL ORDINANCES; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

ACTION: (T-10:20 AM) On motion of Vice-Mayor Geller, seconded by Commissioner Fisher and unanimously carried, the Board approved Item 3B, C and F, waiving the portion of Section 18.7(j) of the Broward County Administrative Code.

VOTE: 9-0. Commissioners Bogen, Fisher, Rich, Sharief and Vice-Mayor Geller voted in the affirmative telephonically.

ACTION: (T-10:46 AM) On motion of Vice-Mayor Geller, seconded by Commissioner Fisher and unanimously carried, the Board approved waiving Item 3B, C and F, rescinding the Board's Action on Items 81 and 82 on the June 16, 2020 Commissioner Agenda, with none of the potential Charter Amendments being placed on the November 2020 Ballot.

VOTE: 9-0. Commissioners Bogen, Fisher, Rich, Sharief and Vice-Mayor Geller voted in the affirmative telephonically.

ACTION: (T-10:52 AM) Vice-Mayor Geller made motion to indefinitely postpone the Board's consideration of Item 3A, D, and E, so as to provide ample time for the parties to try to achieve collaborative arrangements to address important issues and enable some or all of these items to be brought back to the Board for inclusion on a later Ballot if arrangements cannot be achieved. The motion was seconded by Commissioner Fisher.

ACTION: (T-10:57 AM) Commissioner Sharief made motion to separate B (Parks) from E (Surtax). The motion was seconded by Commissioner Rich.

ACTION: (T-11:02 AM) Vice-Mayor Geller accepted Commissioner Sharief's motion as a friendly amendment to his motion.

VOTE: 9-0. Commissioners Bogen, Fisher, Rich, Sharief and Vice-Mayor Geller voted in the affirmative telephonically.

ACTION: (T-11:13 AM) On motion of Commissioner Udine, seconded by Vice-Mayor Geller and unanimously carried, the Board approved tabling Motion A and B indefinitely.

VOTE: 9-0. Commissioners Bogen, Fisher, Rich, Sharief and Vice-Mayor Geller voted in the affirmative telephonically.

ACTION: (T-11:14 AM) Commissioner Ryan made motion to rescind the Resolution on Regional Transportation Facilities. The motion was seconded by Commissioner Fisher. Following further discussion, and in response to Vice-Mayor Geller and Commissioner Udine, as to what the Board should vote on if Commissioner Ryan's motion fails, County Attorney Andrew J. Meyers recommended that the Board vote on Part E, Exhibit 4. (Refer to minutes for full discussion.)

ACTION: (T-11:47 AM) Commissioner Udine made motion to approve Part E (Exhibit 4) of Item 3 on today's Agenda. The motion was seconded by Commissioner Sharief. The Mayor called the Roll.

(This vote requires 6 votes.)

The vote failed. VOTE: 5-4. Commissioners Rich and Sharief voted in the affirmative telephonically. Commissioner Ryan voted no. Commissioners Bogen, Fisher, and Vice-Mayor Geller voted no telephonically.

F. MOTION TO WAIVE Section 18.7(j) of the Broward County Administrative Code and rescind the Board's approval of Item 82 on the June 16, 2020, agenda.

ACTION: (T-10:20 AM) On motion of Vice-Mayor Geller, seconded by Commissioner Fisher and unanimously carried, the Board approved Item 3B, C and F, waiving the portion of Section 18.7(j) of the Broward County Administrative Code.

VOTE: 9-0. Commissioners Bogen, Fisher, Rich, Sharief and Vice-Mayor Geller voted in the affirmative telephonically.

ACTION: (T-10:46 AM) On motion of Vice-Mayor Geller, seconded by Commissioner Fisher and unanimously carried, the Board approved waiving Item 3B, C and F, rescinding the Board's Action on Items 81 and 82 on the June 16, 2020 Commissioner Agenda, with none of the potential Charter Amendments being placed on the November 2020 Ballot.

VOTE: 9-0. Commissioners Bogen, Fisher, Rich, Sharief and Vice-Mayor Geller voted in the affirmative telephonically.

ACTION: (T-10:52 AM) Vice-Mayor Geller made motion to indefinitely postpone the Board's consideration of Item 3A, D, and E, so as to provide ample time for the parties to try to achieve collaborative arrangements to address important issues and enable some or all of these items to be brought back to the Board for inclusion on a later Ballot if arrangements

cannot be achieved. The motion was seconded by Commissioner Fisher.

ACTION: (T-10:57 AM) Commissioner Sharief made motion to separate B (Parks) from E (Surtax). The motion was seconded by Commissioner Rich.

ACTION: (T-11:02 AM) Vice-Mayor Geller accepted Commissioner Sharief's motion as a friendly amendment to his motion.

VOTE: 9-0. Commissioners Bogen, Fisher, Rich, Sharief and Vice-Mayor Geller voted in the affirmative telephonically.

ACTION: (T-11:13 AM) On motion of Commissioner Udine, seconded by Vice-Mayor Geller and unanimously carried, the Board approved tabling Motion A and B indefinitely.

VOTE: 9-0. Commissioners Bogen, Fisher, Rich, Sharief and Vice-Mayor Geller voted in the affirmative telephonically.

ACTION: (T-11:14 AM) Commissioner Ryan made motion to rescind the Resolution on Regional Transportation Facilities. The motion was seconded by Commissioner Fisher. Following further discussion, and in response to Vice-Mayor Geller and Commissioner Udine, as to what the Board should vote on if Commissioner Ryan's motion fails, County Attorney Andrew J. Meyers recommended that the Board vote on Part E, Exhibit 4. (Refer to minutes for full discussion.)

ACTION: (T-11:47 AM) Commissioner Udine made motion to approve Part E (Exhibit 4) of Item 3 on today's Agenda. The motion was seconded by Commissioner Sharief. The Mayor called the Roll.

(This vote requires 6 votes.)

The vote failed. VOTE: 5-4. Commissioners Rich and Sharief voted in the affirmative telephonically. Commissioner Ryan voted no. Commissioners Bogen, Fisher, and Vice-Mayor Geller voted no telephonically.

Why Action is Necessary

Required to permit the Board to consider adoption of replacement Resolutions for three Resolutions it approved under Items 81 and 82 on the June 16, 2020, agenda, and to avoid the placement of duplicative proposals on the November 2020 ballot.

What Action Accomplishes

Permits adoption of replacement Resolutions for Items 81 and 82 on the June 16, 2020, agenda, and waives a procedural rule to enable the Board's prior action on Items 81 and 82 on the June 16, 2020, agenda to be rescinded in a single Commission meeting instead of requiring multiple meetings.

Is this Action Goal Related

No

Previous Action Taken

Summary Explanation/Background

We will be calling each of your offices to schedule a short individual briefing to walk you through this item, which is simple in substance but procedurally complex.

Items 81 and 82 on the Board's June 16, 2020, agenda were Resolutions to place referenda for two proposed Charter amendments on the November 3, 2020, General Election ballot.

Motion A through Motion D address the Resolution for a proposed amendment to the Charter to expressly allow Regional Parks to be used without referendum for certain public health and safety purposes.

Motion E and Motion F address the Resolution for a proposed amendment to the Charter to provide that County ordinances relating to the use of County property to develop surtax-funded transportation improvements prevail over municipal ordinances.

Motions A - D (these motions relate to the Board action on Item 81 on the June 16, 2020, agenda).

As presented to the Board on June 16, 2020, Item 81 addressed a proposed amendment to the County Charter that would expressly allow the County to use Regional Parks without voter referendum (a) during a declared state of emergency for public health purposes; and (b) for siting of emergency communications infrastructure. The Board bifurcated Item 81 to separately cover (a) and (b) above, and thereafter approved both of those bifurcated items by the required supermajority vote.

Because of the bifurcation, the items were substantially revised during the Board meeting. Given that the items contained language that would be included in the County Charter, the Board authorized the County Attorney's Office to make additional changes to the items after the Board meeting as necessary for purposes of legal sufficiency. While making those changes, limited additional substantive language was added (identified below).

Motion A asks the Board to consider approval of one of two versions of a substitute Resolution. Version 1 (Exhibit 1) would replace the previously approved Resolution for Item 81, part (b) (relating

to the siting of emergency communications infrastructure). There is no substantive change from the previously approved version, but the wording has been refined. Version 2 (Exhibit 2) recombines part (a) and part (b) of Item 81 (as bifurcated), both of which the Board approved on June 18 (relating to both the siting of emergency communications infrastructure and use of regional parks during a declared state of emergency), and adds substantive language essentially providing that if use of a regional park during a declared state of emergency changes the condition of the park, when the emergency ends the County must restore the park property used to its prior condition.

Motion B asks the Board to waive its procedural rules to enable it to rescind in a single meeting its prior approval of Item 81, part (a) (relating to use of regional parks during a declared state of emergency). Without such waiver, any rescission would occur over two meetings.

Motion C asks the Board to waive its procedural rules to enable it to rescind in a single meeting its prior approval of Item 81, part (b) (relating to siting of emergency communications infrastructure). If the Board approves either version of Motion A, Motion C should be approved to avoid duplicative questions from being placed on the ballot.

Motion D is a contingent motion and should be considered only if the Board approves Version 1 of Motion A and approves Motion B. If approved, Motion D would place on the ballot a revised version (Exhibit 3) of Item 81, part (a), that the Board had approved on June 18 (relating to use of regional parks during a declared state of emergency). The only substantive revision is that, as with Exhibit 2, language has been added to provide that if use of a regional park during a declared state of emergency changes the condition of the park, when the emergency ends the County must restore the park property used to its prior condition.

Motions E and F (these motions relate to the Board action on Item 82 on the June 16, 2020, agenda).

Item 82 on the Board's June 16, 2020, agenda addressed a potential Charter amendment providing that County ordinances would prevail over municipal ordinances with respect to the development on County property of surtax-funded transportation improvements. The Board directed the County Attorney to discuss the proposed amendment with municipalities and, if revised language is developed, to bring an item to the Board for further consideration. In addition to several nonsubstantive language refinements, language was added to address a concern raised by municipal counsel (as further described immediately below).

Motion E asks the Board to consider approval of the revised Resolution attached as Exhibit 4. As revised, the proposed Charter amendment would require the County to take two steps before

invoking its power regarding development of surtax-funded transportation improvements on County property: (1) the County would be required to conduct a public meeting with the applicable municipality(ies) in which the project is located to discuss the proposed transportation improvement and seek to achieve consensus on any disputed issue(s); and (2) the Board would be required to determine by supermajority vote that other potential sites had been considered and the selected site, on balance, provides the greatest regional benefit, and that the transportation improvement's exterior appearance, to the greatest extent practicable, is consistent with any existing aesthetic theme in the location where it is to be sited.

Motion F asks the Board to waive its procedural rules to enable it to rescind in a single meeting its prior approval of Item 82. If the Board approves Motion E, Motion F should be approved to avoid duplicative questions from being placed on the ballot.

Six (6) affirmative votes are required to pass each of these motions, as Motions A, D, and E would place proposed Charter amendments on the ballot, and Motions B, C, and F involve a waiver of the Board's procedural rules.

The attached memorandum (Exhibit 5) identifies both the key substantive language in each of the four ballot proposals and the location of the revised substantive language.

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, as a starting draft, the document attached as Exhibit 6 and sent it to the County on behalf of those Mayors.

Source of Additional Information

Rene D. Harrod, Deputy County Attorney, 954-357-7600

Joseph K. Jarone, Assistant County Attorney, 954-357-7600

Fiscal Impact

Fiscal Impact/Cost Summary

Pursuant to Section 11.07 of the Broward County Charter, the County Auditor has reviewed the proposed amendments to the Charter as set forth in Motions A, D, and E and has determined that the amendments would have no financial impact to Broward County.