

**CITY OF WINTER GARDEN  
CHARTER REVIEW ADVISORY COMMITTEE  
MEETING MINUTES**

May 23, 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  
Richard Hudson  
Ed Lynch  
Don Miller  
Barbara Muzeni  
Richard Napotnik  
Pamella Stewart  
Bert Valdes

Facilitator: Marilyn Crotty

Also Present:

Drew Smith, Interim City Attorney  
Angee Grimmage, Assistant City Clerk

1. **WELCOME AND INTRODUCTION**

Richard Hudson introduced himself and shared some information about his background with the committee.

2. **APPROVAL OF MINUTES – May 9, 2006**

There was discussion as to how much and what type of information would be included in the meeting minutes. It was suggested that the minutes reflect the type of majority action items. Ms. Muzeni requested that it be reiterated that a consensus would consist of 70% of the quorum.

Ms. Muzeni noted the change of “unevenness of districts in size” to be “unevenness of the districts in population size”.

It was the **consensus** of the committee that the minutes of May 9, 2006 be amended and approved as corrected.

3. **PUBLIC COMMENT**

Brad Lomneck, 34 Bray Street, Winter Garden stated he would like to ensure that elected officials must be residents living in the City of Winter Garden during their

entire term of office. Ms. Crotty stated this was a concern that would be addressed at this meeting.

- **DISCLOSURE OF BUSINESS TRANSACTION, RELATIONSHIP OR INTEREST**

Attorney Smith advised the committee regarding a form that must be filled out and submitted to the City Clerk's office if anyone on the committee felt they had a conflict of interest in doing business with the City. He stated that the appointing Commissioner has the right to waive the conflict. He stressed that if anyone had a concern, to see him for discussion and/or completing the form.

- **COURT RULING**

Ms. Crotty stated that in 1985 there was a court case ruling that set up single member districts in Winter Garden, although it is not reflected in the current Charter. Attorney Smith gave his synopsis of the rulings as follows:

- Due to possible violation of the Voting Rights Act, no more at large elections for single member districts
- Candidate must be a resident of the City, but not of a particular district
- Every 10 years district lines must be reexamined

- **DRAFT RECOMMENDATIONS**

Ms. Crotty handed out charter changes that have been suggested at prior meetings. She asked that each member review them for any necessary changes.

4. **ARTICLE II. THE CITY COMMISSION**

**SECTION 12. QUALIFICATION FOR CANDIDATES AND ELECTED OFFICIALS**

Ms. Crotty, after listening to committee discussions, restated the committee's **consensus** that candidates for office must be a registered voter (elector) in the jurisdiction (District) of the seat sought for one year prior to qualifying and such residency should be maintained during the term of office held.

There was discussion on vacancies and qualifications to fill a vacant seat. Ms. Crotty emphasized that candidate qualifications and filling vacancies are two different issues. Vacancies should not be handled differently because of different reasons the vacancy was created such as relocating or because of a death. There should be but one method not related to the vacancy circumstances. Mr. Smith pointed out that he believes it would be difficult to address a challenge to a requirement that they reside in the City for 365 days a year.

Mr. Blakeslee noted that anytime there is a redistricting, there will be people who may be precluded from running for elected office because of the one (1) year residency clause. After much discussion, it was determined that when redistricting does occur, those candidates and elected officials affected by such

change will be allowed to serve out their current term. Mr. Smith will draft the language needed for this portion of the Charter and present it at the next meeting.

Florida law does not permit elected officers to hold dual offices. It was suggested that the language, “*No commissioner shall hold any other elected public office or any other office prohibited under Florida state law*” be included. Mr. Blakeslee proposed inserting the language from 2.05a in the Model City Charter after the words ‘armed forces of the United States’: ‘*No former commissioner shall hold any compensated appointive office or employment with the city until one (1) year after the expiration of the term for which the member was elected to the commission, excluding the words “unless granted a waiver by the Board of Ethics”.*’

It was suggested that the following section be added:

- **FORFEITURE OF OFFICE**
  - Fails to maintain primary residence and elector status in the district; mayor in the city;
  - Violates any express prohibition of this charter;
  - Is convicted of a crime involving moral turpitude, or
  - Fails to attend three (3) consecutive meetings without an excuse.

Mr. Lynch asked if attendance should be defined to clarify whether physical attendance should be required. Ms. Crotty stated that an Attorney General’s Opinion allows video teleconferencing under unusual or extraordinary circumstances. Mr. Blakeslee stated there should be something in the Charter as to what circumstances would allow alternative attendance. There was discussion to expand the excused clause to allow teleconferencing under extraordinary circumstances. Change of language to say ‘Fails to physically attend three (3) consecutive regular meetings without being excused by the Commission’ was discussed.

It was the **consensus** of the committee to add the language “physically attend”.

### **SECTION 13. POWERS OF CITY COMMISSION**

It was the **consensus** of the committee to incorporate the first paragraph of Section 2.01 (page 5) under General Powers and Duties of the Model City Charter and then another paragraph which would include verbiage regarding Judge of Qualifications in Section 2.07 (page 15 of the Model City Charter).

It was determined that by following the Model City Charter, there would be less cause for ambiguity. The enumerated points in the current municipal code could be shown as separate sections in the Charter.

### **SECTION 14. LIMITATIONS OF THE CITY COMMISSION**

There was discussion on the grounds for recall.

The word prohibition, as opposed to limitation, was accepted as a more comprehensible title for this section. After the title "Prohibition" the committee would insert the paragraph regarding "Holding Other Office" as stated in the Model City Charter, listing it as number one, and then renumbering those items which were originally under Qualifications (striking the last sentence). In the next meeting, the committee will review language for the Prohibition Section.

It is a **consensus** of the committee that the Model City Charter will be used with some modifications. This would not prohibit commission members from getting information from city employees but would mean they could not give direction. Ms. Crotty stated that this subject will be revisited at the next meeting.

5. **SET PUBLIC COMMENT SESSION**

A special public session was brought up in order to set aside more than 15 minutes for public comment. The special session will be scheduled for June 27<sup>th</sup> dependent upon timing of advertisement. Ms. Grimmage was asked if she would contact the City Clerk and/or City Manager with possibilities for getting the word out to the citizens about the meeting.

Mr. Smith addressed the committee on the issue of receiving emails, questions, or any correspondence regarding what goes on during the committee meetings. This correspondence should be kept and/or submitted to the City Clerk's office for public record.

6. **ADJOURNMENT**

The meeting was adjourned at 8:45 p.m.