

**CITY OF WINTER GARDEN
CHARTER REVIEW ADVISORY COMMITTEE
MEETING MINUTES
August 8, 2006**

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

ATTENDANCE/ROLL CALL

MEMBERS PRESENT:

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

Facilitator:

Marilyn Crotty

Also Present:

A. Kurt Ardaman, City Attorney
City Clerk, Kathy Golden
City Manager, Michael Bollhoefer
Assistant City Clerk, Angee Grimmage

1. **Approval of Minutes - July 25, 2006**

Corrections

- Last page, second to last paragraph, the independent citizens review committee should be 5 members, not 9.

- Regarding the trigger for redistricting, we agreed that when any district has a population of 150% times that of any other district. We redistrict when one district becomes 50% greater in population than any other district.

- Last page, second to last paragraph, to include redistricting would not be done within one (1) year of the census.

It was the **consensus** of the committee that the minutes will stand approved as corrected.

2. **Public Comments**

Jerry Carris, 347 Bayside Ave., Winter Garden, Florida stated that he heard about the redistricting issue and had questions. When one district is 50% larger than any

of the others, do you redistrict all of them or do you create a new district? Ms. Crotty clarified that it would trigger a redistricting process for the entire City. Adjustments to the lines would make each district a little larger. Mr. Carris stated that we need more districts than we have, but still keeping an odd number of commissioners. Ms. Crotty stated that Mr. Carris' comment addresses the size of the commission. She stated that the committee could revisit that issue if so needed in the future.

Mike Bollhoefer, 218 West Smith Street, Winter Garden, Florida requested that the committee consider moving it's meetings to the City Hall chambers. He addressed the small size of the meeting and the loss of revenue from not being able to rent out Tanner Hall. The set up would be the same. The City Hall chambers are located in City Hall, 251 West Plant Street. The change would take place for the next meeting, in two weeks.

It was the **consensus** of the committee to move the meeting to City Hall Chambers.

3. **Review of Draft Recommendations**

Article V, Section 39

Ms. Crotty stated that there were a few draft recommendations to review and directed the committee to look at the last page; Article V. She stated that the committee agreed to delete Section 39, and there was an agreement, pending reviews, that all elections would be conducted in accordance with general law.

Section 17

Section 17, there was a change adding a segment on emergency meetings. There must be at least three (3) Commissioners present at an emergency meeting with a minimum of three (3) to approve any vote. There was discussion on emergency meetings and special meetings and whether the language should be included in both. Two (2) commissioners can call either meeting.

4. **Finalize Election Issues**

There was discussion on adopted election ordinances as listed in the agenda package. There appeared to be no information relating to a different provision for absentee ballots as previously mentioned. Also, the municipality cannot conflict with any state laws. There was discussion on including the statement "in accordance with general law." Comment was made that the adoption of the State Law should be made as it supersedes the City's. City Attorney Ardaman stated that reference to adopting the State Law is not necessary in the charter as the law already applies. There should be some reference to applicable laws for anyone looking for elections information. The attorneys will draft the language.

Section 51-Voting

Concerning Section 51, it was previously concluded that the City Commission not be involved in canvassing election returns and that the City Clerk and the Orange County Supervisor of Elections staff should serve as the canvassing board. It was further decided to bring the high speed counter to the City of Winter Garden and actually do the canvassing. Ms. Crotty stated that she spoke to Bill Cowles and that is not possible due to conflict of interests and the inability to bring the machine here. Ms. Crotty spoke to Mr. Cowles' recommendation that the canvassing board be the City Clerk, a citizen and one Commissioner or the City Clerk and two (2) residents chosen by the Commission. There was further discussion on choosing a canvassing board. Suggested options were given by the board with discussion on each.

It was the **consensus** of the committee that the City Clerk and two (2) citizens be appointed; they must be registered voters and residents in the city, appointed by the majority vote of the commission with one alternate. The canvassing committee would be appointed for a one year term within 90 days of the general election. The term of office would be from July 1st to June 30th.

Section 49 – Absentee Voting

It was the **consensus** of the committee that the terminology on absentee voting be left in the charter so that people know it was addressed, even though we are following the state's general election laws. It was agreed that the recall section was fine.

5. Approve Re-Districting Section

Ms. Crotty handed out redistricting language for discussion. (*See attached*). The second paragraph under (b) concerning what triggers a redistricting prior to the census will be revised as discussed earlier in the meeting. There was discussion on how a population increase in the districts would be determined. Ms. Crotty stated that the census is done every ten (10) years, the University of Florida puts out population statistics every year but they are not broken down by district. The City's Planning and Zoning Department can make that determination on redistricting based on the number of building permits or utility bills. It was suggested that a time frame for staff to check population increases be specified as annually.

It was the **consensus** of the committee that the City shall annually review the estimated population of all districts. If the estimated population of any district becomes 50% greater than that of any other district, a districting commission will be appointed, unless this increase occurs within one year of the official census. Ms. Crotty stated that the Orange County Supervisor of Elections said they could help with redistricting.

Ms. Crotty addressed the resolution that set up the last redistricting advisory committee. They drew the lines as a citizen advisory commission and delivered it to the Commission.

6. **Article III – City Manager**
Appointment, removal, qualifications, absence, powers and duties

Section 26

There was discussion on the responsibilities of the City Manager, the experience and qualifications required, and the requirement of a contract and its renewal. The commission appoints the City Manager. There was discussion on whether a vote of three (3) Commissioners is needed for removal of the City Manager or a supermajority. No City Commissioner can be appointed as the City Manager until one year after their term of office has ended.

Section 27

There was discussion on removal of the City Manager and the inclusion of severance language in the contract instead of the charter. Insertion of the last sentence that he/she will continue to receive full salary until the date of resolution was discussed for inclusion. There was discussion on whether or not a super majority for termination should be required. There was more discussion about whether language requiring a contract should be included and if the term of such a contract be limited.

It was the **consensus** of the board to include “must have a contract in the charter.”

The charter should reflect supermajority of four (4) Commissioners to terminate the City Manager before the end of the contract. Appointment, renewal, or non-renewal of the City Manager will require only three (3) Commissioners. Also, three (3) Commissioners can terminate the City Manager at the end of his/her contract.

Section 30, Powers and Duties

There was discussion as to whether the qualifications language in the model charter commentary be incorporated into the Charter. Also discussed was political involvement activity of a City Manager. The committee reviewed the model charter page 25, Section 3.04 and discussed several of the items.

It was the **consensus** of the committee to substitute the model charter language for current charter language.

• **Update from the City Manager of items coming before the City Commission regarding the Charter Review Committee**

City Manager Bollhoefer stated that the City Commission has decided they would like to implement some charter changes prior to the next election, specifically

items having to do with elections. The City Commission will be provided with information from the Charter Review Committee's past meetings.

The manager has proposed a special mail ballot election the second week in December. The ballots will have to go out 45 days prior to the Election Day. Language must be decided and ballots must be ordered by October 20. Mr. Bollhoefer stated that the first reading of the proposed ordinance would be the fourth Thursday in September, with a second reading no later than the first meeting of October.

There was discussion on whether piecemealing parts of the charter may affect how the citizens vote on the final draft of the charter.

Ms. Crotty stated that she would review everything the Charter Review Committee has done thus far and talk with the City Manager and the City Clerk about what the City Commission is particularly interested in. The committee will discuss at the beginning of their next meeting to be sure that all Committee members are in agreement on what will be forwarded to the City Commission for inclusion on the early ballot.

7. Adjournment

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

Note: Consensus means at least 70% of the committee