

**CITY OF WINTER GARDEN
CHARTER REVIEW ADVISORY COMMITTEE
MEETING MINUTES
November 1, 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
Don Miller
Barbara Muzeni
Richard Napotnik
Pamella Stewart

MEMBER ABSENT:

Bert Valdes

Also Present:

Assistant City Attorney Giffin Chumley
Assistant City Clerk Angee Grimmage
Facilitator Marilyn Crotty

1. **APPROVAL OF MINUTES** – October 24, 2006

Correction to page 1 - Move Blair Johnson to member absent.

Correction to page 4, Article IX - Add “Crotty” after Ms.

Correction to page 5 - Move paragraph regarding Ms. Muzeni’s reference to public records above the preamble.

Correction to page 2, Section 20 - Add “*the draft made*” no differentiation.

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

2. **PUBLIC COMMENT** – None

Ms. Crotty explained that at the last meeting Committee members were given the opportunity to raise any issues that they wanted to revisit. There were three items as listed on the agenda.

3. **ARTICLE II. Sec. 11 Terms of Office**

Ms. Crotty explained that Mr. Napotnik wanted to revisit the “Term of Office” issue to change the term from two (2) years to three (3) years.

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

Mr. Napotnik stated that he felt going to a three (3) year term of office would save the City money in election costs and it would also allow the Commissioner more time to become familiar with their job.

Ms. Crotty stated that the current trend of most cities is to move to longer terms in office.

There was discussion on the growth of the City, the learning process of the new Commissioner, and the possibility that one could tire before their term was over if it were a three (3) year term. It was stated that a longer term would also allow for the City Commission to run more smoothly.

It was the **consensus** of the Committee to recommend changing the term of office from two (2) years to three (3) years.

Ms. Crotty asked Mr. Chumley to look through the Charter to see if there is any other related language with reference to an election every year. She stated that in keeping the staggered terms there would be one (1) year off where there would not be any elections.

There was discussion on whether or not term limits would need to be revisited with this change of term of office now being three (3) years. It was mentioned that revisiting this item was rejected by the group in the last meeting. Three (3) three-year terms was suggested as a term limit no consensus was reached by the committee to include this in the charter.

4. **ARTICLE III. Sec. 27 Removal of City Manager**

Ms. Crotty stated that Mr. Lynch wanted to address the affirmative vote of at least four (4) members of the City Commission to terminate the City Manager during the contract period. If the contract ends, only three (3) votes are needed.

Mr. Lynch stated that he wanted to keep the charter as it is on this issue. He stated that the City Manager is the most powerful person in our government and in his opinion, changing our form of government should be considered. He suggested going to a Strong-Mayor form of government. He explained that our form of government right now is democratic enough, but just barely.

There was discussion that the City Manager is hired by the City Commission to run the City under their direction. Finding a good City Manager is very difficult and it was stated that a good City Manager would be less apt to take a position where on the whim of three (3) Commissioners, versus four (4) Commissioners, they can be fired.

There was discussion on the change to the current government setup and the affects a change would have on the Charter.

There was discussion on whether the Charter could legally mandate the length of a City Managers contract.

There was no consensus by the committee to change the number of votes required to terminate a City Manager, however, there was discussion on including a contract limit of four (4) years.

It was the **consensus** of the committee to change Section 26 to include a contract limit of four (4) years for a City Manager.

There was no consensus of the Committee in changing the form of government.

5. **ARTICLE II. Sec. 25 Districting Commission**

Mr. Lynch addressed the issue of an advisory Districting Committee that would operate much like the Charter Review Advisory Committee which reports back to the City Commission. They would agree to use all of the recommendations or to reject them all or some combination thereof. He stated that this is appropriate for the Charter Review Committee but should be more hands off for the Districting Committee. He explained that the City Commission should not be allowed to have so much influence on how the City is redistricted. He referred to the Model Charter on this issue and gave the example that if the City Commission disagrees with the efforts of the Districting Committee, they could object, and send the Committee back to revise it. He suggested that the Model Charter be followed on this issue. There was discussion on the Model Charter, page 43, paragraph four (4) versus the revised charter paragraph six (6).

There was discussion on the City Commission being elected officials who should have the right and the power to change the district boundaries as they see fit. It was stated that they will ultimately have final approval. The Committee discussed specific objections by the City Commission regarding the redistricting being sent back to the Districting Committee for revision. There was concern expressed by the committee that the revision process could go back and forth. A timeframe was suggested for inclusion to prevent back and forth revisions. There was further discussion and it was stated that the Charter is meant to be a guideline; the establishment of the Districting Commission should be set by ordinance. The additional language was crafted but then rejected by the Committee after additional review and discussion.

There was discussion on whether or not to change the “at least ninety (90) days” in Sec. 25 (7).

After further discussion there was no consensus to change Section 25 of the revised charter.

6. **REVIEW DRAFT LANGUAGE FOR REVISED CHARTER INCLUDING PREAMBLE**

It was agreed that the preamble, as stated in the minutes of October 24, 2006, be inserted before Article I, Section 1 to be titled as “*Preamble*”.

It was agreed by the Committee to add a comma after the State of Florida, and remove a space after the word “citizens”.

• **Canvassing Board**

There was discussion as to whether or not the canvassing board can physically hand count ballots. Assistant City Attorney Chumley stated that the Florida Statutes allow hand counting of ballots in the municipal elections if it is provided for by ordinance. Ms. Crotty stated that the City Clerk wanted to include that the canvassing board may count absentee and provisional ballots by hand. There was discussion as to whether that sentence in Section 51, part two (2) would come out all together. It was stated that the canvassing process and the use of the hand-counted ballot could help expedite the calling of the election. Without hearing any objections, it was agreed that the Committee would remove the last sentence of Section 51(2).

• **Summary of Changes**

Preamble – Move preamble to the beginning of the Charter, addition of commas
Term of Office – change from two (2) to three (3) years
Article III. City Manager. Section 26 – add a contract limit of four (4) years.
Section 51. Canvassing Board (2) – removal of the last sentence

It was stated that the above changes will be the final proposed changes to the revised charter for the Committee’s approval at the next meeting.

• **Charter Review Committee before the City Commission October 26, 2006**

Mr. Blakeslee shared his discussion with the City Commission at the Commission meeting of October 26th. He stated that he informed them of the Committee’s plan to have two additional meetings, and to present them with a draft of the revised Charter on November 9, 2006. He stated that a workshop for the week of November 26th was requested. Ms. Grimmage informed the committee that a tentative date of Thursday, November 30, 2006 is being requested for the workshop between the Charter Review Committee and the City Commission. Ms. Crotty explained the purpose of the workshop.

There was discussion on possible lobbying of issues to Commissioners by individual Committee members and it was suggested that the Committee stick together and see this through as a package proposal endorsed by the Committee as a whole.

There was a request that the City Attorney look into the number of changes recommended, and see how the changes may be placed on the ballot. Ms. Crotty

spoke on the presentation of the Charter in part versus in whole and gave examples from her experience with other city charters.

Mr. Blakeslee stated that the City Commission appears to him to want the Charter to be presented to the citizens as separate ballot items.

There was discussion on the public having adequate time to review and be educated on the proposed charter revisions.

It was stated that if this does not go on the March ballot the turn out would likely be very low.

There was discussion on recommending to the City Commission that an educational program be set up for the public.

Ms. Crotty stated that the Committee will discuss the organization of the items on the ballot, the timeframe of the issue going before the voters, and an educational program at the next meeting.

- **Public Records of the Committee**

There was discussion on the release of each Committee member's records to the City Clerk's office. With reference to a question asked about personal notes, Ms. Crotty explained that if it is something that deals with the official business of the Committee then it is public record. She explained that each member could keep their own records but they must be kept according to the retention schedules as mandated by the Secretary of State. Mr. Chumley was asked to get a definitive answer as to what is considered public record.

The meeting adjourned at 8:30 p.m.