

CITY OF NORTH LAUDERDALE

COMMISSION MEETING

TUESDAY, MARCH 13, 2018

AMENDED MINUTES

1. **INVOCATION AND PLEDGE OF ALLEGIANCE** – Commissioner Wood gave the invocation and led the pledge.

2. **ROLL CALL – Clerk called roll. All present.**

Mayor Jack Brady (*By teleconference*)

Vice Mayor Rich Moyle

Commissioner Jerry Graziose

Commissioner Lorenzo Wood

Commissioner Samson Borgelin

City Manager Ambreen Bhatti

City Attorney Samuel S. Goren

City Clerk Patricia Vancheri

3. **APPROVAL OF MINUTES**

a. **February 27, 2018** – Commissioner Graziose moved to approve. Seconded by Commissioner Wood. City Clerk commented that on Page 3 of the Minutes, there was a correction to change the language from Student Resource Officer to School Resource Officer and to indicate correctly that we had one new School Resource Officer and one Community Service Aide. **Commissioner Graziose amended his motion to include approval with the stated corrections on the record copy of the Minutes. Commissioner Wood seconded the motion. Clerk called roll. Minutes approved by unanimous vote.**

4. **PRESENTATIONS**

a. **FLC Hometown Health**

Aaron Carper, Director of FLC Health Program, stated that the Florida Municipal Insurance Trust Annual Hometown Health award recognizes our health members that meet the nine best practices for municipal health promotion. He stated that applications for this award are accepted

once per year by eligible municipalities throughout the State of Florida that actively engage in the Hometown Health Wellness program. The City of North Lauderdale once again is one of four recipients of this award. Mr. Carper said that the City of North Lauderdale has achieved great participation and employee wellbeing; employers play a vital role in creating a workplace that supports a healthy environment and health conscious culture. He thanked Human Resources Manager and the North Lauderdale Wellness Committee and the City Manager for their collaborative efforts regarding this award. Jennifer Yarmitzky, HR Manager, thanked all the Commission, City Manager, Department Heads, Wellness Committee and Employees for their support and stated that this is truly a team effort with participation in programs such as a walking challenge; fruit and vegetable challenge and a couple of “Lunch and Learn” events through our health insurance.

b. Elizabeth Garcia-Beckford – Recognition for having received her Certified Municipal Clerk’s Designation from the IIMC

City Clerk Vancheri commented that through the International Institute of Municipal Clerks, Deputy Clerk Elizabeth Garcia-Beckford, has earned her designation as a Certified Municipal Clerk which is granted to municipal clerks who complete demanding education requirements and who have a record of significant contributions to their local government, community and state. Congratulations were extended to Deputy Clerk Garcia-Beckford, on achieving this milestone, by her family, the City Commission, Administration and Staff. Ms. Garcia-Beckford thanked the Commission and Administration for the opportunity and stated she learned a great deal during the past two and a half years.

5. PUBLIC DISCUSSION

(Verbatim)

Ian Sargent – Plantation – I am a Firefighter with North Lauderdale Fire Rescue and I am also the District President for Metro Broward Professional Fire Fighters District 7. First, I also want to compliment Liz on her hard work and accomplishment, obviously that’s a huge undertaking. We begin negotiations for those that don’t know on the 22nd of this month; it’s usually prolonged and it’s usually very fair and it’s a back and forth. I’ve reached out to Commission; I’m asking that we are able to speak individually so that I can educate you all on our position historically that hasn’t really happened and to be fair we always like to hear both sides of peoples positions. It’s a little frustrating; from what I understand the Commission is being told that it is illegal to speak to me. I am not asking to negotiate with you all I would just like to try to educate you on, again, our position. I don’t think that is too much to ask. So, again, the invitation is open and I would like to be able to speak to you all and explain to you all why we are presenting the contract that we are. That’s it; thank you.

6. OTHER BUSINESS

a. RESOLUTION - Juan Linares Scholarship Program for North Lauderdale Fire Explorer Program Graduates

Commissioner Graziose moved to read. Seconded by Mayor Brady.
Attorney read:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, SUPPORTING THE JUAN LINARES SCHOLARSHIP PROGRAM FOR NORTH LAUDERDALE FIRE EXPLORER PROGRAM GRADUATES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Fire Chief Rodney Turpel presented the item, stating that at the last City Commission meeting the Commission was asked for their support to formalize the naming of the Explorer's Scholarship Fund after Battalion Chief Juan Linares. Tonight the resolution is being presented for adoption to finalize the process to make this scholarship beneficial to the City, residents and the children that will be brought into the Fire Department locally for the future. Chief Turpel said past coordinators, and current coordinator, Lt. Xiste, have worked hard to bring this program together. Some funds have already been donated by the Broadview/Pompano Park Homeowners Association. Chief Turpel stated that they already have some freshmen and sophomores who will be coming up in the program. **Mayor Brady moved to adopt. Seconded by Commissioner Graziose.** Commissioner Graziose commented that the Explorers raised over \$500 for the program by selling hot dogs at the [Broadview Community Bazaar] and the Broadview HOA will be supportive and make a contribution to the scholarship fund. He also commented that the first recipient of the scholarship funds went through the program with this assistance and received certification and he hopes other organizations will follow the lead and donate for the children. City Manager Bhatti said in addition to the scholarship fund, the City assists in the Explorer's tuition through internships. Commissioner Borgelin commented that he had a tour of Station 34 on Bailey Road and was very impressed. Fire Chief Turpel also reported that on April 15th they will participate in competition at the Fire Academy in Coral Springs and extended an invitation to watch them compete. **No further discussion. Clerk called roll; All YES.**

RESOLUTION NO. 18-03-6498 PASSED AND APPROVED UNANIMOUSLY

b. RESOLUTION – Proposed Resolution Relating to Charter School Transportation

Commissioner Graziose moved to read. Seconded by Commissioner Wood.
Attorney read:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, URGING THE FLORIDA LEGISLATURE AND OTHER RESPONSIBLE AGENCIES TO ADOPT LEGISLATION AND REGULATIONS THAT PROHIBIT CHARTER SCHOOLS FROM ENTERING INTO AGREEMENTS WITH PARENTS AND GUARDIANS WHICH WAIVE THE CHARTER SCHOOL'S RESPONSIBILITY TO PROVIDE BUS TRANSPORTATION FOR STUDENTS WHO RESIDE MORE THAN TWO (2) MILES FROM THE CHARTER SCHOOL;

DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE SCHOOL BOARD OF BROWARD COUNTY, THE FLORIDA STATE SENATE, THE FLORIDA HOUSE OF REPRESENTATIVES, THE FLORIDA DEPARTMENT OF EDUCATION, GOVERNOR RICK SCOTT, THE BROWARD COUNTY LEAGUE OF CITIES, AND THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Graziose stated that this came to attention when the City was working on the traffic problem between Pinewood Elementary and North Broward Academy of Excellence. Over a million dollars was spent to redesign the entire road. After the project was complete, the Principal of NBAE reported that there was a traffic problem. Commissioner Graziose said he, City Manager and City Attorney reviewed the Charter School agreement with regard to capacity in the original agreement; asked for a breakdown of all the students they had, which was over a thousand and where they were from in Broward County and found that three students were coming from Miami and the school was over capacity from what it was approved for. He spoke about the contract regarding providing bussing and following state guidelines for anyone over two miles and commented that there was a one sentence line item in the contract that said if the Principal had the parents sign an agreement that they would provide transportation then the Charter School would not have to provide school bussing. Commissioner Graziose stated that he approached three School Board Members who were unaware of the loophole. He said he told them about the resolution and they were interested in it. Commissioner Graziose said we are an urban County and when you have only 300-400 kids out of about 1100 that actually live in the City, you get about 600-700 that are being driven it creates traffic problems. He said the schools worked on changing the times to try to offset that, but the impact is on the local government when you have all that traffic and people are complaining they cannot get in and out of their developments. Graziose stated that the School Board members are happy about the resolution and are waiting for it. Also he talked to Margate officials who were unaware and are having trouble with traffic at a school on Coconut Creek Parkway and others like Coral Springs are having trouble. So, Commissioner Graziose said this resolution before them tonight is to address this issue which has an impact on our City. City Manager Bhatti interjected that Charter Schools can go anywhere in the City, such as in shopping centers and neighborhoods, so the reason is that when it is in a shopping center, it can create a problem for other businesses with all the vehicle traffic coming in. She said this resolution will close this loophole and will require Charter Schools to provide bus transportation to avoid the negative impact of traffic into the shopping centers. The issue is for every Charter School throughout Broward County. Commissioner Graziose said while researching this, another item they found out is that the Broward County Land Use Plan has a section about schools and is not specific; it says public schools and doesn't say "Charter" and Charter schools are public schools. Also, he said there are some state laws that say charter schools are public schools and in the Broward Land Use Plan it says what the conditions should be for a charter school and every school has to submit a traffic plan to Broward County Engineering. He said research found that quite a few charter schools never submitted a traffic plan, nor did any of the cities hold the charter schools to the requirement in the Broward County Land Use Plan Development Code. Commissioner Graziose reported that Coral Springs followed the development code and they have separate driveways

and don't have issues that some have because they are in a shopping center parking lot. He told the cities that contacted him that they have authority within the Broward County Land Use Code to require a plan that is approved by Broward County Traffic Engineering who does that work for all of the cities, and these things are coming to light. **Mayor Brady made a motion to adopt. Commissioner Wood seconded the motion.** Vice Mayor Moyle posed a question to City Attorney; since the charter school is a public school, and public schools do provide transportation for magnet schools, why would charter schools have a different set of rules governing school busses. Attorney Goren replied that there is a reason and deferred to Commissioner Graziuse. Commissioner Graziuse said the State of Florida legislature and Broward County are considered to be charter school friendly, and there are guidelines that the School Board members can do too, but he does not believe that some of the charter schools meet all of the qualifications. He said schools are only supposed to be approved in an area where a school is needed, or a program may not be offered in an area, and it does not say in any of the charter school guidelines or statutes that he has seen that you can build them across the street from each other, or across the street from an existing public school and some of this burden needs to go back on the School Board for not just carte blanche approving every permit for a charter school contract. Commissioner Graziuse said that as a most recent example, legislature is requiring traditional public schools to provide physical education, but made it optional for charter schools. He said there are differences regarding what a traditional public school is required to do that charter schools are not, such as class size, and that they are less stringent [with charter schools]. **There being no further discussion; Clerk called roll. All YES.**

RESOLUTION NO. 18-03-6499 PASSED AND APPROVED UNANIMOUSLY

**(During Commission Comments, Commissioner Borgelin made a motion to change his vote, resulting in the item being PASSED AND APPROVED ON A 4-1 VOTE; Commissioner Borgelin dissenting)*

7. REPORTS

a. Update on Public Emergency Medical Transportation (PEMT) program

Susan Nabors, Finance Director, reported that this program, which is provided by the State, provides supplemental payments to eligible entities that help fund the gap between what is billed for Fire Rescue transport and what Medicaid pays from their insurance for the fixed costs that they pay. Medicaid payments are usually capped out at an amount that is typically a lot lower than what we bill out for a transport. That amount is usually about \$200 per transport, when on average a bill is about \$775. Last June, it was estimated that the City could receive approximately \$40,000. During the late summer and into the fall, the Fire Department and Finance Department worked with our consultant on the program to analyze the revenues, expenditures and transport data relating to this program for 2017. At the end of November, a required report was filed and the end result is that we will finally see some of the money start to come in and this is money that was not budgeted. However, Ms. Nabors reported that this money is coming in at a good time because a rescue vehicle was recently damaged and it is an un-budgeted item that we will have to fund, and this money will be used to help fund the cost of that, as we may get some salvage money back from the truck but not all of it. Ms. Nabors

reported that this expense will come forth at a later date, but this revenue can be used to offset the cost. Commissioner Wood thanked Ms. Nabors and Chief Turpel for trying to recoup some of the funds with this program. City Manager Bhatti interjected that they still may have to come to the Commission to write off some of the unpaid bills, although this will diminish the gap a little bit. Commissioner Graziose asked what the salvage amount was for the vehicle. City Manager Bhatti said the front end was damaged, but we are trying to save the box and Chief Turpel has been in conversations with E-One, the manufacturer. Chief Turpel said we are working on the insurance on the truck, but we may have to pay some money to buy the truck and remount the box on a new chassis. Jennifer Yarmitzky, HR/Risk Manager, reported that the Florida League of Cities did submit an offer, minus the deductible, of about \$61,000; the salvage value is about \$2,600 so that would be taken off as well if we keep the vehicle. Ms. Yarmitzky reported that she has asked for a re-evaluation and to get clarification whether the appraisal was just for the cab portion and the chassis, or the entire vehicle including the box, because the box is the most expensive part. She said once she gathers all the information she will share it with City Manager and Fire Chief to make the best decision on how to proceed with fixing or replacing the vehicle. Chief Turpel reported that Fire Rescue trucks cost about \$300,000 brand new and Fire Engines are about a half a million and ladder trucks are about a million dollars. He explained that they recently refurbished a 2011 vehicle for about \$120,000 and their plan was to refurbish other units, but this was an unforeseen situation and the good news is no one was badly hurt and the box was not touched and could go onto a new chassis after the quotes come in.

b. Parks and Recreation Update

Mike Sargis, Parks and Recreation Director, stated that since February 21st they have registered 248 kids for Summer Camp, which is the highest number ever reported this early for the first 29 days of registration. One reason for such high registration is that our fee of \$410 is lower than most neighboring cities for 8 weeks for 35-38 trips; Lauderhill is \$560; Margate is \$650; Tamarac is \$650; Coconut Creek is \$1,000 and Coral Springs is \$1,029. 75-85% of the registrants are North Lauderdale residents.

Two Egg Hunt events will be held on March 24th; the first at 10:00 am at the Jack Brady Sports Complex for kids 15 and under, with face painting and events until noon; and the second will be an Underwater Egg Hunt at the pool for kids from 5 years old to adult at 2:15 pm. All events are free.

Saturday, March 24th has also been declared as “March for Our Lives Day” by the students of Marjorie Stoneman Douglas. There is also a march at the National Mall in Washington, DC and numerous cities around the country. The walk will begin at 10:30 from City Hall along Rock Island to McNab Road, then along Wyland Wall to 81st Avenue to Hampton Pines Park on Hampton Blvd for a 2.3 miles, at which point walkers will have an option to ride a bus back, or continue to walk back, for a total of about 4 miles. Police and Fire will be involved to escort the event. Coconut Creek High School, North Lauderdale Schools and Boys and Girls Club will be invited to participate and the event will be sponsored by the North Lauderdale Teen Club. Mr. Sargis invited the Commission to join and to pass out flyers in their neighborhoods.

Mr. Sargis reported that they are looking to take a design proposed by a resident in Commissioner Wood's district for the east side of Kimberly Blvd to make a memorial garden at the Old Veterans' Memorial. There will also be a stone dedicated to the students from Marjorie Stoneman Douglas, some of whom were laid to rest in North Lauderdale. Later, pavers will be available if anyone wanted to purchase a memorial.

Commissioner Graziose commented that half of the children in his district who go to Boyd Anderson, Oriole, Lauderdale Lakes Middle, Northeast or Park Lakes don't hear of our events. Mr. Sargis commented that they do call posts for the events, but they will contact the Principals to see if they will display flyers. Commissioner Wood reported that Superintendent of Schools put out an email regarding that, although we are in support and know the situation at hand, it is a fine line as there is a planned student walkout scheduled for tomorrow at 10:00 am for 17 minutes, and though they can't discourage the kids, his school's student body has been told if they do walk out there is a designated area and they must go back in after that.

8. COMMISSION COMMENTS

a. Request for Ceremonial Items - Commissioner Borgelin requested a consensus as discussed at the last meeting for recognizing exceptional women, at the City Commission meeting on March 27, 2018, who have contributed to our community as indicated in the backup item, and added an additional name. Mayor Brady said he supports this and the consensus of the Commission was to proceed.

At this time, Attorney Goren interjected that Commissioner Borgelin had a request of the Commission to open up, which is legally permitted under Commission Comments, a motion for reconsideration of Item 6(b). Commissioner Borgelin essentially restated that Motion to Reconsider Item 6(b). Chair Moyle asked if there was a second. Motion died for lack of a second.

Commissioner Borgelin commented that he wished to share some data as it relates to the rich diversity of the City of North Lauderdale. He said, according to the 2010 Census, we have 53.4% African American in the City; 25.8% Hispanic; 16.1% Caucasian; 2.9% Asian and 0.3% Native American and that the data also shows that 18.67% are Creole speaking. He said he is certain this number has increased within the past 8 years. He stated he would like to see a report of the City's workforce to see how it affects our community to see how we are serving the non-English speaking residents. Commissioner Borgelin asked City Manager to provide the demographics of our workforce to include the number of people who speak another language than English. City Manager replied that in the Code Division we do have Officers who speak Spanish and Creole and also other staff members in City Hall who speak Spanish and Creole, although she does not have a breakdown of the crews that work out on the streets. Commissioner Borgelin stated he will follow up to be responsive to the request that he was asked. City Manager asked the Human Resources Manager to work on a list. City Attorney commented this was a request to the City Manager, not the Commission.

***Commissioner Borgelin stated that he would like to change his vote since there was no reconsideration. Attorney Goren stated that Commissioner Borgelin's Motion for Reconsideration of Item 6(b) failed for a lack of a second so that matter is at an end. As a matter of Robert's Rules, before the meeting ends, he has the right, absent objection, to change his vote from a "YES" to a "NO" and let the record reflect the "NO" vote on the Resolution which was adopted which is Resolution #18-03-6499. Vice Mayor Moyle reiterated that Commissioner Borgelin is asking to change his own vote. Attorney Goren stated that on the record, he is changing his vote from yes to no, having failed on the motion to reconsider and there is no reason to offer up his issues for discussion unless the Commission would choose to hear his reason for voting no. City Clerk reiterated for the record that Resolution #18-03-6499 passed on a 4-1 vote; Commissioner Borgelin dissenting. Attorney Goren stated the record needs to reflect that Commissioner Borgelin changed his vote and that Item 6(b) was moved for reconsideration under Robert's Rules and failed for a lack of a second.**

Vice Mayor Moyle stated that he would like to know why Commissioner Borgelin changed his vote. Attorney Goren said that the Chair could ask and Commissioner Borgelin could reply if he was comfortable, as the motion for reconsideration had already failed. Commissioner Borgelin stated he was comfortable with that and replied that for fairness, he changed his vote because after he voted he wondered how it would weigh on the parents or the school if the resolution says more than two miles, because we can't expect the school to provide transportation for those that are more than five miles. He said within the five miles yes, he would agree with that, but since it has been found that there are students who live as far as Miami, some parents may say you have to provide that transportation, so he would like to limit it to five miles and no more than that because he would not want the school to feel obligated to go and sign an agreement with parents who live six or seven miles from the City. Vice Mayor Moyle said he doesn't think we have that option at all. Commissioner Borgelin said before he votes he wants to make sure. Vice Mayor Moyle said he wants to agree with Commissioner Borgelin as his son went to South Plantation High School for the magnet program and he was picked up by a bus every day and it was pretty far. Vice Mayor Moyle said the parents who are bringing their children to attend charter schools pay the same taxes as the rest of us and regular schools, like the magnet schools, have transportation provided for students who are not in the district; so he tends to say Commissioner Borgelin is right; however he doesn't think we have the option to change anything about that. Commissioner Graziose said the resolution was developed following state law as a charter school is a public school. He said in Florida state law, for any students attending public schools who reside more than two miles, along with other programs that are handled internally such as magnet programs, it is very clear that over two miles the school district is responsible for transportation and that is in the contract that the charter schools have, and unfortunately, they have that one little loophole in there. Commissioner Graziose said generally, charter schools are public schools and they are bound by State law; State law is not 5 miles or 7 miles, it is 2 miles. He said Charter Schools should not be treated differently than traditional schools. Vice Mayor Moyle interjected that they are being treated differently in this case. Commissioner Graziose said by state legislators allowing them a loophole. Vice Mayor Moyle said by transportation not being provided by the District which actually has jurisdiction over a lot of aspects of charter schools. Commissioner Graziose said charter schools are allowed to contract with the District for school bussing and they are allowed also to hire private companies and many charter schools do bus

over 2 miles; there are just some that have taken advantage of the loophole which in reality is hurting the municipality. Vice Mayor Moyle said the problem he is seeing is that there is a double taxation going on in that case if the parents are paying for transportation. Commissioner Graziose said no they are not; charter schools get the same funding per student that public schools get, but bussing comes out of the funding. He said the charter schools are a business that have found a way to make more money by putting that loophole in and not providing bussing; it shows the discrepancy that has been going on for years. He said they get the same amount; \$7,500 per student and traditional schools pay bus transportation out of that. Vice Mayor Moyle said so that means that the magnet schools have transportation coming out of their budget. Commissioner Wood and Graziose both said that is federal funding and Graziose said he is just going with the State minimum requirements. Broward has gone further by not allowing elementary students to cross railroad tracks, and they bus students. Commissioner Wood said charter schools get the funding for transportation, called the FTE state issued dollars, and he is not surprised that students are coming from as far south as Miramar; the charter schools are a business and get public school dollars. He said 2.2 miles away from a school triggers transportation be provided and then it goes double lane highway and railroad crossings; most people want to attend neighborhood schools except for magnet schools programs. Commissioner Wood said the situation between Pinewood Elementary and the [North Lauderdale Academy of Excellence] Charter School is always going to be contentious because Pinewood has to offer more to keep their students from leaving. If they go across the street to the Charter school who does not provide transportation, that is one more parent on that roadway to drop students off. Commissioner Wood said they did work with City Manager to alleviate some of the woes by flexing the start times, and said the magnet schools, and the public schools over 2 miles provide busses, but there are not enough busses for charter schools. He further commented on the transportation problem and the FTE dollars from the state. Commissioner Borgelin thanked City Attorney for allowing him to get the information and his colleagues for the education. City Attorney asked if Commissioner Borgelin's vote was still "NO". Commissioner Borgelin said it is still "NO" because all he can't see a parent putting pressure on a school to go all the way to Miami.

b. Request for Ceremonial Items - Commissioner Wood said for Women's History Month he would like to recognize Judge Mary Rudd-Robinson, at the City Commission meeting on March 27, 2018. She was the first African American woman to be placed on the bench in Broward County, Florida. Commissioner would said she started her career in the '80s and served for 27 years in the Broward County Court system and after her retirement, continues to serve here community by feeding homeless; mentoring young lawyers and high school students who aspire to attend college. He said she is still local land when the Proclamation was read for Women's History Month, he just wanted to choose one person that we could recognize and he did speak to Judge Robinson by phone and she did confirm that her schedule does allow for her to attend a meeting, if this is approved by consensus of his colleagues. Commissioner Wood said further that it is nice when you can recognize someone for the work they've done and she has done a lot in our community as a whole, not just here in North Lauderdale, but to be the first woman to sit on the bench in Broward County and he provided a copy of her bio. He said Judge Zebedee Wright gave [Judge Rudd-Robinson] the highest praise because she met that glass ceiling because it was not easy for a woman of color to make it through the rank and file and

become a Judge; she was the first African American female in Broward County. Attorney Goren interjected that absent any objection, and by consensus, the item will be processed through the appropriate channels. Vice Mayor Moyle asked if everyone was in agreement with this particular award. Vice Mayor Moyle said we have a consensus of all five. Commissioner Borgelin said I am in agreement, but just want to say that when he asked for recognizing a lot of people, the question usually asked of him was what have these people done for the City of North Lauderdale. He said he is not against this, but he wants to be fair all around and he is asking to make sure that if he is asked a question of the people he wants to nominate, that all across the board everyone is asked the same question. Commissioner Wood said simply that he has never questioned anything Commissioner Borgelin put on the docket, however, Judge Rudd-Robinson has served this community ad nauseam for 27 years, she is a member of the Links and a mentor to the young women in our community who are women of tomorrow, who are also seeking college scholarships; so she is a mentor to many young ladies throughout the public school system. Commissioner Wood said after 27 years, she continues to serve, and some of those young ladies live in our City, and she has been a part of the community for many, many years. He said when he moved to Broward in '92 she was just being appointed to the bench as the first lady to be put in that position, so that is why he chose to honor and recognize her because our Proclamation touched on all women and actually, the City Manager had asked all the ladies in the room that night to stand; this is Women's History Month, not men's history month and not over-powering month just to recognize the women – she is a part of our community because we are Broward County. Commissioner Borgelin said he is not against the choice, it is good, but all he is saying is that he doesn't want to say names, but usually, if it is one on one, he is asked what the people who he is recognizing do specifically for North Lauderdale and all should be asked the same question. Vice Mayor Moyle said, so by consensus, this will take place at the next meeting.

Commissioner Graziose – Reported that the Broadview Community Bazaar did very well and the Tamarac Chamber of Commerce who came by said the event also commented that it was a good event, and that Tamarac also had an event going at the same time. He stated that they will be able to provide the City with donations soon. Commented on attending the Youfit ribbon cutting ceremony yesterday and said it is a very busy location. He also commented that he supports all of the staff and departments and whoever sends him an email or makes statements he will do the research, check to make sure any information is accurate, and will meet with City staff. He also said he supports all City events and his [Broadview] Association also endorses and supports City events.

9. CITY MANAGER COMMENTS - Congratulated Deputy Clerk on her accomplishments. Reminded the Commission about the Neighborhood Design meeting on Wednesday. She also mentioned that they will share some ideas for the Veterans Memorial. Commissioner Graziose interjected that he would like the memorial to reflect that the City is a Purple Heart City and would like something incorporated to that effect. Further, she mentioned the next meeting with the Education Committee, that was formed with the School Principals, will be on March 20 at 10:00 am, and will feature school safety concerns to be addressed by BSO. A

Strategic Planning Workshop has also been planned for March 29th in Commission Chambers beginning at 9:00 a.m.

10. CITY ATTORNEY COMMENTS

Attorney Goren asked to present the following items in reverse order regarding Item 10 (a) and 10 (b). Item 10 (b) discussed first, stating that this is a draft and adopt resolution that was adopted by the Commission at the last meeting for a purpose. The timing was critical in Tallahassee and the objective was that there was no Commission meeting between that meeting and this meeting. Attorney Goren reported that he conferred with Commissioner Graziose who raised the issue legally and provided the best legal answer he could. For the record and clarification, Attorney Goren said although Resolution #18-03-6497 was approved in part and legally at the last meeting, he would read the title and allow the Commission to ratify the resolution and reassign the number. **Commissioner Graziose moved to read. Seconded by Commissioner Wood. Attorney read:**

b. RESOLUTION – Ratifying Resolution Calling for Legislator to Enact Gun Control Legislation to Prevent Mass Shootings in America

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, CALLING UPON THE STATE OF FLORIDA GOVERNOR RICK SCOTT, THE FLORIDA HOUSE OF REPRESENTATIVES, THE FLORIDA SENATE, PRESIDENT DONALD TRUMP AND THE FEDERAL GOVERNMENT TO ENACT GUN CONTROL LEGISLATION TO PREVENT MASS SHOOTINGS AND LARGE SCALE HUMAN LOSS OF LIFE AND SUFFERING FROM MASS SHOOTINGS IN AMERICA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Graziose moved to approve and ratify the resolution. Seconded by Mayor Brady. No Commission discussion. Clerk called the question; All YES. Attorney Goren reported that the resolution resonated in Tallahassee with the legislation taking action this past week to sign the Marjorie Stoneman Douglas Bill specifically, although it is now being challenged by the NRA which they have a legal right to do; the end result being that the Bill was passed.

RESOLUTION NO. 18-03-6497 PASSED AND APPROVED UNANIMOUSLY

a. Report/Update on County wide 3/8 City attorney meeting re: Section 790.33, FS, Firearms Super Preemption

Attorney Goren stated that we are in some very difficult times and the matter of gun management and gun control is a matter which is on the mind of the City Commission by having adopted and ratified that particular Resolution this evening again. For the record, Attorney Goren presented the preamble of Section 790.33 91), FS which is the super preemption statute of the State of

Florida, not unlike others around the country, but specific here. He quoted *“Except as expressly provided by the State Constitution or general law, the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or any administrative regulations or rules adopted by local or state government relating thereto. Any such existing ordinances, rules, or regulations are hereby declared null and void.”* Attorney Goren stated this is a very creative and wide ranging statute. He said it is a preemptive statute and there are many laws which govern what local government can and cannot do and the legislation was rife this session with bills that would have taken away what is done on this dais by public officials, many of which did not pass. Attorney Goren said there are several reasons why this particular statute is dangerous. He gave an example of the backyard shooting range issue that was passed and modified a few years ago. He pointed out that any regulation in the city regulating firearms was repealed by the Commission; any signs that you may have seen that say don’t bring guns in the public buildings, etc., you had to repeal them or the Governor could remove you from office back in the day. Attorney Goren stated that this statute now says if you regulate, in any way shape and form, the things that were just read, then each of you individually could be subjected to being removed from office by the Governor; fined up to \$5,000 per incident in violation of the statute; and it allows for third party, such as the NRA or manufacturers of the AR15 or any other third party affected by this statute could sue personally or the City collectively. There is a cap on damages of \$100,000 per claim for elected officials, but there is no cap on legal fees. He explained what a multiplier is regarding legal fees and said most lawyers who do this type of work get paid between \$500-\$1,000 per hour. Under this statute, if they succeed in providing success to their client, the Court could award a multiplier of any number that meets the rational test resulting in lawyer’s fees that could be \$2,000 an hour. Also, Attorney Goren stated that any claim against the Commission or Commissioners cannot be paid for out of public funds. He stated the statute is very clear, quoting *“A person or an organization whose membership is adversely affected by any ordinance, regulation, measure, directive, rule, enactment, order, or policy promulgated or caused to be enforced in violation of this section may file suit against any county, agency, municipality, district, or other entity in any court of this state having jurisdiction over any defendant to the suit for declaratory and injunctive relief and for actual damages, as limited herein, caused by the violation. A court shall award the prevailing plaintiff in any such suit”* Further, *“If the court determines that a violation was knowing and willful, the court shall assess a civil fine of up to \$5,000 against the elected or appointed local government official or officials or administrative agency head under whose jurisdiction the violation occurred”*. Attorney Goren said he took an oath to become a lawyer, as the Commission took their oath of office, and swore to God and country, to fulfill the obligation under the Constitution to uphold the laws of the State of Florida; therefore, he cannot allow anyone to violate the law if he knows a law is being violated. Attorney Goren reported that there was a meeting last Thursday of all the City Attorneys of Broward County that was supported by the Broward League of Cities and several proposals were put on the table and there may be some potential challenges to a portion of this statute. The Weiss, Serota firm has been retained to file a lawsuit against the State, either in Federal or State Court, by eight of the cities they represent and they will be offering other cities that may want to sign up with this firm, the fee is about \$10,000 to start litigation. Further Attorney Goren stated that he spoke with the lawyer from Everytown, and although they have offered to do the work pro bono for a handful of cities. He outlined the

options that the City has in this regard, and has consulted with City Manager, but for the record this evening, is not prepared to recommend anything but a no-cost option to the City. Vice Mayor Moyle asked if this would cause problems regarding this state statute. Attorney Goren replied that he will bring to the next meeting a proposal, called a chilling resolution, which would say that we would like to adopt in the City of North Lauderdale, a regulation governing extra high powered magazines and/or certain other conditions that would otherwise be adoptable by the City but for one thing. Because of that the Commission cannot act and because they cannot act would be asking the Court to help. Attorney Goren said he would not have the Commission adopt a resolution or ordinance that would violate the law; nor could he prepare a document to publicly consider. He said resolutions are one thing; ordinances are legislative pieces that are enactments so with the Commission's concurrence, absent objection, he will bring back a resolution to the next meeting which essentially sets forth the findings of the chilling resolution that says "but for 790.33" the Commission would otherwise be interested in pursuing some potential regulation. **Commissioner Grazioplene made a motion to direct City Attorney to draft a resolution addressing this item to bring back to the next City Commission meeting. Commissioner Wood seconded the motion.** Vice Mayor Moyle commented that after the Marjorie Stoneman Douglas incident, he did some research wanting to find out what the US Supreme Court thought about this and found the "Heller" case and Justice Scalia gave a majority opinion about that case that had to do with a sawed off shotgun which is illegal and the case used the Second Amendment as a basis to challenge the law. Attorney Goren said it was "The District of Columbia v. Heller" which was decided in 2007.

Vice Mayor Moyle stated what Judge Scalia said was that he did not believe, as the majority opinion author, that the Second Amendment allowed for dangerous or unusual weapons; he is researching and finding things out that were intended back then that don't really apply today in terms of militia and that sort of thing. Vice Mayor Moyle said he would like to talk about that when the resolution is brought back. Attorney Goren said he respects the Second Amendment; this statute has severe implications for public officials who want to do what they believe to be the right thing; and as the City's lawyer he has an obligation to give the best options available to pursue those beliefs. **No further discussion; Clerk called roll. All YES; motion passes.**

11. ADJOURNMENT – There being no further business, the meeting adjourned at 7:51 pm.

Respectfully submitted,

Patricia Vancheri, City Clerk