



For more information, Contact:
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CHARTER REVIEW COMMITTEE

BOARD MEMBERS

Steve Ambielli	Andrea Davis
Doug Bartow	Christopher Lee
Derek Blakeslee	Millie Lord
Larry Cappleman	Ed McKinney
Phil Cross	Ron Mueller

OTHER ATTENDEES

Dan Langley – City Attorney
Drew Smith – Facilitator
Angee Grimmage – City Clerk
Venice Alexander – Recording Clerk

RE: **AGENDA - June 24, 2019 - 5:30 PM**

City Hall - Commission Chambers
300 West Plant Street, Winter Garden

1. **CALL TO ORDER**
Determination of Quorum
2. **APPROVAL OF MINUTES – June 10, 2019**
3. **PUBLIC COMMENT (*Limited to 3 Minutes*)**
4. **Article I – INCORPORATION; FORM OF GOVERNMENT; POWERS**
 - Sec. 1 - Reaffirming the existing boundaries of the municipality
 - Sec. 2 - Form of government
 - Sec. 3 - Powers of city; general
 - Sec. 4 - Present ordinances continued in force
 - Sec. 5 - Sale of alcoholic beverages
 - Secs. 6-10 - Reserved
5. **Article II – THE CITY COMMISSION**
 - Sec. 11 - Number, selection, term, compensation
 - Sec. 12 - Qualifications
 - Sec. 13 - Powers of city commission
 - Sec. 14 - Prohibitions
 - Sec. 15 - Forfeiture of office
 - Sec. 16 - Judge of forfeiture
 - Sec. 17 - Vacancies in commission
 - Sec. 18 - Induction of commissioners into office; meetings
 - Sec. 19 - Legislative procedure
 - Sec. 20 - Adoption of ordinances; procedure; effective date

- Sec. 21 - Emergency measures
- Sec. 22 - Revision of ordinances
- Sec. 23 - Repeal of ordinances
- Sec. 24 - Investigations
- Sec. 25 - Commission districts; adjustment of districts

6. GENERAL DISCUSSION

7. CONFIRM MEETING SCHEDULE – July 15th

8. ADJOURNMENT - 7:30 PM – to a regular Charter Review Committee meeting on Monday, **July 15, 2019** at 5:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st Floor

PLEASE NOTE: IN ACCORDANCE WITH FLORIDA STATUTE 286.26: PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT CITY CLERK - ANGEE GRIMMAGE, 300 WEST PLANT STREET, WINTER GARDEN, FL 34787, (407) 656-4111, EXT 2297 - 48 HOURS IN ADVANCE OF THE MEETING.



City of Winter Garden

CHARTER REVIEW COMMITTEE

Regular Meeting Minutes

June 10, 2019

A **REGULAR MEETING** of the Winter Garden Charter Review Committee was called to order by Facilitator Drew Smith at 5:30 p.m. at 300 West Plant Street, Winter Garden, Florida.

ATTENDANCE/ROLL CALL:

BOARD MEMBERS – PRESENT

Steve Ambielli	Andrea Davis
Doug Bartow	Christopher Lee
Derek Blakeslee	Mildred Lord
Larry Cappleman	Ed McKinney
Phil Cross	Ron Mueller

OTHER ATTENDEES

Dan Langley – City Attorney
Drew Smith – Facilitator
Angee Grimmage – City Clerk
Venice Alexander – Recording Clerk

1. Call to Order and Introduction

Facilitator Drew Smith called the meeting to order and introduced himself describing his background and experience.

Facilitator Smith explained his role in the process, which will include assuring that all discussion keeps moving forward and all members have an opportunity to have their ideas heard. He suggested that the Charter Review Committee (CRC) wait to establish their Chairperson and Vice-Chairperson in the Establishment of Ground Rules section of the meeting. The Committee agreed.

Each CRC member introduced themselves.

2. Overview of Process

Facilitator Smith commented on the various backgrounds and interests from the introductions given and expressed that the more viewpoints the better. He informed the Committee that they want to come out with their best recommendation to the City Commission. He then briefed the CRC on the process. There was discussion on how the information would be formulated, whether by ordinance or resolution, for submission to the City Commission. He suggested that they especially think on those items that bring about questions so they can address why certain items were written, noting that those are the items they want to address early in the meetings.

Facilitator Smith informed the CRC that the City Commission requests in the resolution that they pay close attention to potential conflicts between the Charter and ordinances. Mr. Smith stressed the importance of consistency between the Charter and the City Code; noting that

the Charter is the City's constitution, and will always win. He spoke of Florida being a home rule state, noting that those privileges seem to be currently under constant attack. Facilitator Smith informed the CRC about charters, City organizations, and the forms of government. He noted that the City of Winter Garden's current form of government is the most popular in cities of this size.

Facilitator Smith encouraged the CRC to guide their thoughts toward dealing with the more substantive issues; writing them down so they can be discussed. He noted that the other key step is hearing as much public comment as possible as it is important for the Committee to hear the community's views on topics. He explained that these items would eventually turn into a report to the City Commission. He reminded the CRC that their report is a recommendation and that it is not binding to the City Commission. He described the probability of the recommendations making their way onto the ballot, and the final steps necessary for them to then possibly become ballot questions of 75 words or less.

Facilitator Smith suggested that for the second meeting the Charter Review Committee would need to have read the charter and identified certain issues that could be broken out for additional review.

City Attorney Langley requested that Facilitator Smith address topics such as how a city charter could limit powers of the City. Facilitator Smith responded that if there were powers that the Charter Review Committee felt the City should not have, then the Charter would be the place to address the issue. He gave an example of the type of limitations he felt would be important to have in a charter. Facilitator Smith offered the Committee his contact information for possible assistance on issues that may require legal review and distinguishing those that may be collaboratively reviewed.

City Attorney Langley addressed the rewrite of an outdated charter at the City's last review and there was discussion on the amount of time between reviews.

Committee Member Blakeslee addressed the opportunity for public comment and possible advertising to encourage citizen input.

City Attorney Langley offered that the Committee may want to consider including the opportunity for staff to address the Committee on the Charter section issues that staff deals with or affects them on a day to day basis.

3. Sunshine Guide – Ethics Laws

City Attorney Langley gave a PowerPoint presentation to the Charter Review Committee on the Sunshine Guide and Ethics laws as per Florida State Statutes - Section 286.011. (*See attached - Exhibit A*). Examples of violations were given and information on who to contact if the Committee had questions was provided. It was noted that the members could contact

City Attorney Langley, Facilitator Smith, or the City Clerk's office.

City Attorney Langley further discussed the Sunshine Law, penalties for violations and public records. There was discussion on responding to a public records request and it was advised that these should be forwarded to the City Clerk's Office for acknowledgement to the requestor and for follow up.

4. Background Information on Municipal Charters

Facilitator Smith noted that this item had been covered earlier in the meeting.

5. Establishment of Ground Rules

Facilitator Smith requested nominations for CRC Chairperson as required by the Resolution.

Motion by CRC Member Mueller to appoint Derek Blakeslee as Charter Review Committee Chairperson. Seconded by CRC Member Cappleman and carried unanimously 10-0.

Facilitator Smith requested nominations for Vice-Chairperson.

Motion by CRC Chairperson Blakeslee to appoint Larry Cappleman as Vice-Chairperson. Seconded by CRC Member Cross and carried unanimously 10-0.

Facilitator Smith offered to assist in the forward movement of the review so that the Chairperson can freely participate in the function, if the Committee so desired. There was no noted objection.

City Attorney Langley suggested that the Committee discuss how and when they would like to vote on and make the change recommendations. CRC Member Mueller requested that Facilitator Smith expound on this issue from his own experiences on what works successfully in these types of proceedings. Mr. Smith suggested agreement in the form of consensus on issues before making final votes; this offers the opportunity to change one's mind after hearing all the information and then make a final decision.

CRC Chairperson Blakeslee agreed with a consensus being the best practice for approaching the review. He gave an example of a decision potentially being made in one section which could later be rethought because of a review in another section.

CRC Member McKinney inquired as to ground rules for public input; noting that some public may come to speak regarding things that may be off topic.

There was discussion on possibly scheduling a three-minute time limit with the CRC having the option to allow more time.

CRC Chairperson Blakeslee described public comment being offered at the beginning of the meetings during the last Charter Review. CRC Member McKinney inquired as to whether the input has to be germane to the CRC and its review. Facilitator Smith offered advice on how public comment offerings could be received and addressed; limiting public discussion to those items actually on the agenda. He discussed special meeting segments especially set aside for the public. City Attorney Langley noted that the CRC could give the public opportunity to speak on items germane to the topics in a time limit of three minutes.

Motion by CRC Member Bartow to establish discussion by the public for no more than three minutes per speaker. Seconded by CRC Member Ambielli. CRC Member Mueller voiced his views on the CRC's ability to exercise flexibility on this rule should someone feel passionate enough to speak on a topic later in a meeting. Facilitator Smith noted that the CRC always has this option to allow additional public comment or extend the time of a speaker. CRC Member Lord expressed, and there was discussion on, how a three-minute limit allows the CRC some limitation for the person who may come speaking off topic. CRC Chairperson Blakeslee noted that ground rules could be stated before public speakers are acknowledged to come forward. The committee would have the option of allowing a speaker more time if the CRC felt the need and would not violate their own rule. There was discussion on the need for the rule versus, if necessary, adopting it in future. Facilitator Smith shared an experience of some board meetings going late because of speakers going off topic and over their time limit. He suggested establishing some expectation before any meetings as basic ground rules. **Motion carried 6-4.**

Facilitator Smith inquired if there were any additional ground rules the CRC would like to discuss. City Clerk Grimmage inquired as to whether there would be an opportunity for staff to address the CRC on issues that may have surfaced since the last charter review. There was discussion on allowing staff the opportunity to come forward with any potential items. This would be made possible by the CRC identifying in advance those sections to be covered at the meetings. They would then allot staff an opportunity for comments on the specific sections. The CRC discussed reaching out and inviting staff through contact with the City Manager to designate which staff members would address certain sections of the Charter. It was noted that these invitations would be extended to the City Manager through the City Attorney or City Clerk.

CRC Chairperson Blakeslee addressed protocol for discussions and requested that everyone be allowed to express their thoughts before back and forth dialogues occur.

6. Meeting Schedule

City Clerk Grimmage noted that two dates on the schedule may need rescheduling, or discussion on an alternative, due to conflicts in scheduling. She noted that there may be a conflict due to a holiday which prompted a reschedule for another board and also that the

City Attorney may be needed to attend both board's meetings. CRC Member Mueller addressed the issue of an impact on the attendees for both meetings; noting that they should not be held at the same time. CRC Chairperson Blakeslee agreed and suggested that rather than the July 8th meeting, it could be rescheduled to July 15th; having back to back meetings as not to fall behind.

It was the **consensus** of the CRC to reschedule the July 8, 2019 to July 15, 2019 with City Clerk Grimmage to confirm that there were no conflicts with other events.

Facilitator Smith expressed that it is not always possible for everyone to attend all of the meetings. He suggested submitting their written comments for the review as they will have opportunity to be aware of materials being covered by the CRC in advance.

7. General Discussion

CRC Member Bartow inquired as to the best practices of committees such as this reforming their charters. He noted that thirteen years ago when he reviewed the charter he felt the committee had done a fantastic job; potentially needing just a little fine tuning as opposed to a complete rewrite. He asked about the latest trends and other cities with their improvements being something this CRC could learn from. He questioned if the local university system has a school of governance; noting that some of the professors would have already researched the best practices.

Facilitator Smith noted that additional background information for this item could be researched. His experience is that we are in very much a tweaking mode and have moved out from wholesale changes. He is not aware of anything pressing with charters calling for the consideration of wholesale changes. He mentioned that materials and publications may be available.

CRC Member Bartow stated that if the charter is already perfect it will shorten our meetings, but if there are others that are seeing where there could be improvements, then this CRC could learn from them; not reinventing the wheel.

Facilitator Smith suggested using the Municode library for research of charters in the State of Florida. He shared that it could be found at Library.Municode.Com.

Facilitator Smith suggested that everyone should have reviewed the charter by next meeting and be able to assist in identifying where the CRC will go in the upcoming meetings to breakdown materials to be covered in order to move forward.

CRC Chairperson Blakeslee suggested that everyone be ready to review Article I and II by next meeting.

There was discussion on the review of sections and the items that prove to invoke conversations, such as years, elections dates, number of commissioners, City Manager and City Clerk powers.

There was discussion on materials and supplies that would be needed. It was noted that an easel and white board (flip chart) would be useful.

8. Adjournment

Motion by CRC Member Blakeslee to adjourn. Seconded by CRC Member Mueller and carried unanimously 10-0.

The meeting adjourned at 6:54 p.m.

Angee Grimmage, City Clerk

CRC Chairperson, Derek Blakeslee

City of Winter Garden Charter Review Committee

June 10, 2019

Presented by Dan Langley

Fishback Dominick

Sunshine Law

Section 286.011, Florida Statutes

- Board members are subject to the Government in the Sunshine Law.
- The law has been applied to any gathering between two or more members of the same board to discuss some matter which will foreseeably come before that board for action. There is no requirement for a quorum to be present for a meeting to be subject to Sunshine Law.
- There are three basic requirements of Sec. 286.011, Fla. Stat.:
 - Meetings of Board must be open to the public;
 - Reasonable notice of such meetings must be given; and
 - Minutes of the meetings must be taken.

Sunshine Law

- Discussions between two or more members of the same Board to discuss with, solicit opinions and comments from, or inform other members of a subject which will be or foreseeable will be discussed at a public meeting of the Board is a violation of the Sunshine Law.
- The key is for each member of the Board to not have any discussion with any other member of the Board concerning the business of the Board unless it is during a public meeting of the Board.
- Meeting with another Board member includes communications by:
 - In person meetings
 - E-mail, social media, internet blogs, etc.
 - Memos, mail, passing notes, letters, etc.
 - Telephone
 - Use of non-board member liaisons between members

Sunshine Law

- Even during the public meeting, refrain from passing notes or whispering comments between other Board Members concerning matters pending or likely to come before the Board.
- When receiving emails from the City staff or members of the public directed to the two or more members of the Board regarding the Board's agenda or Board business, Do Not "Reply All" to the email, as it creates the potential for a Sunshine Law violation.
- If you have questions or comments about a City staff member's email to the Board members, reply only to the City staff member or call the City staff member to discuss.

Sunshine Law

Penalties for Violations

- Any Member who *knowingly* violates the Sunshine Law is guilty of a misdemeanor of the second degree, which is punishable by imprisonment up to 60 days and/or a fine of \$500.00.
- Suspension upon indictment and removal from office upon conviction.
- Non-criminal penalties for violations are punishable by a fine up to \$500.00 and reasonable attorney's fees assessed against the violating member.
- Board actions taken in violation or tainted by a violation of the Sunshine Law may be void.

Public Records

- E-mail messages, text messages, social media posts, other written correspondence, recordings, pictures, videos, or other records generated or received by a Board member in connection with official business of the Board are public records and subject to disclosure in the absence of a statutory exemption from public inspection.
- Under Chapter 119, Florida Statutes (the Public Records Act), it is the nature of the record itself, not its physical location, which determines whether a record qualifies as a "public record."
- Even emails generated or received on private email account can be a public record if it relates to Board business.

Public Records

- Public records are subject to public inspection and proper retention.
- If you generate or receive public records during your service on the Board for which the Board's Clerk, City Clerk or the City's computer server would not otherwise have the original or copy, for record keeping purposes, it is a good practice and highly recommended that you provide the Board's Clerk or City Clerk a copy of such record for preservation and maintenance.