

A Threat to the Rule of Law

Lawyers holding public office or working for government assume legal responsibilities going beyond those of other citizens. A lawyer's abuse of public office or public employment can suggest an inability to fulfill the professional role of attorney. A lawyer's conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer's business and personal affairs. A lawyer should use the law's procedures only for legitimate purposes.

In addition, a lawyer should further the public's understanding of and confidence in the rule of law and the justice system, because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority.

Lawyers are officers of the court and they are responsible to the judiciary for the propriety of their professional activities. Within that context, the legal profession has been granted powers of self-government. Self-regulation helps maintain the legal profession's independence from undue government domination. An independent legal profession is an important force in preserving government under law, for abuse of legal authority is more readily challenged by a profession whose members are not dependent on the executive and legislative branches of government for the right to practice. Supervision by an independent judiciary, and conformity with the rules the judiciary adopts for the profession, assures both independence and responsibility.

A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows or reasonably should know is criminal or fraudulent.

The County Attorney of the Broward County Board of County Commissioners on May 18, 2001 misrepresented the meaning of the Broward County Charter language by cherry picking phrases and falsely indicating that Park Preservation section G allowed Broward County to swap cut out parcels of land within West Lake Park with a municipality for a similar amount of land, and this would then cancel the park land use restrictions in West Lake Park. Every commissioner lawyer that goes along with this misrepresentation is complicit because they knew or reasonably should have known these actions were fraudulent.

The proposed Resolution unanimously passed on May 18, 2001, which included Broward County Commissioner attorneys voting, with the City of Hollywood Attorney and Hollywood Commissioner attorneys being complicit, written by the County Attorney, fraudulently represented the Broward County Charter Park Protection section 8.13 as:

WHEREAS, pursuant to Section 8.13 of the Broward County Charter ("Charter"), the County Property is classified as a Regional Park, and the Charter states that the "operation, maintenance, or title to Regional Parks may be transferred without a referendum to . . . a municipality, provided that . . . a like acre-for-acre replacement of

the transferred property, or greater, is provided to the County and restricted to Park Purposes”;

Exchange of County Property, Florida Statute 125.37, has the full text listed, but ignores the primary stipulation meaning: **any real property, not needed for county purposes.**

Part of the land “swapped” for the road to the tower site includes the main entrance to West Lake Park and is the only road into West Lake Park, used daily by staff and park visitors. Additionally, Broward County intends to build a tower and a road on this “swapped” property and agreed to an annual rent payment to the City of Tamarac.

WHEREAS, Section 125.37, Florida Statutes, states, “Whenever, in the opinion of the board of county commissioners, the county holds and possesses any real property, not needed for county purposes, and such property may be to the best interest of the county exchanged for other real property, which the county may desire to acquire for county purposes, the said board of county commissioners of any county is authorized and empowered to make such an exchange.

This is section 8.13, selectively quoted in the resolution, in full:

(G) The operation, maintenance, or title to Regional Parks may be transferred without a referendum to the School Board of Broward County for collocation/shared use purposes or to a municipality, provided that the subject park continues to be used for Park Purposes or that a like acre-for-acre replacement of the transferred property, or greater, is provided to the County and restricted to Park Purposes as described in this Article.

In layman's terms here is the meaning of section G with the school board and the municipality portions separated for easier comprehension:

The operation, maintenance, or ownership of entire Regional Parks may be transferred without a referendum to the School Board of Broward County for shared use purposes with Broward County ranked first in the sharing rights, provided that the subject Regional Park continues to be used for Park Purposes,

OR

Broward County Public Schools owned park land can be traded for a Regional Park, with the Broward County Public Schools park land being of a similar quality as the Regional Park land, and with the Broward County Public Schools land being the same amount of acres or more acres than the Regional Park, and that the park land traded to the County will then be restricted to Park Purposes.

AND

The operation, maintenance, or ownership of entire Regional Parks may be transferred without a referendum to to a municipality for shared use purposes with Broward County ranked first in the sharing rights, provided that the subject Regional Park continues to be used for Park Purposes,

OR

that municipal owned park land can be traded for a Regional Park, with the municipal park land being of a similar quality to the Regional Park land and with the municipal park land being the same amount of acres or more acres than the Regional Park, and that the park land given to the County will then be restricted to Park Purposes.

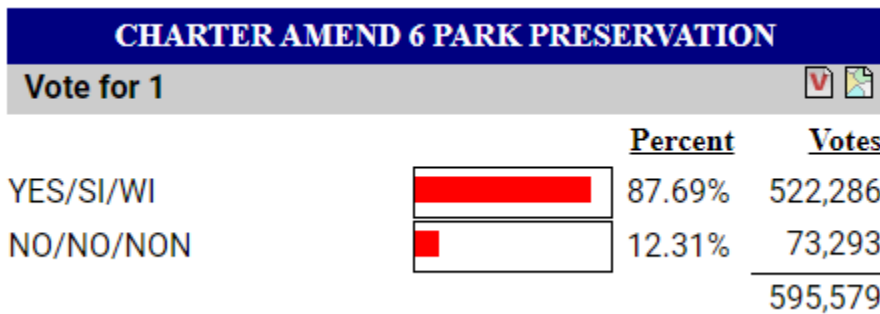
Here is what appeared on the November 4, 2008 ballot:

BROWARD COUNTY PARK PRESERVATION

The Charter currently does not contain a mechanism to protect parks owned by the County. Shall the Charter be amended to designate County-owned parks as either Natural Area Parks or Regional Parks, and to prohibit the sale, transfer or change of use of such parks without an affirmative vote of sixty percent (60%) of the County electors?

YES FOR APPROVAL

NO FOR REJECTION



This is the resolution that was made into the above ballot question:

A RESOLUTION OF THE BROWARD COUNTY CHARTER REVIEW COMMISSION ADOPTING A PROPOSED AMENDMENT TO ARTICLE VIII OF THE BROWARD COUNTY CHARTER, FLORIDA, ENTITLED "LAND USE PLANNING"; SPECIFICALLY CREATING SECTION 8.13, TO BE ENTITLED "BROWARD COUNTY PARK PRESERVATION"; PROVIDING FOR DEFINITIONS OF CERTAIN TERMS HEREIN; PROVIDING FOR THE DESIGNATION OF ALL COUNTY OWNED PARKS LOCATED IN BROWARD COUNTY AS EITHER NATURAL AREA PARKS OR REGIONAL PARKS; PROVIDING FOR A REQUIREMENT THAT CERTAIN LAND ACQUIRED BY BROWARD COUNTY SHALL BE

DESIGNATED AS EITHER A NATURAL AREA PARK OR A REGIONAL PARK; PROVIDING FOR THE REQUIREMENT OF A REFERENDUM TO CHANGE THE USE OR TO SELL THE COUNTY-OWNED PARKS DESIGNATED AS NATURAL AREA PARKS; PROVIDING FOR THE REQUIREMENT OF A REFERENDUM TO CHANGE THE USE OR TO SELL THE COUNTY-OWNED PARKS DESIGNATED AS REGIONAL PARKS; PROVIDING FOR THE PRESERVATION OF PARKS TRANSFERRED FROM BROWARD COUNTY TO MUNICIPALITIES OR OTHER ENTITIES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR PRESENTATION OF THIS AMENDMENT TO THE ELECTORATE BY THE COUNTY COMMISSION AT A SPECIAL REFERENDUM ELECTION TO BE HELD IN CONJUNCTION WITH THE NOVEMBER 2008 GENERAL ELECTION; PROVIDING THE BALLOT TITLE AND SUMMARY OF THE CHIEF PURPOSE OF THE PROPOSED AMENDMENTS; PROVIDING FOR THE COUNTY ATTORNEY TO RENUMBER AND RELETTER ARTICLES AND SECTIONS IN ORDER TO CONFORM THE AMENDMENTS TO THE CHARTER; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

These are the portions of the 8.13 Park Preservation Amendment in full that are directly relevant to land in West Lake Park, which is designated as a Regional Park. (Part of the West Lake Park land is owned by the State of Florida.)

Sec. 8.13. Broward County Park Preservation

(A) Definitions

(2) "Park Purposes" shall mean the use of an area of land in the pursuit of outdoor leisure, athletic, or recreational activities and facilities ancillary thereto including, but not limited to, cultural, educational, and civic facilities, animal exhibits, habitats, band shells, pavilions, outdoor classrooms, and concessions.

(C) Regional Parks.

(1) The following lands, based upon their unique qualities and environmental character, are described and designated as "Regional Parks":

(o) County-owned property within West Lake;

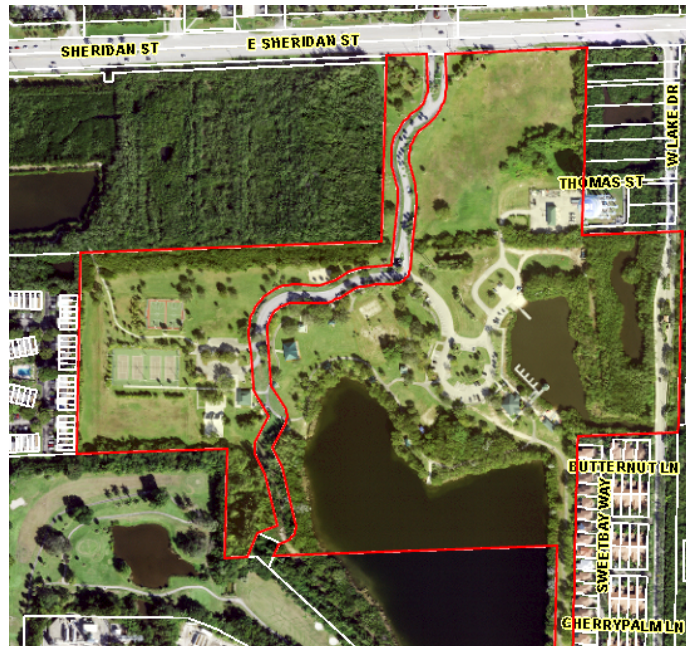
(2) Regional Parks shall only be used for Park Purposes. Regional Parks may not be sold, transferred, or used for purposes other than as a Regional Park unless such action is approved by an affirmative vote of no less than sixty percent (60%) of the electors of Broward County voting in a referendum at either a general election or a special election called for that purpose.

(E) All existing or future restrictive covenants or conditions, recorded plats, legally enforceable interlocal agreements, legally binding court decisions or eminent domain proceedings, and other deed restrictions which encumber parks located within the County, including those restrictions which encumber land that has been transferred from the County to a municipality or other entity which run in favor of the County, may not be amended to reduce the majority required to amend or remove the restrictions.

(F) In connection with the future annexation of land by a municipality, the County and the annexing municipality shall ensure that any lands designated as a Natural Area Park, Regional Park and those lands listed in Subsection (H) shall continue to be used for the purposes set forth herein.

(G) The operation, maintenance, or title to Regional Parks may be transferred without a referendum to the School Board of Broward County for collocation/shared use purposes or to a municipality, provided that the subject park continues to be used for Park Purposes or that a like acre-for-acre replacement of the transferred property, or greater, is provided to the County and restricted to Park Purposes as described in this Article.

Here is how the parcel given to the City of Tamarac cuts through West Lake Park:



The Park Preservation Charter Amendment was supposed to prevent actions such as cutting up a park and building a tower or any non park activities in a County owned park.

The Park Preservation Charter was listed on the ballot as having no financial impact per the County Auditor.

Section 11.07 FINANCIAL IMPACT OF PROPOSED COUNTY CHARTER AMENDMENTS: For all elections, beginning with the November 4, 2008 General Election, the County Auditor shall prepare, and the County Commission shall place on the ballot, immediately following the ballot question, a separate financial impact statement, not exceeding seventy-five words, estimating the increase or decrease in revenues or costs to the County resulting from approval of any proposed Charter amendment.

Additional indication that this land “swap” deal does not adhere to the Park Preservation Charter Amendment nor the will of 522,286 Broward County voters is the financial impact of this action, that is directly contrary to the **no financial impact** listed on the amendment ballot per the Broward County Auditor’s financial impact statement.

Broward County purchased land for \$890,000 and put the City of Tamarac on the land deed. This was the land that was “swapped” for the West Lake Park land on which Broward County plans to build a tower and a road to the tower. The County agreed to pay the City of Tamarac an annual lease starting at \$62,400, with a 2% annual increase for the use of the land “swapped” to Tamarac. This rent is for a “swap” for land Broward County purchased for \$890,000 and gave to the City of Tamarac.

Read the full documents from the 5/18/2021 Broward County Commission meeting, Resolution 2021-286, Item 41 here:

<https://broward.legistar.com/LegislationDetail.aspx?ID=4939098&GUID=6FB0E332-E6C9-442F-B505-7F420A789A01>

The full Broward County Charter can be found here:

<https://www.broward.org/Charter/Documents/Charter.pdf>

and Section 8.13 BROWARD COUNTY PARK PRESERVATION begins on PDF page 24 and the November 4, 2008 charter amendment is on PDF page 45.

More documents related to West Lake Park can be found on:

<https://browarduglytruth.com/west-lake-park/>