

**CITY OF WINTER GARDEN
CHARTER REVIEW ADVISORY COMMITTEE
MEETING MINUTES
JUNE 27, 2006**

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 West Garden Avenue, Winter Garden, Florida.

ATTENDANCE/ROLL CALL:

Members Present:

Derek Blakeslee
Erma Dennard
Blair Johnson
Ed Lynch
Bert Valdes
Don Miller
Barbara Muzeni
Richard Napotnik
Pamela Stewart

Facilitator:

Marilyn Crotty

Also Present:

Dan Langley, Assistant City Attorney
Angee Grimmage, Assistant City Clerk

1. WELCOME AND INTRODUCTION

Blair Johnson introduced himself and shared background information with the Committee.

Derek Blakeslee explained that he submitted the *Form 4A Disclosure of Business Transaction, Relationship or Interest Form* and was approved by Commissioner Graham at the last Commission Meeting. He stated that he is a shareholder in the firm that does the audit for the City but he himself does not do the actual audit. He stated that under the ethical rules if you are a part owner of any firm that does business with the City the form should be completed. He stated Commissioner Graham waived the conflict for the purpose of allowing him to serve on the Charter Review Committee. Mr. Miller stated that he will also be submitting this form.

2. APPROVAL OF MINUTES – JUNE 13, 2006

Mr. Lynch stated that on page two, paragraph two of section four under the *Qualifications for Candidates*, “a commissioner cannot be dismissed without three other commissioners voting.” There was discussion that the last sentence be corrected to read “being excused by the Commission” excluding the word “by

three members.” It was the **consensus** of the committee that the minutes be approved with the stated correction.

3. PUBLIC COMMENTS

Jerry Carris stated that he believes one thing that is currently absent from the current Charter that should be included is a glossary of the definition of terms.

4. DRAFT RECOMMENDATIONS

There was discussion on Section 12. *Qualifications for Candidates and Elected Officials* in regard to the last sentence of the first paragraph “and shall maintain...” on whether or not this should be in both places, *Qualifications and Forfeiture*.

It was the **consensus** of the committee to omit *Elected Officials* from Sec. 12 and let the Forfeiture section deal with just *Elected Officials*. The language of Sec. 12 will be changed from “for the office, shall be...for said period, and shall maintain” to “for the office, and shall be...for said period.” Omitting “shall maintain” and keeping it in the Forfeiture section.

Ms. Crotty will rewrite the Forfeiture section in paragraph form and also keep the bullet format for more options. In the second paragraph of Sec. 12 the second line states “will be allowed be deemed” will be restated as “will be deemed”.

Mr. Miller referred to Sec. 11 *Number, selection, term, compensation* suggesting that two years is not enough time for the elected official to really know the job. Ms. Crotty explained that all changes are by consensus of the committee and recommended going through the entire list of proposed changes and then deciding whether or not to revisit previously discussed items. After all issues are identified they will be revisited at the end if agreed upon by the entire group.

There was discussion of Section 12, paragraph two. The last sentence states “allows to continue in office”. This deals with both candidates and officials and does not fit with candidates who have not yet been elected. It was thought to need revising. The *Elected Officials* section was taken out of Sec. 12. It was the **consensus** of the committee to have this appear in both places. It was suggested to restate “will be allowed to continue” with “...those candidates can continue to run for office and those existing voters of office may continue...”

There was a discussion on the *Forfeiture* section in regards to the introduction list, “a commission member” should be restated to read “A Mayor or commissioner”.

Ms. Stewart suggested adding a section that says Continuing Qualifications for Elected Officials.

It was suggested to keep Section 12 as *Qualifications for Candidates and Elected Officials* putting in the requirements of a reference after bullet one under

Forfeiture referring back to Section 12 with a footnote that says referring back to Section 12. Having it in two places is giving exception to the rule and when you move to *Forfeiture* you do not have the exception to the rule.

In Section 12, the middle paragraph will now become the third paragraph.. Bullet one will refer back to Section 12 meaning you do not forfeit if there is redistricting.

5. ARTICLE II. THE CITY COMMISSION

SECTION 16. VACANCIES IN COMMISSION

At the last meeting, the committee agreed there needed to be an election when vacancies occur, but did not come to an agreement on how much time should be remaining in the term of the person who is vacating before the election is required. Ms. Grimmage read the memo submitted to the Committee by the City Clerk Ms. Golden who is the City of Winter Garden's Supervisor of Elections. The memo stated that *"the necessary timeframe for a special election the city would need is a minimum of (63) days if there were no run-off elections and (91) days with a run-off election as required by our current Charter. The special election would be completed prior to the next qualifying period which we have each year. Consideration must be given to the voters' registration book being open and available."*

There was discussion among the committee in regards to the timeframe between a Mayor being chosen within 3 to 6 months of the vacancy. Ms. Crotty read from another charter she worked with that stated, *"If there was less than 6 months the Deputy Mayor serves as Mayor or in the case of a vacancy the council by majority vote appoints a successor to serve until the newly elected person is appointed. If there is a vacancy of more than 6 months the council shall schedule a special election no sooner than 30 days but no more than 60 days following the vacancy."*

Mr. Miller mentioned that the problem is when the Commission is appointing someone to fill a vacated seat; there is usually a deadlock. He stated that the 15 day period should be removed. Ms. Crotty stated that her understanding is that the current 15 day requirement is being eliminated. The process shall be no different for Mayor or Commissioner. If the vacancy will be more than 6 months there will be a special election. If the vacancy is less than 6 months of the remaining term of the vacant seat the position will be filled within 30 days with requirements referencing back to Section 12. *Forfeiture of Office for Mayor and Commissioners.*

There was discussion among the committee on how the Mayor or Commissioner would be appointed, whether the public would have input via a list of candidates or by the Commissioners appointing someone. There was suggestion to have Attorney Langley draft a procedure based on this opportunity to vote to review the list and vote down the list of qualified applicants.

There was discussion on the opportunity for the public to have input in the filling of the vacancy and the timeframe required to have a special meeting in order to give the public their chance to be heard.

There was discussion on the Robert's Rules of Order which are not the official rules adopted by the City of Winter Garden. Mr. Langley explained the process of nominations and then a vote by the Commission. There was discussion on using the entire list of interested persons, each Commissioner choosing one candidate and they vote until a consensus is achieved.

Mr. Langley was asked to draft procedures for voting by list of all qualified applicants. (*This request was rescinded later in the meeting.*)

In conclusion there were three options:

- 1) Leave the position vacant if no agreement
- 2) If a deadlock it would be determined by the Governor.
- 3) If a deadlock on remaining applicants, allow each Commissioner to put a name in a hat and draw the name of the person to fill the vacancy.

It was the **consensus** of the committee if unable to select someone to fill the vacancy by majority vote of the Commission, the appointment would be made by drawing lots using the names of the individuals on whom the Commissioners are deadlocked.

SECTION 17. INDUCTION OF COMMISSIONERS INTO OFFICE; MEETINGS.

There was discussion on who has the authority to call a special meeting and an explanation was given on the difference between a special meeting and an emergency meeting. It was noted in number (3) in calling for a special meeting 6 hours' written notice is a very short time compared to other Charters who have at least 12 or 24 hours. By consensus, it was agreed upon to change the number of Commission members needed to call a special meeting to two (2) members and six (6) hours written notice will be changed to twelve (12) hours.

It was suggested to change the statement "...left at his usual place of residence..." as this does not guarantee that the person is going to receive the information.

There was discussion as to whether or not to add an emergency meeting section. Ms. Crotty stated that some language on an emergency meeting will be brought back to the committee for a later decision. It was agreed that "...and whenever practicable upon twelve (12) hours notice be added..." (*Ms. Muzeni left at 8:21 p.m.*)

SECTION 18. LEGISLATIVE PROCEDURE

There was brief discussion among the committee regarding the language of the first sentence which states “...*a less number may adjourn from day to day...*” It was noted by Ms. Crotty that this language is confusing, but appears in every charter that she has read. There was discussion on the meaning of this statement and it was stated that a quorum is needed in order to adjourn a meeting.

- Municipal code recommendations of Section 17, number (1) were reviewed. Under *Number, Selection, Term, and Compensation* the “term of office of the Mayor and Commissioner shall begin on the first regular meeting after their election.” Restatement of the first meeting being needed was discussed or possible moving of the language to another location.

Meeting adjourned at 8:34 p.m.