



# Broward County

## Legislation Details

<b>File #:</b>	20-1244	<b>Version:</b>	1
		<b>Status:</b>	Agenda Ready
		<b>In control:</b>	County Attorney
<b>On agenda:</b>	8/4/2020	<b>Final action:</b>	8/4/2020
<b>Title:</b>	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.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit 1 - Copy of Proposed Resolution (Motion A, Version 1), 2. Exhibit 2 - Copy of Proposed Resolution (Motion A, Version 2), 3. Exhibit 3 - Copy of Proposed Resolution (Motion D), 4. Exhibit 4 - Copy of Proposed Resolution (Motion E), 5. Exhibit 5 - Copy of Memorandum from the County Attorney's Office, 6. Exhibit 6 - Conceptual Outline for Regional Services Cooperation Agreement, submitted by Jamie Cole on behalf of the Mayors of Hollywood, Sunrise, and Weston

Date	Ver.	Action By	Action	Result
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