

**CITY OF WINTER GARDEN
CHARTER REVIEW ADVISORY COMMITTEE
MEETING MINUTES
October 17, 2006**

The Winter Garden Charter Review Advisory Committee meeting was called to order by Facilitator Marilyn Crotty at 6:30 p.m. at City Hall, 251 West Plant Street, Winter Garden, Florida.

ATTENDANCE/ROLL CALL

MEMBERS PRESENT:

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

MEMBER ABSENT:

Don Miller

Also Present:

Assistant City Attorney Dan Langley
Assistant City Clerk Angee Grimmage
Facilitator Marilyn Crotty
Human Resources Director Frank Gilbert

1. **APPROVAL OF MINUTES** – **October 10, 2006**

Correction to last line at the bottom of the first page, change Ms. Stewart to Ms. Muzeni.

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

2. **PUBLIC COMMENT** – None

3. **REVIEW AMENDED LANGUAGE FOR REVISED CHARTER**

All references below are to the Assistant City Attorney's drafted changes.

Ms. Crotty explained that the revised charter is a compilation of draft recommendations and items from the charter that have not yet been discussed.

ARTICLE II

Ms. Muzeni referenced the section on Commission Districts; adjustments of districts were missing from the revised charter. Ms. Crotty asked Mr. Langley to determine the best placement of this section.

Note: Consensus means approval of at least 70% of the committee in attendance.

The committee reviewed the amended language for the revised charter as follows:

Section 12. Qualifications

It was noted that there was a difference in the language of the revised charter versus the draft recommendations of October 10, 2006. After some discussion on this issue it was agreed to add "*such qualified candidate for commissioner may continue to run for the office for which they qualify.*"

Section 13 (12) Powers of city commission

This section of the current charter was discussed and it was determined that some items were covered in the Florida Statutes and did not need to be restated in the charter. There was discussion that employees indicted for a felony should be addressed as a Human Resources policy and should not be included in the charter.

It was the **consensus** of the committee that this section be excluded from the charter.

Section 15. Judge of Qualifications

Change "a commission member charged by one or more" to "two or more".

Section 16. Vacancies in Commission

- (a) add "*at*" before *such meeting will allow public comment*
- (b) remove "*to*" after *such election shall*

Section 17. Induction of commissioners into office; meetings

(3) changed to read, "*The mayor-commissioner or any two (2) members of the commission may call special meetings through the City Clerks office of the City commission, upon no less than twelve (12) hours' notice to each commissioner delivered in a reasonable manner.*"

Section 18. Legislative procedure

There was discussion on defining super-majority or replacing it to read "*four (4) commissioners.*" It was agreed to use the actual number throughout the document.

Section 19. Adoption of ordinances; procedure; effective date

(3) change seven to ten in accordance with state statutes.

Section 20. Emergency measures

There was discussion on the difference between emergency measures and emergency meeting. It was the **consensus** of the committee that 2/3 vote be required to enact ordinances dealing with emergencies as required by Florida Statute. The committee also agreed by consensus to delete the last sentence of this section referencing grounds for recall.

Section 21. Revision of ordinances – no change, leave in
Section 22. Repeal of ordinances – no change, leave in

Section 23. Forfeiture of Office

There was discussion on leaving in the gender language of his/her. Mr. Langley explained the addition of the words "*during the term*" indicates it relates to a conviction of moral turpitude involving a commissioner currently in office and not a candidate.

Section 24. Investigations

No change from draft recommendations of October 10, 2006.

There was discussion on the districting and Mr. Langley stated that he would email this information to the committee.

Section 25. Reserved

May be used for the districting section. Will be discussed at the next meeting.

ARTICLE III. CITY MANAGER

Section 26. Appointment of city manager; written contract

It was discussed that the City Manager's contract is written by the City manager's attorney and should not be put in the charter. No change.

Section 27. Removal of city manager

Super-majority will be replaced with "*four (4) commissioners*"

There was discussion on revisiting some items previously discussed and it was decided that the committee would continue moving through the draft then revisit items if deemed necessary by the committee.

Section 28. Qualifications

Change "*his*" to say "*City Manager*" otherwise no other changes.

Section 29. Absence, disability or suspension

Change to "*shall*" designate rather than "*may*" designate.

Section 30. Powers and duties – no changes

Section 31. Reserved – no changes

ARTICLE IV. CITY DEPARTMENTS AND OFFICERS

Section 32. Departmental organization. – no changes

Section 33. City Clerk

(5) remove “*City Manager*” and change to “*City Commission*”

There committee went back to discuss Section 32(4), but there was no change

Section 34. City attorney

Add “*by three affirmative votes*”

It was noted that City Engineer was removed from the charter.

Section 35. Police department; chief of police – no change

Section 36, 37 Reserved – no change

ARTICLE V. ELECTIONS

Section 38. Referendum – no change

Section 39. Reserved – deleted

Section 40. Conduct generally – The committee agreed to add “including qualifications of electors and registration of voters.”

Section 41. Qualification of electors – deleted

Section 42. Registration of voters – deleted

Section 43. Party insignia on ballots; form to be as in state, county elections
No change

Section 44. Qualification of candidates in groups; time; procedure; runoff election
Change “*groups*” to “*district*” and change “*District 5*” to read “*At large*”.

(c) There was discussion on including “*the second Tuesday of the month following the municipal election.*” Also discussed was the definition of “*clear majority*” and Mr. Langley was asked to look into this issue.

Section 45. Fee; withdrawal – no change

Section 46. General elections – no change

Section 47. Special elections – no change

Section 48. Write-in candidates – no change

Section 49. Absentee voting – no change

Section 50. Polling places

There was discussion that the City Clerk would like to have City Commission adopt the polling places by resolution, instead of “*as designated by the Orange County Supervisor of Elections.*”

It was the **consensus** of the committee to leave the language as is.

Section 51. Canvassing Board

There was discussion on the canvassing board being established one year in advance of elections to remove the politics from the process. There was discussion on the change specifying that the canvassing board would serve a one year term beginning July 1 and terminating on June 30th. Mr. Langley stated that there are possible conflicts and there was discussion on each issue. The committee reaffirmed its position of having the Board appointed well in advance of the election and serving for one year.

There was also agreement that two alternates be appointed to the canvassing board.. The committee also discussed the City Clerk's request to have the option of canvassing ballots at the Orange County Supervisor of Elections office, but decided the current language leaves that option available.

It was the **consensus** of the committee that the same canvassing board would canvass special elections.

4. **EXTRANEIOUS ITEMS** – Not covered
5. **PREAMBLE** – Ms. Crotty encouraged the committee to review the preamble given in the Model Charter and submit their ideas.
6. **PUBLIC COMMENT** - There was none.

There was discussion regarding the next meeting and the possibility of revisiting reviewed items.

There was discussion on having an additional meeting on Wednesday, November 1, 2006 at 6:30 p.m. Presentation of the proposed revised charter to the commission was discussed and a workshop meeting with the Commission on November 9, 2006 was also suggested for presenting their ideas, suggestions and recommendations.

Briefly discussed was the possible need for requesting an additional extension from the City Commission for the Charter Review Committee to complete its work. Derek Blakeslee agreed to make the request at the Oct. 19 meeting of the Commission.

The Committee asked Assistant City Clerk Grimmage to check on the availability of the City Hall chambers for an additional meeting.

The meeting was adjourned at 8:47 p.m.