

**CITY OF WINTER GARDEN
CHARTER REVIEW ADVISORY COMMITTEE
MEETING MINUTES
October 24, 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
Ed Lynch
Don Miller
Barbara Muzeni
Richard Napotnik

MEMBER ABSENT:

Blair Johnson
Pamella Stewart
Bert Valdes

Also Present:

Assistant City Attorney Dan Langley
Assistant City Clerk Angee Grimmage
Facilitator Marilyn Crotty

1. **APPROVAL OF MINUTES** – October 17, 2006

It was the **consensus** of the committee that the minutes be approved as written.

2. **PUBLIC COMMENT** – There was none

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

All references below are to the Assistant City Attorney's drafted changes of 10-20-06.

ARTICLE II. THE CITY COMMISSION

Section 12. Qualifications.

Change to second paragraph to read “the commission may continue to run *for* the office”

Section 14. Prohibitions.

(3) Holding other Office - add attorney's legal suggested language “*or from selecting any current commission to serve on a municipal board as an ex officio member.*”

There was discussion and explanation of the term ex officio. Without hearing any objections, it was agreed that the Committee would retain the attorney's suggested language.

Section 15. Judge of Qualifications

It was agreed that “election” of its members be removed because the commission is not going to be the canvassing board, so they do not deal with elections.

Change “A Commission member charged by *one* or more” to “*two* or more”.

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

Sec. 16 Vacancies in commission.

There was discussion on the Committee providing for extraordinary vacancies that may occur. It was agreed that the Committee would leave this as is.

2(a) – add the word “at”, text to read “filling the vacancy and *at* such meeting”

2(b) – delete the extra “to”, text to read “shall be held no sooner”

Correction for forty (45) was suggested. Mr. Langley stated that the City Clerk said it would not be possible to hold an election sooner than 45 days because of the ballots sent overseas to the military. It was agreed that the text read “*such election shall be held not sooner than forty five (45) days and not later than sixty (60) days following the occurrence of the vacancy.*”

Section 17. Induction of commissioners into office; meetings.

(3) add – “*through the City Clerk’s office*” after city commission.

(4) add – “*except for emergency ordinances which shall be adopted in accordance with Section 20*”. Without hearing any objections, it was agreed that the Committee would retain the suggested language.

Section 19. Adoption of ordinances; procedures; effective date.

Mr. Lynch stated that paragraph 2 repeats part of paragraph one. It was determined that this is written from the existing charter and it was suggested that changes that are not substantiative should not be put on the ballot.

Section 20. Emergency measures.

Mr. Lynch stated that the draft made no differentiation between emergency ordinances and regular ordinances.

Add – “*at the meeting at which they are introduced*” to the end of the first sentence. Also, in the first sentence, change – “by affirmative two-thirds vote of the total commission” to “*by an affirmative vote of at least three (3) members of the commission*”.

Section 25. Commission Districts; adjustment of districts.

Ms. Crotty gave a brief recap of the Committee’s recommended changes to this section. There was discussion on (7) as to whether an effective date should be added.

Delete - “timely”.

Add – “*shall go into effect at that time*”

ARTICLE III. CITY MANAGER.

Section 26. Appointment of city manager; written contract.

Delete – his/her and any references to gender.

Change – “must decide by a majority vote of the total commission” to “*must decide by an affirmative vote of at least three (3) members of the commission*”.

Section 27. Removal of the City Manager

In the last sentence, change – “by a majority vote of the total commission” to “*by an affirmative vote of at least three (3) members of the commission*” This change will be made throughout the document.

Section 28. Qualifications

Delete gender pronouns from the section.

ARTICLE V. ELECTIONS

Section 44. Qualification of candidates in groups; time; procedure; runoff election.

(c) Ms. Crotty stated that Mr. Langley has defined clear majority.

The charter did not address what happens when there is a tie in the runoff, so the City Clerk recommends the flip of a coin to decide in the event of tie. Without hearing any objections, it was agreed that the Committee would retain the suggested language.

(d) Ms. Crotty stated that this is a new section that the committee had not reviewed. Mr. Langley stated that the City Clerk suggested addressing the issue of what happens if only one candidate is qualified. Without hearing any objections, it was agreed that the Committee would retain the suggested language.

Section 45. Fee; withdrawal.

Ms. Crotty stated that the City Clerk recommends adding “*or resolution*”. It currently has by ordinance the amount of the registration fee would be determined. This gives the City Commission the option of setting the fee by ordinance or by resolution. Ms. Crotty stated that the rationale is avoiding amendment of the code each time the fee changes.

Remove – “his” – text to read “*may withdraw*”

Section 50. Polling places.

There was discussion on polling places and it was agreed to leave the language as is.

Section 51. Canvassing Board.

(2) There was discussion on whether or not ballots can be counted by hand. The City Clerk’s recommendations were to count them by hand to avoid the need to run small numbers of absentee ballots and provisional ballots through the machine which can avoid delays in calling results in the election. Ms. Crotty asked Mr. Langley to check with the Supervisor of Elections to see if it is legal to do that. It was agreed by the committee that if this is legal, retain the suggested language, if it is not, then remove the language.

ARTICLE VI. RECALL ELECTIONS – No changes

ARTICLE VII. ANNEXATIONS – No changes

ARTICLE VIII. CHARTER REVIEW AND AMENDMENT – No changes

Section 54. Charter Review; amendment.

Ms. Crotty gave the Committee handouts of Florida Statute 166.031 regarding charter amendments for municipalities. She stated that this is new language that was not previously in the charter.

ARTICLE IX. INITIATIVE AND CITIZEN REFERENDUM.

Ms. Crotty stated that this is a new addition to the charter as referenced from the model charter.

Section 58. Procedure for filing.

Add – Section number 57 in the blank. Mr. Langley to confirm this change is correct and fill in the blanks in this section.

Mr. Lynch suggested that a distinction should be made utilizing the term “citizen’s” referendum in this section. There was discussion and review of the model charter on this issue and it was agreed that the word “citizen” be added to the title at the beginning of this section And before “referendum” wherever it appears in this article.

ARTICLE X. FISCAL MANAGEMENT

Section 62. Fiscal Year.

There was discussion on whether or not to delete this section. Without hearing any objections, it was agreed that the Committee would retain the suggested language.

Section 63. Submission of budget; budget message.

Change text to read ”Each year the City Manager shall submit to the City Commission a budget in accordance with state law and an accompanying message.”

Section 66. Emergency Appropriations.

(2) There was discussion on this section referencing Section 20.

Add – *“by an emergency ordinance in accordance with Section 20.”*

Section 68. Issuance of Bonds.

There was discussion whether or not the suggested specific bonds should be listed. Without hearing any objections, it was agreed that the committee would retain the suggested language as written.

Section 69. Independent Audit

There was discussion on keeping only the first sentence. It was agreed that the committee would retain only the first sentence of the suggested language.

ARTICLE XII. MISCELLANEOUS PROVISIONS

Section 95. Tort suites against city; notice; investigation.

Without hearing any objections, it was agreed to delete Section 95.

Section 96. Posting allowed as alternative to publication.

There was discussion as to whether this belongs in the charter. In relation to this issue the committee also discussed Section 19 (3), (4) and (5).

Delete – the word “revised”.

Add – at the beginning add “*Except where prohibited by law*”. Mr. Langley will reword this section.

Section 97. Severability clause.

Delete – the word “revised”.

Section 98. Repealing clause - delete

Section 99. When charter becomes effective; restriction required - delete

Section 100. Former Charter to continue if not ratified – delete

• *Ms. Muzeni asked if the Charter Review Committee did not want to retain their own records after these proceedings are complete whether these records should be submitted to the City Clerk’s office for retention. It was determined that according to state law concerning public records, this is correct.*

4. **PREAMBLE**

Ms. Crotty handed out samples from two other cities for the Committee’s review.

After review of the two samples and the preamble written in Model Charter, the Committee agreed to adopt the preamble written as follows:

“We the people of the City of Winter Garden, Florida, under the constitution and laws of the United States of America and the State of Florida, in order to provide the benefits of local government responsive to the will and values of our citizens, do hereby adopt this charter to define the powers and structure of our government. By this action we secure the benefits of home rule and affirm the values of representative democracy, professional management, strong political leadership, citizen participation, and regional cooperation. We believe in an open, responsive government that abides by the highest ethical standards and operates as a careful steward of the human, fiscal, and natural resources of our city.”

5. **PRESENTATION TO CITY COMMISSION**

There was discussion on the final meeting of the Charter Review Committee on Wednesday, November 1, 2006 at which time the committee will be approve a final draft of the revised charter and the wording of the preamble.

There was discussion concerning the proposed workshop for the City Commission and the Charter Review Committee on Thursday, November 9, 2006 a half an hour before the normal City Commission meeting.

There was discussion on possibly considering an extension and delaying the referendum to a special election. The Committee voiced their disagreement with this idea.

There was discussion on when and how the Committee will present its work to the City Commission and it was suggested that the Committee be allowed to stay intact in order to participate in the workshop rather than be disbanded.

• **REVISIT OF ISSUES**

Mr. Napotnik stated that he would like to revisit the issue of three (3) year terms as opposed to the two (2) year terms. It was the **consensus** of the Committee to revisit this issue.

Mr. Napotnik stated that he would like to revisit the issue of the Contract for the City Manager. There was no consensus to revisit this issue.

Mr. Lynch stated that he would like to revisit the issue of Removal of the City Manager during the contract period by vote of four (4) City Commissioners. It was the **consensus** of the Committee to revisit this issue.

Mr. Lynch stated that he would like to revisit the issue of the Districting Commission. It was the **consensus** of the Committee to revisit this issue.

Mr. Lynch stated that he would like to revisit the issue of Salary and Zoning exceptions to the Initiative and Citizen Referendum. There was no consensus to revisit this issue.

Mr. Blakeslee stated that he would like to revisit the issue of defining that the City Clerk be under the direction of the City Manager, not the City Commission. There was no consensus to revisit this issue.

• **WORKSHOP**

There was discussion on presenting the completed version of the revised City Charter to the City Commission.

November 1, 2006 – Review and approval of changes made to date and discussion of sections agreed upon to revisit.

November 6, 2006 – Proposed for the final meeting. There will be approval of the final draft of the charter and discussion about the Committee's strategy for presenting it to the Commission during the workshop.

November 9, 2006 – Transmit the revised Charter to the City Commission and make the request for a time for a workshop.

There was discussion that the workshop should be separate from a Commission meeting, approximately two hours, from 7:00 p.m. to 9:00 p.m., open to the public, but not a public hearing.

There was discussion that Thursday, October 26th Mr. Blakeslee will make the request for extending the Committee, give the Commission the Committee's timeframe, and request sometime during the week of November 27, two hours for a workshop.

There was discussion that if the City Commission would have the workshop on November 27th, they could have their first reading in December and the second reading in January and maybe still make it for the March election.

The Assistant City Clerk was asked to provide the Committee with something in writing that details that the public records held by the Charter Review Committee should be turned over to the City Clerk's office after the Committee sunsets.

6. **PUBLIC COMMENT** - There was none.

The meeting was adjourned at 8:50 p.m.