



CITY OF WINTER GARDEN

OFFICE OF THE CITY CLERK

251 W. PLANT STREET, WINTER GARDEN, FL 34787

TEL: (407) 656-4111 Ext. 2254 • FAX (407) 656-4952

CITY COMMISSION CHARTER REVIEW WORKSHOP MINUTES

January 18, 2007

Mayor Quesinberry called the workshop to order at 6:12 p.m. at Tanner Hall, 29 W. Garden Avenue, Winter Garden, Florida with the following in attendance:

COMMISSION PRESENT: Mayor Jack Quesinberry (left at 7:22 p.m.), Commissioners Theo Graham, Colin Sharman (arrived at 6:13 p.m.), Charlie Mae Wilder (arrived at 6:18 p.m.)

COMMISSION ABSENT: Commissioner Jowers

STAFF PRESENT: City Manager Michael Bollhoefer, City Clerk Kathy Golden, City Attorney Kurt Ardaman, Assistant City Attorney Dan Langley, Assistant City Manager Marshall Robertson, Economic Development Director Shelly Weidenhamer, Finance Director Brian Strobeck, Human Resources Director Frank Gilbert, Police Chief George Brennan, and Assistant City Clerk Angela Grimmage

Mayor Quesinberry opened the workshop explaining that this is a workshop for staff to present their proposed charter changes and stated there would be no public input at this meeting and the City Commission cannot take any action. Recommended language by the Charter Review Committee was provided to the City Commission. City Attorney Ardaman stated that the Charter Review Committee spent several months on the recommended changes to the City Charter. The November 7, 2006 recommended version by the Charter Review Committee is what the City Commission has in front of them (*see attached*). This workshop will be one of many meetings that the City Commission will have to allow them to gain information from different sources so that they can come to a decision about what they will submit to the voters. He stated that tonight's meeting is for City staff input and there will be other meetings for the public to give their input and suggestions at a later date. Assistant City Attorney Langley will go through the Charter Review Committee's recommendations page by page and staff will give their comments on suggested modifications. He encouraged the City Commission to ask any questions they may have.

Assistant City Attorney Langley, who served as the committee's legal counsel, went over the staff's suggested changes to the committee's recommended language and existing language as follows:

<p>Sec. 12. Qualifications.</p> <p><u>(1) Candidates.</u> Candidates for the city commission shall have been residents of the city and of the district in which they run for one (1) year immediately prior to the end of the qualifying period for the office and shall be registered voters in their district for said period, and shall maintain residency and voter registration in the city and district. Members of the city commission must maintain the foregoing qualifications during their term of office. Notwithstanding the foregoing, in the event a qualified candidate for commissioner fails to meet the residency and voter registration requirements for holding office solely as the result of a redistricting that occurs after the qualifying period for the election of such office, such qualified candidate for commissioner may continue to run for the office <u>for</u> which he/she qualified and if elected, serve without forfeiture under section 15 for the remainder of his/her term provided the qualified candidate maintains his/her residency and voter registration existing at the time of redistricting. while running for office and, if elected, while serving as commissioner.</p> <p><u>(2) Members:</u> Members of the city commission must maintain the foregoing qualifications in subsection (1) during their term of office. In the event a commissioner fails to meet the residency and voter registration requirements for holding office solely as the result of a redistricting or charter revision that occurs during the term of office, such commissioner shall not be deemed to have forfeited such office and may continue to serve in office for the remainder of the commissioner's term provided the commissioner maintains his/her residency and voter registration existing at the time of redistricting.</p>	<p><u>Legal/Staff Comments:</u></p> <p>Mr. Langley began on Section 12 page 3 by stating legal counsel recommends changing the arrangement of this section because part of the paragraphs deal with the candidates for public office and others deal with members already on the City Commission. Therefore, they recommend breaking this into two sub-sections: one dealing with candidates (prior to being elected) and one for members of the City Commission (after being elected) to include elected members would need to maintain their residency and voter registration while in office.</p> <p><u>City Commission Comments:</u></p> <p>Commissioner Graham asked for clarification regarding redistricting a seat while they are in office that would change their boundary, for the remainder of their term, so they no longer reside in the district in which they were elected. They would not be able to run for the seat they just held. Mr. Ardaman stated that under the current proposed language, it agrees with Commissioner Graham's statement. Mr. Langley added that there is initial leeway when redistricting occurs that will allow the current elected official to serve out their term and then be required to run in the district in which they live, which could mean moving if they want to run for the same district.</p>
<p>Sec. 14. Prohibitions.</p> <p>(1) <i>Appointments and Removals.</i> Neither the city commission nor any of its members shall control, demand, direct or request the appointment or removal of any city administrative officer or employee whom the city manager or any of the city</p>	<p><i>Note: Refer to related comments under Section 32.</i></p>

<p>manager's subordinates is empowered to appoint or hire.</p>	
<p>Sec. 16. Judge of Qualifications Forfeiture. The city commission shall be the judge of the qualification of its members and of the <u>grounds for forfeiture of office for its members.</u> In order to exercise these powers, the commission shall have the power to subpoena witnesses, administer oaths, and require the production of evidence. A commission member charged by two or more commissioners with conduct constituting grounds for forfeiture of office shall, upon request within five (5) business days of written notification of the charge, be entitled to a public hearing. Notice of such public hearing shall be published in a newspaper of general circulation in the city at least one week in advance of the hearing. At least three (3) members of the commission must approve the forfeiture of office of any commission member.</p>	<p><u>Legal /Staff Comments:</u> The first sentence on page 4 is a little confusing on what the intent is. Since it uses "qualifications of members", it may be interpreted by some to read that the City Commission determines who is qualified as a candidate to run for the City Commission. What the Charter Review Committee intended was that the City Commission be the judge of the grounds of forfeiture for the office and suggested the notated changes.</p>
<p>Sec. 17. Vacancies in commission. (2) Unless otherwise prescribed by general law, a vacancy on the commission shall be filled in the following manner: (a) If there are six (6) months or less remaining in the unexpired term of the vacant office, within thirty (30) days of the occurrence of the vacancy, the commission by majority vote of its remaining members shall appoint a qualified person to fill the vacant office to serve the remainder of the term. Within fifteen (15) days of the occurrence of the vacancy, those persons interested in qualifying for appointment to the vacant office shall submit to the city clerk their name and other such information showing that they meet the qualifications for holding office pursuant to Section 12 of this charter. After the fifteen (15) day qualifying period, but before the expiration of thirty (30) days after the occurrence of the vacancy, the commission shall hold a special meeting for the purpose of filling the vacancy and at such meeting allow public comment on the matter. If the commission does not appoint a qualified person by the expiration of thirty (30) days after the occurrence of the vacancy, the vacant office shall be filled by drawing lots among the qualified persons receiving at least two (2) votes from the remaining commission members. (b) If there are more than six (6) months remaining in the unexpired term of the vacant office, the commission shall schedule a special election to fill the vacancy</p>	<p><u>Legal /Staff Comments:</u> City Clerk Golden identified a potential situation when the Resign to Run law is applicable and she has been discussing this with the City Attorney who has asked to look into this further and to see whether or not it is possible to craft language that would allow the City to simultaneously fill an impending vacancy for those seats that would have a year remaining on the term, at the same time as the general election. Mr. Langley confirmed that under the Resign to Run law, the resignation would be irrevocable. There are difficulties associated with the proposed language for declaring a special election at the exact same time as a regular election versus the current appointment language. Staff requested to defer this item. <u>City Commission Comments:</u> There was discussion on the amount of time</p>

<p>and 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.</p>	<p>between the resignation, the election and the number of City Commission meetings before the resignation is effective.</p>
<p>Sec. 18. Induction of commissioners into office; meetings (2) The first meeting of newly elected mayor-commissioner and/or commissioners for induction into office shall be held at the first regular meeting following their election, after which the commission shall meet regularly at such times as may be prescribed by its rules, but not less frequently than twice each month.</p>	<p><u>Legal/Staff Comments:</u> Mr. Ardaman stated that in his opinion the existing section is not appropriate for the Charter because frequency of meeting should be at the discretion of the City Commission rather than be forced to hold a minimum or maximum amount of meetings. He suggested deleting “but not less frequently than twice each month.” <u>City Commission Comments:</u> Mayor Quesinberry stated that it should be written in the Charter that the City Commission has to meet at least once a month.</p>
<p>Sec. 19. Legislative procedure. A majority of all members elected to the city commission shall constitute a quorum, but a lesser number may adjourn from day to day and compel the attendance of absent members in such a manner and under such penalty as may be prescribed by ordinance. The affirmative vote of three (3) members shall be necessary to adopt any ordinance or resolution. and the passage of all ordinances and resolutions shall be taken by "yeas" and "nays" and entered upon the journal.</p>	<p><u>Legal /Staff Comments:</u> Mr. Langley stated that the current language is antiquated because the journal is now called minutes and technically “yeas” or “nays” are not used. So in order to not be bound by any particular wording, which is not really necessary to be in the Charter in the first place, staff recommends deleting that portion from the last sentence.</p>
<p>Sec. 20. Adoption of ordinances; procedure; effective date. (4) After such hearing, the commission may finally pass such ordinance with or without amendment. except that if it shall make an amendment which constitutes a change of substance, it shall not finally pass the ordinance until it shall have caused the amended sections to be published at least once, together with a notice of the time and place when and where such amended ordinance shall be further considered, which publication shall be at least three (3) days prior to the time and place to which such meeting shall be adjourned, the amended ordinance shall be read in full and a</p>	<p><u>Legal/Staff Comments:</u> Mr. Langley stated that noticing requirements for ordinances, prior to adoption, are already provided for in the state statutes. Therefore, staff is recommending deleting a portion of section (4) and all of (5). <u>City Commission Comments:</u> Commissioner Graham asked about substantial</p>

<p>public hearing thereon shall be held and after such hearing the governing body may finally pass such amended ordinance, or again amend it subject to the same conditions. The second passage of any ordinance pursuant to this charter shall be final and no further passage shall be required. (5) After final passage every ordinance shall again be published or posted three (3) places in the city, one of which shall be city hall.</p>	<p>changes to an introduced ordinance being required to be readvertised. Mr. Langley confirmed that is true in that case but the current Charter language is over and above what the state statute requires.</p>
<p>Sec. 21. Emergency measures. The city commission by affirmative two-thirds vote of the total commission may enact ordinances dealing with emergencies at the meeting at which they are introduced. Any new and unexpected condition or occurrence of a nonrecurring nature that constitutes an immediate and serious menace to the public welfare of the city shall be deemed an emergency. When no expenditure of city funds is entailed, emergency ordinances may be temporarily effective for a period of not more than fifteen (15) days from the date of their passage; but such ordinances shall be subject to all other provisions of this charter governing the enactment of ordinances, and if not finally adopted in the manner herein provided shall expire at the end of the time for which they are temporarily effective. An emergency ordinance authorizing the expending of funds by the city for other than a regular or recurring requirement may be effective upon any date fixed in the ordinance by the city commission. provided that the ordinance shall not authorize the expenditure in any manner of any greater sum than the unexpended balances in the current contingent funds. Every emergency ordinance shall set forth specifically the conditions or occurrences that create the emergency, and shall be printed in full in the first issue of any newspaper thereafter published and of general circulation in the City of Winter Garden, in addition to the other publications required herein, and shall be captioned as an emergency ordinance.</p>	<p><u>Legal/Staff Comments:</u> Mr. Bollhoefer explained that if this language existed during the hurricanes, we would not have been able to fix our streets, etc. Contingent funds are a separate line item of usually \$200,000 and he recommended changing it from “contingent funds” to “funds available in fund balance,” which is like the reserves for emergency measures. Mr. Langley explained that staff recommends deleting language that ties the hands of the City from using excess money from the budget.</p>
<p>Sec. 25. Commission Districts; adjustment of districts. (2) A five (5) member districting commission shall be created to study and propose the readjustment of district boundaries when required herein. The five (5) member districting commission shall be appointed in the following manner. The mayor-commissioner shall appoint one (1) elector who resides in the city and each of the four (4) commissioners shall appoint one (1) elector who resides in their respective</p>	<p><u>Legal/Staff Comments:</u> Mr. Ardaman addressed Sec. 25 (2) requiring districting committee membership to be determined by the voter registration from the last general election. Ms. Golden added that the proposed provision singles out a certain segment</p>

district. Residency of the districting commission members is to be determined from the voter registration of the last general election. Each appointment to the districting commission shall be confirmed by a majority vote of the city commission. Electors chosen shall not be employed by the city.

(3) A districting commission shall be created upon the following circumstances:

(a) On or before the first day of the month following official certification of the decennial census of the state; or

(b) If the population of any district in the city becomes fifty (50) percent greater than the population of the smallest district prior to the decennial census of the state, unless such occurs within one (1) year of the decennial census. The city shall annually review the estimated population of each district.

(7) The commission shall adopt a redistricting ordinance at least ninety (90) days before the next regular city election; however, if the commission fails to do so, the report of the districting commission shall go into effect at that time and have the effect of an ordinance.

of our population and would exclude others. Mr. Ardaman asked the City Commission to take time to think about this issue. Mr. Langley pointed out that it would require voter registration information on a member from the prior election and not their current registration status, which could be different, so that is another question for consideration.

City Commission Comments:

Mayor Quesinberry stated that if someone is concerned enough about the city, they should be a registered voter.

Legal/Staff Comments:

Mr. Langley also pointed out that Section (3)(a) includes appointment by the first of the month following certification of the decennial census which may not be possible if it is not certified until the end of a given month. Mr. Bollhoefer stated that it would be reasonable to allow the Commission ample time to create the board within 45 days after certification.

Ms. Golden pointed out that Section 7 could create a problem for potential candidates and securing polling locations if not done well in advance of qualifying. *(Note: In the upcoming election, this provision would mean the Commission would have to adopt new districts by December 13, 2006 for the March 13, 2007 election.)* Mr. Bollhoefer added that staff would like to look at our options and come back with suggestions at a later date.

Mr. Bollhoefer addressed item (3)(b) stating staff

	<p>interprets this to mean that after the first year, staff would receive population estimates from the University of Florida in May (August) and use building permits issued at 2.3 per residence.</p>
<p>Sec. 26. Appointment of city manager; written contract. The city commission shall appoint a city manager, who shall have the powers and perform the duties provided in this Charter. No city commissioner shall be appointed city manager during the term for which the commissioner was elected, nor within one (1) year after the expiration of the commissioner's term. The city manager will be hired by the city under a written employment contract, the terms of which must be approved by an affirmative vote of at least three (3) commissioners before said contract can be effective. In no event shall the city manager be hired pursuant to a written employment contract for a term of employment in excess of four (4) years. At the expiration of such contract, the city commission must decide by an affirmative vote of at least three (3) commissioners either to retain the city manager pursuant to a written employment contract or terminate the city manager.</p>	<p><u>Legal/Staff Comments:</u> Mr. Ardaman suggested strong consideration be given by the Commission to the suggested language that limits the Commission by requiring a written contract, limits a contract to four years, and how that may affect short-term appointments. He likes the Commission having flexibility to do what it thinks is best.</p> <p><u>City Commission Comments:</u> Commissioner Sharman asked if the current language with the four year limit allows for contract renewals. Mr. Ardaman stated that the contract could be continued. The Commission may want to hire someone that will not work for less than five years, but this wording would not allow the Commission that flexibility. Mayor Quesinberry stated that he thinks the Committee wanted a contract that includes vacation days they get, etc. Mr. Bollhoefer added that the reason he thinks the Committee chose a four year limit is because with a 10 year contract it would require a 4-1 vote to dismiss him for the 10 years. Mayor Quesinberry asked about short-term interim appointments requiring a contract. Mr. Ardaman responded yes, for any term up to and no more than four years.</p>
<p>Sec. 30. Powers and duties (3) Attend all city commission meetings. The city manager shall have the right to</p>	<p><u>Legal/Staff Comments:</u> Mr. Langley suggested deleting the first sentence</p>

<p>take part in discussion but shall not vote;</p>	<p>“Attend all city commission meetings” because there are times beyond the City Manager’s control that attending a City Commission meeting may not be possible. Mr. Bollhoefer used an example of an unexpected health condition requiring hospitalization could mean a violation of the charter. Mr. Ardaman suggested addressing this issue in the City Manager’s contract, not in the charter.</p>
<p>Sec. 32. Departmental organization. (1) All department heads shall be appointed by the city manager with the approval of the city commission, but such department heads may be removed by the city manager as hereinbefore provided. (4) Officers and employees of the city may hold more than one office in the City of Winter Garden.</p> <p>Sec. 14. Prohibitions. (1) <i>Appointments and Removals.</i> Neither the city commission nor any of its members shall control, demand, direct or request the appointment or removal of any</p>	<p><u>Legal/Staff Comments:</u> Mr. Langley addressed the term “officers” as used in Section 32 (4) could be interpreted to mean Commissioners and he does not think that was the intent of the Charter Review Committee. Mr. Bollhoefer clarified that the suggestion is to strike “Officers and”. Mr. Ardaman stated the Commission may also want to consider striking subsection 1 of Section 32 because as he understands it, most city managers responsible directly to the Commission are responsible for employees and this clause giving the City Commission the ability to approve department heads is not in a lot of other governments and can create problems. Commissioner Sharman asked if state statute does not give the City Commission the ability to fire someone. Mr. Bollhoefer replied yes and also by Charter. He gave an example using the City of Casselberry that had difficulty hiring a City Manager who would not take the position based on this provision and they eliminated it. If it is left in our Charter, it conflicts with Section 14 (1)</p>

<p>city administrative officer or employee whom the city manager or any of the city manager's subordinates is empowered to appoint or hire.</p>	<p>that prohibits "control" by the City Commission for appointment or removal. Mr. Ardaman added that by removing Commission approval in Sec. 32 (1) it helps insulate Commissioners from the clearly political dangers that are inherent. When the City Manager decides to hire someone and a provision requires appointment approval by the Commission, you may be lobbied to put pressure on the City Manager. For good city managers it keeps them from exercising what they believe is in the best interest of the City without having to deal with the political whims played at that moment.</p> <p><u>City Commission Comments:</u></p> <p>Mayor Quesinberry stated that it has been handled both ways. The Police Chief was approved by the City Commission but the Human Resources Director was not and he is a department head, as well as other incidents. So it appears to him we are operating both ways. Mr. Bollhoefer stated that elsewhere it states that the Police Chief would still have to be approved by the Commission. Further in the Charter the Commission would need to add "except as otherwise stated in the Charter." Commissioner Graham clarified that hiring of department heads would be by the Commission. Mr. Ardaman replied that is how it reads now. Mr. Bollhoefer stated it is staff's recommendation to remove the clause "with the approval of the City Commission" and put in "except as expressed elsewhere within the document." Mr. Ardaman</p>
---	--

	<p>identified the exceptions as the City Attorney, City Clerk, City Manager and Chief of Police who have their own separate charter provision and recommended adding any other positions the Commission feels need their approval to be hired.</p>
<p>Sec. 33. City clerk. (5) Perform such other duties as are assigned by this charter, the city commission, <u>City Manager</u>, and state law.</p>	<p><u>Legal/Staff Comments:</u> Mr. Ardaman stated that because the City Clerk does much more than what is enumerated in the Charter, he suggested adding City Manager which will allow her the ability to work with the City Manager because they do work together regularly.</p> <p><u>City Commission Comments:</u> Mayor Quesinberry clarified that the intent was that the City Clerk work for the City Commission because otherwise the Commissioners would not be allowed to speak with her. Mr. Ardaman clarified that is correct without question and that would not be changed. Mayor Quesinberry stated that the number one item on her list of duties should be elections. Mr. Bollhoefer stated that elections are addressed in a separate section. Commissioner Sharman asked how it is done now. Mr. Ardaman replied that the City Clerk just does the additional duties. Mr. Bollhoefer indicated there is currently conflicting language because she is appointed with the approval of the City Commission, appointed by the Commission in another place but reports to the City Manager.</p>
<p>Sec. 44. Qualification of candidates in districts; time; procedure; runoff election. (a) The city clerk, as the registration officer, shall designate the city commission by</p>	<p><u>Legal/Staff Comments:</u> Mr. Langley stated the reference to Mayor-Commissioner in Section 44 (a) should include a</p>

<p>individual districts, with commissioners' districts 1 through 4 and the mayor-commissioner <u>designated district 5</u> at-large.</p> <p>(b) All candidates for office of the mayor-commissioner or commissioners shall register their names, together with the name of the district to which they aspire, with the city clerk. The period within which this registration must occur shall be determined by ordinance, but in no event, other than delay caused by natural disasters or other extreme emergencies, shall the period commence more than ninety (90) days nor later than thirty (30) days preceding the date of such election, and the registration period shall be open for a minimum period of fifteen (15) days.</p> <p>(c) The winner of a district election shall be the candidate receiving a majority of the votes cast within the district general election, which majority of the votes shall mean at least fifty percent (50%) of the votes cast plus one vote <u>of the votes cast</u>. In the event of a tie between two (2) candidates, or if a candidate fails to receive a majority of votes cast within a district general election, a runoff election shall be held on the date specified by ordinance and the two (2) candidates receiving the equal votes, or, in the event of no clear majority votes, the two (2) candidates receiving the greatest votes within a district shall be the only candidates on the ballot for such runoff election. In the event of a tie during the runoff election, the winner of the runoff election shall be selected by a flip of a coin.</p>	<p>district number 5 to be consistent with a numbering system. He also suggested deleting the end portion under Section 44 (b) that designates timeframes. Timeframes would then be governed by the City's election code, instead of specifying it in the charter. This will give flexibility whenever state law changes or there is an election process the City Commission wishes to implement without the need to amend the charter each time. Mr. Langley stated that under Section 44 (c) relating to the percent of votes will be changes that were not substantive.</p>
<p>Sec. 50 Polling Places The City Commission shall adopt the polling places as designated by the Orange County Supervisor of elections.</p>	<p><u>Legal/Staff Comments:</u> Ms. Golden pointed out that the City Commission designates its own polling places which are the same locations used by the Orange County Elections office. The only difference is different districts use different locations, so leaving this section in is appropriate.</p> <p><u>City Commission Comments:</u> Mayor Quesinberry gave an example that during State and County elections some City residents on the east side vote at Beulah Church, which is in the County, and is not used for City elections.</p>

Sec. 51. Canvassing Board.

- (1) A city canvassing board shall be established for the purposes of canvassing ballots and election results. The canvassing board shall be composed of the city clerk and two (2) citizens who shall be selected by majority vote of the city commission. A third and fourth citizen shall also be selected by majority vote of the city commission to serve as a first and second alternate canvassing board member. The canvassing board members shall be appointed at least ninety (90) days before July 1st of each year and shall serve a one year term commencing on July 1st and ending June 30th the following year, or until their successors are appointed.
- (2) The canvassing board shall meet on the night of the election at the close of the polls or as soon thereafter as practicable to publicly canvass the vote as shown by the returns then on file in the office of the city clerk, adjourn as needed, and meet again in the subsequent days as provided by ordinance to count absentee ballots and provisional ballots. ~~The canvassing board shall check signatures, confirm results from voting precincts, and verify provisional ballots.~~

Legal/Staff Comments:

Mr. Langley stated that what the Charter Review Committee is suggesting is that the City Commission no longer be the canvassing board and he explained their proposal. Ms. Golden added that converting to the suggested language would be better served in the City Code for flexibility purposes. Additionally, other related issues include the time parameters for selecting a canvassing board which could be in the middle of the general and run-off election, and limits the size to two citizens and if the Commission wanted more, it would mean another charter referendum. Mr. Ardaman clarified that the suggested wording could be "The Canvassing board shall be provided by ordinance" or even leave it blank.

City Commission Comments:

Commissioner Graham pointed out that if terms of office go to three years, there would be one year there would be no election and the proposed language states they would be appointed on a yearly basis. Something would need to be added to address that possibility.

Mr. Langley pointed out that the Committee indicated they wanted a board in place well before the election so they would not be influenced. He is not sure this language would satisfy that goal or tend to go against that goal with a board seated a year before an election. Another possibility is appointment so many days prior to the election, serving for both elections

<p>See above.</p>	<p>and then disbanded. Ms. Golden also noted that Section 51 (2) states the Canvassing Board shall check signatures and asked Mr. Langley to address this item. Mr. Langley stated the last sentence is a little vague with what it means with regard to checking signatures and confirmation of the results of precincts. Does this mean every single signature ballot or only the outstacked irregular ballot envelopes will be checked? The statutes state what the rules are and are not. He suggested deleting the whole last sentence. Let the statutes define what the canvassing board can and can't do and our election code. <i>Mayor Quesinberry departed at this time for a prior commitment.</i> Another concern is if the statute changes and becomes inconsistent with the Charter, then the Charter has to be amended each time. Commissioner Graham suggested to the County Supervisor of Elections about hiring a handwriting expert to review them before going to the canvassing board which will probably reduce the amount outstacked, which may be an item for state legislators.</p>
<p>Sec. 59. Citizen referendum petitions; suspension of effect of ordinance. When a citizen referendum petition is filed with the city clerk the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:</p> <ol style="list-style-type: none"> (1) There is a final determination of insufficiency of the petition; (2) The petitioners' committee withdraws the petition; (3) The commission repeals the ordinance; or (4) Thirty (30) days have elapsed after a vote of the city on the ordinance. 	<p><u>Legal/Staff Comments:</u> Mr. Ardaman suggested that strong consideration be given to any provision that would allow a minority of residents (10%) to suspend any ordinance duly adopted by the City Commission. He suggested striking Section 59. Mr. Langley explained that without this Section 59, a petition would follow its normal course, but not stop city</p>

	<p>business.</p> <p><u>City Commission Comments:</u> Commissioner Sharman asked for clarification about the effect the language would have on a development related ordinance and if the City would be liable if the City Commission proceeded to allow the development but the petition later stopped it. Mr. Langley responded that the proposed section would not apply to rezonings and applying it to developments would be in violation of due process. He referred to the exceptions stated in Section 55.</p>
<p><u>Sec. 65. City Commission action on budget.</u> The city commission shall adopt the budget on or before the thirtieth day of September each year. The city commission shall provide notice and hold a public hearing on the budget in accordance with state law.</p>	<p><u>Legal/Staff Comments:</u> Mr. Langley suggested removing this section as it is already covered under the Florida State Statutes.</p>
<p><u>Sec. 66. Amendments after adoption.</u> (1) <i>Supplemental appropriations.</i> If during the fiscal year the city manager certifies that there are available revenues for appropriation in excess of those estimated in the budget, the city commission by ordinance may make supplemental appropriations for the year up to the amount of such excess. (2) (2) <i>Emergency appropriations.</i> To address a public emergency affecting life, health, property or the public peace, appropriations may be made by emergency appropriations by an emergency ordinance in accordance with Section 20. To the extent that there are no available unappropriated revenues to meet such appropriations, the city commission may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time; but the emergency notes and renewals of any fiscal year shall be paid no later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.</p>	<p><u>Legal/Staff Comments:</u> Mr. Bollhoefer recommended using “fund balance” in Section 66 subparagraphs (1) and (2).</p>
<p><u>Sec. 69. Independent Audit.</u> The city commission shall provide for an independent annual audit of all city</p>	<p><u>Legal/Staff Comments:</u> Mr. Langley recommended removing this section</p>

