

**CITY OF WINTER GARDEN
CHARTER REVIEW ADVISORY COMMITTEE
MEETING MINUTES
May 9, 2006**

The meeting of the Winter Garden Charter Review Advisory Committee Meeting was called to order by Facilitator Marilyn Crotty at 6:30 p.m. at Tanner Hall, 29 W. Garden Avenue, Winter Garden, Florida.

ATTENDANCE / ROLL CALL

MEMBERS PRESENT:

Derek Blakeslee
Erma Dennard
Ed Lynch
Don Miller
Barbara Muzeni
Richard Napotnik
Pamella Stewart

MEMBERS ABSENT:

Richard Hudson
Bert Valdes

Facilitator: Marilyn Crotty

Also Present:

Drew Smith, Interim City Attorney
Angee Grimmage, Assistant City Clerk
Mike Bollhoefer, City Manager

1. WELCOME AND INTRODUCTION

Erma Dennard introduced herself and shared some information about her background with the committee.

2. APPROVAL OF MINUTES – April 24, 2006

Ed Lynch stated that the powers and duties of the City Manager in section six of the minutes were not listed as discussed in referencing the model charter. It was noted that this will come under the topic “Charter Officers”. It was agreed that “City Manager: Powers and Duties” be added in addition to looking at the City Clerk, and City Attorney as well. Also recommended was the deleting of the word “Eliminate” from the bullet entitled “Eliminate Run-off election.”

It was the **consensus** of the committee that the minutes of April 24, 2006 be amended and approved as corrected.

3. PUBLIC COMMENT

Ms. Crotty announced there was no public in attendance for comment.

4. ARTICLE II. THE CITY COMMISSION.

SEC 11. NUMBER, SELECTION, TERM, COMPENSATION

NUMBER, SELECTION.

Ms. Crotty described the current structure of the city commission. She stated that currently there are five commissioners, one of whom is a mayor commissioner. While the charter does not include language regarding single member districts, based on a court ruling, the city is divided into four districts with a commissioner elected by the voters of each district. There is no requirement for the commissioner to live in the district. The mayor is elected at large. Ms. Crotty brought forth a letter of 1985 from the law firm of Schutz and Bowen to Betty Carter, Supervisor of Elections regarding the voting rights case that changed how voting occurs in Winter Garden. She gave the letter to Interim City Attorney Drew Smith and asked that he review this case and present his findings to the committee at a later meeting. She stated that the committee has the option of recommending a change to the requirement for living in the district in which the commissioner is running for office. She stated that she was not certain if the committee had the option of changing from a single-member district to an at-large, because of this court case. She stated that this information will be addressed by the Interim Attorney as he researches the above referenced case.

Ms. Muzeni brought up the unevenness of districts in population size. Mr. Miller stated that the creation of additional districts may be needed. Ms. Crotty stated that there is the option of including a specific timeframe in the charter for redistricting.

There was discussion on the size of the Commission. Currently there are four commissioners and one mayor commissioner. A discussion followed regarding adding more commissioners or having a non-voting mayor who votes only in a tie-breaking situation. Ms. Crotty mentioned that there are larger cities that have smaller commissions and smaller cities that have larger councils. She cautioned members to remember that adding more elected officials adds to the cost of government. After discussion, it was the **consensus** of the committee that the number of commissioners remain the same with the commissioners being required to live in the district which they are representing and that the mayor continue to run as an at-large candidate.

TERM

Ms. Crotty stated that currently every elected official in the city has a two-year term. Ms. Crotty shared some pros and cons regarding the length of terms. The two-year term of office is becoming less popular and she noted that the model charter recommends a longer term. The good thing about a two-year term is that voters have the opportunity to reaffirm the candidate or replace them. She stated that a three-year term of office is also a possibility. A negative about a two-year term is that every year you have an election. Someone is always running for office which has a tendency to politicize the commission proceedings. She explained that there is a learning curve for new people elected for a two-year term who have not been involved in city government previously. Also, with a potential two-year turnover, it is difficult to project a long-term vision for the city. Many projects in city government don't happen in a year.

Among the advantages of a longer term is that commissioners have a better opportunity to put a vision in place. She mentioned, however, that since Winter Garden has had a lot of conflict the last few years, it may be difficult to get voters to agree to increase the terms of office for their officials in the current environment. Ms. Crotty cautioned the committee to do what they think is best for the city, not necessarily what they think the voters may agree to. There was further discussion about the learning curve of newly elected officials and also turnover of the Commission for the City of Winter Garden in the past. There was some discussion about lengthening the terms to three years and having the mayor run the year no commissioners are up for election.

After additional discussion, there was no consensus to change the length of the terms of office for the mayor and commissioners. However, a narrow majority favored a three-year term. The committee can revisit this issue later if it is so inclined.

TERM LIMITS

Currently there is not a term limit in the charter. Ms. Crotty shared that in the 1990s there was a trend to establish term limits in government offices. She told the committee that they have the option of adding this to the charter. Most cities with term limits have a requirement that a commissioner must sit out for one term before running again.

The arguments against term limits include: every two years, voters have an opportunity to limit the term of a commissioner at the ballot box. There is no need to set an artificial term limit because the voters will do that. The reverse is true if the voters like a commissioner, they have the opportunity to extend his or her term at the ballot box. Thus, there is no reason to force out a good commissioner when the voters really want him or her there.

The argument for term limits is that you have the opportunity to bring fresh ideas and new faces to the commission. Routinely, in elections, incumbents have name recognition and familiarity with the issues. So, they have an advantage and, without the name recognition, it's hard for a newcomer to be elected.

The committee discussed adding an eight year limit (four two-year terms) to the charter with various options for additional terms for the mayor. While a narrow majority supported an eight-year term limit, there was not sufficient support to achieve the 70% agreement for consensus. Therefore the charter will remain with the no term limit.

COMPENSATION

Ms. Muzeni asked why the annual salary was tied to the election and not tied to the City's fiscal year. City Manager Bollhoefer stated that this was written so that the City Commission could not give themselves raises. There was further discussion on the salaries of the elected officials and how those salaries tie into the City budget. Ms. Crotty stated that in most charters there are no amounts stated and most commissions set their own salaries. These changes go into effect the next election and the elected official does not get the benefit until reelected. A few jurisdictions are linking raises to an automatic

formula (the CPI, increases in population.) Ms. Crotty recommended excluding the dollar amount from the charter because of the need for periodic adjustments. Mr. Blakeslee raised the fact that the current charter differs from the model only in that the Winter Garden charter requires that the ordinance for salary change be adopted at least six months prior to an election.

SECTION 11(3). Ms. Crotty pointed out that the charter does not specify when the mayor pro-tem is elected. In practice, the mayor pro-tem is elected at the first regular meeting after swearing in of the new commissioners.

It was the **consensus** that this should be added to the charter.

Ms. Crotty also brought out that generally there are separate paragraphs for the powers and duties of the mayor and for the powers and duties of the mayor pro-tem. Also, there are some important duties of the mayor that are not included in the current charter. Ms. Crotty asked the members if they would like to delineate the duties of the mayor or leave it as is. After a discussion, it was decided that, under the caption of Powers and Duties of the Mayor, the following language should be included: “The mayor shall be a voting member of city commission, and shall attend and preside at meetings of the commission, represent the city in intergovernmental relationships, present an annual state of the city message, and perform other duties as specified by the commission. The mayor shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties.”

Ms. Crotty recommended there be a separate paragraph for mayor pro-tem powers and duties. It was the **consensus** of the committee that the above changes be made to the charter.

SECTION 12. QUALIFICATIONS. Ms. Crotty again mentioned that the current two-year residency requirement for running for office has been deemed by the courts to be unconstitutional. She advised the committee that there can still be a residency requirement, but no longer than one year.. Committee members seemed to agree that one year would be a good requirement. The question was raised if candidates had to live in the city for one year or in the district for one year. After further discussion, it was the **consensus** of the committee that commission candidates must have lived in the district in which they are running for a period of one year and that the mayor must have lived in the city for one year. This was not a unanimous decision although there was enough support for this to meet the guidelines for consensus.

Mr. Blakeslee brought up the difference in the current charter and the model charter regarding commissioners not holding any other public office as opposed to any other “elected” public office. Following a discussion, Ms. Crotty requested that Mr. Smith research this issue. Mr. Blakeslee also requested that the committee adopt some of the language from the model charter under prohibitions. Ms. Crotty asked that all members review this language prior to the next meeting. She asked Attorney Smith to bring the

committee some information on the law with respect to dual office holding.

5. **SET PUBLIC COMMENT SESSION**

The committee did not set a date for a special public comment session. The next meeting will be held Tuesday, May 23, 2006 at 6:30 p.m., at which time the committee will continue with Qualifications and look at the powers and the limitations of the city commission along with the rest of the agenda that was not completed.

Ms. Crotty advised the members that she contacted Mr. Cowles, Orange County's Supervisor of Elections, has and invited him to attend a meeting of this committee. He has conflicts with most of the meeting dates and was asked to submit his suggestions in writing. Ms. Stewart suggested holding off the subject of elections until such time that he is available. Ms. Crotty replied that her goal was to conclude the meetings prior to October. She added that there might be a need in the future to extend the length of meetings to three hours or more to complete the work of the committee.

6. **ADJOURNMENT**

The meeting was adjourned at 8:30 p.m.