



## **NORTHWEST COUNCIL OF ELECTED OFFICIALS**

### **MEETING MINUTES** **MONDAY, MARCH 11, 2019**

The City of North Lauderdale hosted the meeting of the Northwest Council of Elected Officials on Monday, March 11, 2019 at the City of North Lauderdale Municipal Chambers, located at 701 Southwest 71 Avenue, North Lauderdale, FL 33068.

#### **Elected Officials/Attendees:**

Vice Mayor Sandra Welch  
Commissioner Mikkie Belvedere  
Vice Mayor Joy Carter  
Commissioner Howard Berger  
Mayor Anthony N. Caggiano  
Commissioner Arlene R. Schwartz  
Commissioner Joanne Simone  
Mayor Ana M. Ziade  
Vice Mayor Samson Borgelin  
Commissioner Rich Moyle  
Commissioner Lorenzo Wood  
Commissioner Mario Bustamante  
Mayor Christine Hunschofsky  
Commissioner Richard Walker

#### **Also Attending:**

City Attorney Samuel S. Goren

#### **North Lauderdale Administration and Staff:**

City Manager Ambreen Bhatti  
City Clerk Patricia Vancheri  
Deputy Clerk Elizabeth Garcia-Beckford  
Community Development Director Tammy Reed-Holguin  
Mitch Williams, Chief Information Officer  
Jennifer Yarmitzky, Human Resources Manager  
Fire Chief Rodney Turpel

#### **Municipality:**

City of Coconut Creek  
City of Coconut Creek  
City of Coral Springs  
City of Lauderhill  
City of Margate  
City of Margate  
City of Margate  
City of North Lauderdale  
City of North Lauderdale  
City of North Lauderdale  
City of North Lauderdale  
City of North Lauderdale  
City of Parkland  
City of Parkland

Guest Speaker

1. **WELCOME** – Mayor Ana M. Ziade welcomed attendees and called the meeting to order at 12:05 pm.
2. **APPROVAL OF MINUTES** – February 11, 2019 - City of Parkland - Margate Commissioner Joanne Simone moved to approve the Minutes as submitted. Seconded by Margate Mayor Anthony Caggiano. No discussion. **Minutes approved unanimously by voice vote.**
3. **GUEST SPEAKERS** – Attorney Samuel S. Goren of the Law Firm of Goren, Cherof, Doody and Ezrol presented a legislative update on pending legislation of bills that apply to local government which have been filed to date; thousands have been filed but no new bills may be filed at this time. Mr. Goren commented that his firm is counsel for many cities and they prepare an 85 page document that monitors many of the bills. He explained that if one House passes a bill, but another does not, then the bill will fail. To pass a bill has to be approved by both Houses and have a conference. Mr. Goren stated that the

most important item to local governments is the pre-emption issue, and outlined the Bills that [elected officials] should pay attention to and urged them to consult with their City Manager, City Attorney and Lobbyist if the cities have one. Also, he said sending Resolutions to Tallahassee is helpful to let legislators know what [cities] are thinking, as well as having a face-to-face delegate and a sit-down conversation in Tallahassee with legislators.

The following is an outline of certain bills that were highlighted by Attorney Goren that may have an impact on local government and deserve attention:

- House Bill 3/Senate Bill 1748 filed by Grant – Prohibits local governments from adopting or imposing new regulations and licensing on business entities
- House Bill 9/Senate Bill 1054 filed by Chip LaMarca – Specifies ethics training requirements for Community Redevelopment Agency (CRA) Commissioners; establishes procedures for appointing the Board of Community Growth and Re-development Agencies; requires referendum to create a CRA
- House Bill 45/Senate Bill 76 filed by Schlossberg – Pertains to wireless communication device use while driving, prohibiting use of hand held devices while operating a motor vehicle and making it a primary offense to do so
- House Bill 53/Senate Bill 74 – Proposes amendments to Section 2 and Section 6 Article 11 of the Constitution to limit each proposed revision or amendment to one subject and matter directly connected therewith
- HJR 57 (which is a joint resolution of the House) and Senate companion 232 – Proposes amendment to the State Constitution to increase percentage of electorate votes required to approve amendment or revision from the current 60% to 66 2/3% which is a pretty high bar
- House Bill 75/SB 132 – Permits use of drones by law enforcement agencies and other specified entities for specified purpose
- House Bill 145/SB 82 – Prohibits local governments from regulating vegetable gardens on residential properties except as otherwise provided for by law
- House Bill 88/SB 6033 – Deleting pre-emption of local law relating to the regulation of auxiliary containers, wrappings or disposable containers and plastic bags and straws, and repealing the pre-emption of local laws regarding the use or sale of polystyrene products to the Department of Agriculture
- HB 103/SB 102 – Relating to recovery residences a/k/a sober homes - requires certificates by a specified date before commencing operation and registration
- HB 75; HB 1131 and HB 766 – defining the terms dangerous and deadly weapon and authorizing the use of drones by law enforcement agencies to monitor safety and security at a large scale event
- HB 146/SB 314 – Regarding fracking or defining the term “advanced well stimulation treatment” – prohibits the performance of the advanced well stimulation treatment
- There are several bills relating to regulating “pop-up” surgery centers and prohibiting encroachment into health facilities and competitors
- HB 461/SB 154 – Requiring that the medical marijuana use registry maintained by the Department of Health be accessible to medical marijuana retail facilities for verification purposes and prohibiting a medical marijuana treatment center from owning or operating a medical marijuana retail facility
- HB 527/SB 168 – Regarding Federal Immigration enforcement – Bans local government from having sanctuary cities; citing this act is the “Rule of Law Adherence Act”; prohibiting sanctuary policies; requiring state entities, local governmental entities, and law enforcement agencies to comply with and support the enforcement of federal immigration law
- HB 181/SB 224 – Revises schedule and rules governing reporting requirements for campaign financing and prohibits committees and organizations from transferring certain funds to certain entities
- HB 7015/SB 182 – Redefining the term “medical use” to include the possession, use or administration of medical marijuana in a form for smoking
- HB 195 - Study of the Bible and religion bill which requires each school district to offer specified courses relating to religion, Hebrew scriptures and Bible to certain students as an elective course and providing for course requirements
- HB 1405/SB 210 – Allows for the searching of cellular phones by law enforcement; phone and text messaging is not exempt from public records disclosure
- HB 237/SB 218 – Prohibits smoking on public beaches; the Florida Clean Indoor Air Act pre-empts all other regulations regarding smoking

- HB 221/SB 508 – Changes Election Code to preempt local Supervisors of Elections to create a uniform method for ballot styles
- HJR 249 – Proposes amendments to the State Constitution to repeal establishment, membership, selection, composition and duties of the Constitution Revision Committee; removes ability of local electors to vote on the subject
- HB 265/SB 518 – Filed by Rader - Relating to Chapter 286 – Sunshine Law - regarding regulation of Notice of Public Meetings and Public Records; requiring Commission to answer public questions during meeting or within 10 days after in writing and requiring copies of agenda and backup to be provided
- HB 5/SB 336 – Would require that a referendum to adopt or amend a local discretionary sale surtax must be held during a November general election
- SJR 422 – Joint Resolution – Proposing amendments to the State Constitution to provide for the election of a Commissioner of Education which would become an elected position if passed this session
- There are bills relating to Community Development Districts that would require more specificity with regard to disclosure for buyers
- There will be some tweaks with regard to the County E911 System which would require counties to implement text messaging to 911
- HB 453/SB 542 – Authorizes County or municipalities to regulate the operation of micro-mobility devices for hire (also known as motorized electric scooters) and to require licensure and proof of insurance, and provides that regulation for this is controlled by the State and Federal law
- HB 709/SB 922 – Relates to discharging firearms in public or on residential property, revising the provisions prohibiting recreational discharge of firearms outdoors; prohibits propelling of any potentially lethal projectile over or across private land while target shooting. Coconut Creek, Coral Springs, Pembroke Pines and Wilton Manors are part of a consortium of cities currently litigating in Tallahassee regarding the issue of gun management under F.S. 790.33 which case may have a ruling on a Motion for Summary Judgment in May
- SB 812 and six other companion bills - Regarding regulation of vacation rentals; the State controls regulation but there may be some changes with regard to certain inspection rights given to local government
- SB 1272/HB 741 – Specifying that the term “religion” includes anti-Semitism, prohibiting discrimination
- SB 1702/HB 1 – Filed by Baxley - an Ethics Reform Bill for a comprehensive revision of Chapter 112, dealing principally with the relationship between public officials and how they do business with private entities and also impacts lobbyists

Attorney Goren called for questions and thanked everyone for attending. He urged elected officials pay close attention to other bills that he did not highlight and to converse with their City Managers and City Attorneys who are qualified and competent to deal with the subject matter.

#### **4. Old Business - None**

#### **5. New Business**

Margate Mayor Caggiano reported that there is a company named DOXO that people are using thinking they are on a City website to pay their water bill instead they are using a private company that charges a fee and holds the money up to 5 days. He referred to an incident of a resident in his City who used the service and eventually had their water turned off for late payment. North Lauderdale’s website is also referenced on the DOXO site. Mayor Caggiano said cities should be aware that this company that charges residents up to \$9 and holds their money, and if water is turned off the complaints come to the City. North Lauderdale Commissioner Wood also commented on this company doing business this way; does not want our City website, logo or Clerk’s email address used as a point of contact. Attorney Goren interjected that logos are protected by Chapter 165. Margate Commissioner Arlene Schwartz comment that if this is something every City is subject to can the Broward League of Cities assist in this. Attorney Goren replied that this is controlled by the private company, but their use of City logo is somewhat suspicious as logos and seals are protected by State law. Commissioner Schwartz commented that in “googling” city websites you have to scroll a lot of ads to find the official website. Discussion ensued regarding this company and its service. Attorney Goren commented on issuing cease and desist letters to companies that use the city seals and logos that is a potential crime. North Lauderdale City Manager Bhatti asked what legal right do cities have to stop this. Attorney Goren said he is not aware of any

bills or regulatory scheme that suggests that this is illegal. There was further discussion about the cities rights in this regard. Also discussed was FPL's sale of insurance plans to homeowners for pipe damages and the National League of Cities' offer to cities to enroll in an insurance program to provide utility repairs.

**Attorney Goren** – Reported that the 3<sup>rd</sup> District Court of Appeals, Case #3D17-1213, City of Miami v. Air BnB, rendered an opinion in late December with regard to what can be asked of speakers at the podium in. You can ask but you can't require that an address be given under the Constitution as a free speech issue. This may be binding in trial Courts in Broward and is under review by City Attorneys.

Coconut Creek Commissioner Mikki Belvedere asked again what to do about a company using a City logo or seal without authorization. Attorney Goren said to discuss with your City Attorney about a cease and desist letter.

North Lauderdale Mayor Ana Ziade thanked everyone for coming. She advised that the City will be hosting a Senior Expo on April 24<sup>th</sup> at Oak Brook Condominium; there will be speakers and vendors that provide City, State or County services and is a good resource for the community and neighboring cities.

Coconut Creek Vice Mayor Sandra Welch thanked North Lauderdale for allowing Coconut Creek's JROTC to participate in events such as the Holiday Parade and the air potato pull. City Manager Bhatti reported that over 1300 pounds of the air potatoes and vines were pulled from Hampton Pines Park. Vice Mayor Welch said these events work, such as the adopt-a-street program in her city there was 72 lbs of trash collected.

Parkland Mayor Christine Hunschofsky commented that she was recently in Tallahassee and was advised that a suggestion was to talk about local communities and local control rather than use the term home rule and she found that the best way to advocate is to tell a story that is relatable to legislators.

Commissioner Wood asked who would be going up for Broward Days; Mayor Joy Carter said she would be going today and there are some elected officials are there already from other cities. He also mentioned that Monarch High School National Honor Society won \$300 for first place in the air potato pull by collecting 68 bags; Coconut Creek won \$150 for second place with 64 bags.

Mayor Ziade also commented that Coconut Creek's Butterfly Festival was wonderful. Vice Mayor Welch reported that they had 10,000 people attending. Mayor Caggiano commented that he attended the Butterfly Festival and then visited Tamarac's Cultural Event held the same day which were two amazing events.

**6. Next Scheduled Meeting – Monday, April 8, 2019 – City of Lauderhill**

**7. Adjournment** - There being no further discussion, Mayor Ziade adjourned the meeting at 1:40 p.m.

Respectfully submitted,  
Patricia Vancheri, MMC  
North Lauderdale City Clerk