



City of Winter Garden
CHARTER REVIEW COMMITTEE
Regular Meeting Minutes
August 12, 2019

A **REGULAR MEETING** of the City of Winter Garden Charter Review Committee (CRC) was called to order by CRC Chairperson Derek Blakeslee at 5:30 p.m. at 300 West Plant Street, Winter Garden, Florida.

ATTENDANCE/ROLL CALL:

BOARD MEMBERS – PRESENT

Derek Blakeslee - Chairperson
Doug Bartow Christopher Lee
Phil Cross Ed McKinney
Andrea Davis Ron Mueller

OTHER ATTENDEES

Drew Smith – Facilitator
Angee Grimmage – City Clerk
Venice Alexander – Recording Clerk

ABSENT: Steve Ambielli, Larry Cappleman and Millie Lord

1. Call to Order

The meeting was called to order and a quorum was determined.

2. Approval of Minutes

Motion by CRC Member Mueller to approve regular meeting minutes of July 22, 2019 as submitted. Seconded by CRC Member Bartow and carried unanimously 7-0.

3. Public Comments - There were none.

4. Article V – ELECTIONS

CRC Chairperson Blakeslee addressed the order of business for this meeting and items to be covered at the next meeting. He noted that language would be drafted and brought back to the next meeting by Facilitator Smith and would cover items that had been slated for discussion. He noted that in beginning the final review, the CRC should be able to review everything in its entirety at the next meeting. The CRC reviewed and discussed the following items:

Sec. 38 – **Referendum** – There were no noted changes.

CRC Member McKinney inquired of Facilitator Smith as to the statutes or laws that would cause a referendum. The CRC discussed referendum and circumstances in which it would be used.

Sec. 39 – **Conduct generally**

Sec. 40 – Party insignia on ballots; form to be as in state, county election

There was discussion non-partisan affiliation for local elections and issues of first amendment rights, and ballot language requirements and restrictions.

Sec. 41 – Qualification of candidates in districts; time; procedure; runoff election

CRC Chairperson Blakeslee commented on the issue of a coin flip noting that he wished there could be something else instead. He shared that dates in this section were kept out of the charter and suggested that those should be included in the ordinances. Facilitator Smith shared how the inclusion of specific date information could pose challenges for the Orange County Supervisor or Elections who may need to adjust dates.

City Clerk Grimmage noted that the Orange County Supervisor of Elections Bill Cowles has requested of the City Clerks doing charter reviews with their cities to review the possibility of doing away with run-off elections. There was discussion on the costs involved and that it is essentially another election. There was discussion on how this is handled and it was noted that it is the plurality of votes; whoever gets the most votes win.

CRC Member Davis inquired of City Clerk Grimmage as to whether the CRC had to follow this recommendation. City Clerk Grimmage responded, no, the decision is entirely up to the CRC to decide; Orange County Supervisor of Elections Cowles wanted to be sure that the City Clerks who are in Charter Review take the opportunity to have it considered. There was discussion that the CRC may need to contemplate issue of run-off elections more and discuss at the next meeting.

Sec. 42 – Fee; withdrawal – There were no noted changes.

Sec. 43 – General elections – There were no noted changes.

Sec. 44 – Special elections – There were no noted changes.

Facilitator Smith sought confirmation that the special elections are also run through the Orange County Supervisor of Elections. City Clerk Grimmage responded yes.

Sec. 45 – Write-in candidates – There were no noted changes.

Sec. 46 – Absentee voting

City Clerk Grimmage noted that the legislature has changed the terminology of “absentee” to “Vote-by-Mail” as noted in Senate Bill number 112, Chapter 2016-37 which amends State Statutes. There was discussion on reviewing other cities for language used relating to this item.

Sec. 47 – **Polling place** – There were no noted changes.

Sec. 48 – **Canvassing board**

CRC Chairperson Blakeslee informed that this is the group that certifies the election and there was discussion on how it was accomplished in the past.

City Clerk Grimmage noted having a recent challenge with the Section 48(1) requirement that the appointment of the canvassing board member be at least ninety (90) days before July 1st. She suggested removal of the ninety (90) days and have the language say before July 1st. There was discussion on the issue of the ninety (90) days having no statutory requirement to substantiate it.

The CRC discussed the last phrase of Section 48(1) and explained the meaning of the language “until their successors are appointed”.

Sec. 49-54 - **Reserved** – There were no noted changes.

5. **Article VI – INITIATIVE AND CITIZEN REFERENDUM**

CRC Chairperson Blakeslee addressed challenging issues dealing with this article, noting anything under this article will be contentious and gave a brief overview summary of the following Article VI section.

Sec. 55 – **Initiative and referendum** – There were no noted changes.

CRC Chairperson Blakeslee noted the challenge in reading Section 55(1) but noted that it does read correctly.

CRC Member McKinney sought clarification on the use of the term ordinance in Section 55(2) and wondered if it was correct in being there. Facilitator responded yes, it is fairly standard because of the operational decisions being made here is for the running of the City and those should not be pulled into the referendum process. He noted that there would be specific exclusion in there for the same reason.

Sec. 56 – **Commencement of proceedings** – There were no noted changes.

Sec. 57 – **Petitions**

CRC Member Mueller indicated that there may be a potential need for adding language which addresses future petition submissions by electronic means. He wondered if there should be language to address this issue and noted the current existence of electronic ballots, electronic signatures and electronic data gathering. Facilitator Smith expressed that currently the City Clerk’s office would possibly be more comfortable with paper as it is verifiable; noting that

there is so much that goes on behind the scenes and outside of what the City Clerk can see when dealing with electronic. CRC Chairperson Blakeslee noted that he would not know how signatures would be verified and spoke of current signature verification. CRC Member Mueller addressed the change in the technology stage since the last charter review, today's technology during this review and changes that may occur by a future review. CRC Member Bartow surmised a potential future of retinal scans that will be somehow coded into some large data file; noting that Sci-Fi is coming.

Facilitator Smith shared that there is already the potential disconnect with the signor being fully educated on the issue of the petition; sometimes not discovering full disclosure about the issue of the petition until it is being reviewed by the City Clerk.

CRC Member Mueller interjected that his thought was not actually regarding someone needing to log onto a computer to sign the petition, but more of someone standing at a location with an iPad collecting the signatures. CRC Member Blakeslee

There was discussion on Section 57(4) and the requirement of thirty (30) days after the adoption on an ordinance to file a citizen referendum petition. The discussions centered on the length of time and the procedures involved to successfully complete a petition. Facilitator Smith shared some experiences with this issue from another municipality and introduced both sides of the scenario for the CRC to consider. It was noted that instead of the thirty (30) days noted, will change to **forty-five (45) days**.

Sec. 58 – Procedure of filing

Facilitator Smith addressed **Section 58(1)** and suggested the addition of “**business days**” where two (2) days and five (5) days is stated. He shared his experience at another municipality during court proceedings and noted that court proceedings do not apply to the City's charter so suggested specifying business days when speaking of business days.

CRC Chairperson Blakeslee noted that sections one (1) and two (2) of Section 57 may need notation here; at this point it is only implied. It was the **consensus** of the CRC to specify **Section 57** for clarification.

The addition of “**business days**” where two (2) days is noted in Section 58(2) will also change.

Sec. 59 – Action on petitions

CRC Chairperson Blakeslee addressed language in Section 59(2) noting 30 days is not enough time to get an item on a ballot and out to the voters. There was discussion that “up to a year” is also included in that language. CRC Member Mueller inquired as to whether placing these types of restraints would be too restrictive. Facilitator Smith responded no, once the issue is here it is an argument and there is nothing here that is not necessary. He explained some of the process and noted how labor intensive this process will become for the City Clerk and

how any challenge becomes very involved with every single paragraph possibly being used.

CRC Member McKinney sought clarification on whether there would be any changes to the thirty (30) days as mentioned earlier. After some discussion on the issue; it was the **consensus** of the CRC to leave this item as written.

Sec. 60 – **Results of election** – There were no noted changes.

6. GENERAL DISCUSSION

CRC Member Mueller thanked CRC Chairperson Blakeslee for his summarization of the items in Article VI.

CRC Chairperson Blakeslee read an overview of a drafted agenda for possible consideration for the next meeting. There was discussion on the presentation to the City Commission, draft language, and possible advertisement of the ballot questions. Also discussed was the review for August 26, No meeting for September 9, finalization and submission to the City Commission to be discussed on September 23, 2019.

7. Adjournment

Motion by CRC Member Mueller to adjourn meeting. Seconded by CRC Member McKinney and carried unanimously 7-0.

The meeting adjourned at 7:30 p.m.

Approved

_____/S/_____
Derek Blakeslee, CRC Chairperson

Attest

_____/S/_____
Angee Grimmage, City Clerk