



CITY OF WINTER GARDEN

OFFICE OF THE CITY CLERK

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CITY COMMISSION CHARTER REVIEW WORKSHOP MINUTES

January 12, 2006

Mayor Quesinberry called the workshop to order at 6:00 p.m. at Tanner Hall, 29 W. Garden Avenue, Winter Garden, Florida with the following in attendance:

CITY COMMISSION: Mayor Jack Quesinberry, Commissioners Theo Graham, Mildred Dixon, Rod Reynolds, and Carol Nichols

CITY STAFF: City Manager Michael Bollhoefer, City Clerk Kathy Golden, Assistant City Manager Marshall Robertson, Assistant City Clerk Angela Grimmage, Acting City Attorney Frank Bedell

Marilyn Crotty, Director of the Florida Institute of Government of Central Florida, introduced herself and distributed the following outline of the topics she would be covering.

Characteristics of good charters

- Each is unique
- Simple, clear, and compact
- Consistent and uniform
- Leaves discretion to the Commission
- Short and readable by the average person

Charter review and revision process

- By City Commission
- By Citizen Advisory Committee
 - Role of City Commission
 - Direction to Committee
 - Size and membership of Committee
 - Role of facilitator
 - Consensus decision-making
- Public Input
- Ballot measure(s)
- Public information program

There is no one Charter for all Florida cities, there are differences. Compliance with Federal and State Laws is required, but the Home Rule Powers given to cities in 1968 enable local governments to design their own. Once something is in the Charter, it is in there until the citizens change it. The City Charter needs to be able to accommodate how a municipality deals with issues that change over time or it will have to go back for a vote by the citizens. The Charter should not tie the hands of the local elected officials or have things that do not allow the Commission to take some of the responsibility they need. The Commission is elected to be accountable for the welfare of the City. At times decisions may need to be made that may not be popular with the citizens but maybe the best for the City in the long run. If there are items in the Charter that don't allow for flexibility, it may be to the detriment of the City.

The Commission can perform the Charter review. The pros to this approach are total control of what goes on the ballot and what doesn't. The cons to this approach are that it is a time consuming process that may take as many as eight meetings of at least two hours each and that it can be perceived by the public as self-serving.

If a citizen's advisory committee is appointed, there are several considerations. If appointments are made, the Commission can decide to not participate and wait until the final product is submitted to them, at which time the pros and cons will be debated and the Commission will make the final decision as to what goes on the ballot.

The Commission can accept all of what the committee recommends or reject everything they recommend or select bits and pieces. Some cities have had elected officials attend committee meetings as part of the audience to address the committee on issues.

A Resolution is needed to establish the review committee, which identifies the scope of the committee, which can be as narrow or as broad as the Commission wants it by excluding certain items or have the committee look at the entire Charter.

The size needs to be an uneven number. Ms. Crotty suggested nine to fifteen members as being a good size committee. Larger committees may have difficulty in having a quorum. The advisory committee does fall under the Sunshine Laws and every meeting must be advertised and open to the public. The committee members are not allowed to speak with the Commission in private. There are many options as to the committee membership. It helps to have the committee broadly represented geographically and demographically. Commissioner Nichols asked if they should be registered voters. Ms. Crotty replied that with the communities she has previously worked with, they were required to be residents.

The Charter needs to be what works best for the City of Winter Garden now and in the future. A City should not want to totally revise the Charter every few years but to have a document that is going to withstand the test of time, which is why keeping it clean and simple is beneficial. Her role as the facilitator in the process is that she will participate as a neutral party and the City of Winter Garden will have an effective government that will work for the City of Winter

Garden. She will not bring any bias or prejudice towards what should or should not be in the Charter. She will work with the Committee to give them the pros and cons on their ideas or what the Commission directs them to discuss. What has worked well previously is to make it a consensus process with full discussion versus voting on every item, and her role is to make sure everyone gets a fair shot at the discussion. Every idea needs to be heard. The committee can elect a chair and vice-chair, however, some committees don't have a chairperson and she leads the meeting. A vote can be taken on the more contentious issues when it is not clear there is enough support to put forth the recommendation. In the end, the committee votes on their recommendations for the record that they supported its recommendation. The committee can even send it to the Commission noting there was no clear consensus on the idea. Public input is very important; citizens should be allowed to speak at every meeting.

Once the committee makes its recommendations and the Commission decides what is to be put on the ballot, two decisions will need to be made: when it is put on the ballot, which needs to be determined early on in the process to allow for discussion with the County Elections office. It could be on the 2007 March election or by mail ballot election. Also, it needs to be decided whether the amendments will be voted on individually or as one question approving all or none. Also to be considered is what if voters approve X and not Y, but X is dependent on Y; you may end up with confusion in the Charter. Education on the matters to be voted on is important. She suggested asking committee members to speak with civic groups, community forums, etc. about the ballot measure(s) to educate residents. The committee will be utilizing the Model City Charter as published by the National Civic League to give them some useful ideas.

The workshop concluded at 6:35 p.m.