

Charter Review Committee
November 12, 2015

Committee Members Present:

Phil Guercio
Ann Marshall
Vicki Moore
Wade Thompson
Bob Wilson
Alan Zirkelbach

Committee Members Absent:

Eva Daniels

Staff Present:

Mark Barnebey, City Attorney
Deanna Roberts, Administrative Assistant

City Attorney Mark Barnebey welcomed the members and asked them to introduce themselves. Following introductions, he gave a brief orientation to the members.

Mr. Barnebey informed the committee members that by City Charter the City is required to review the Charter every five years. The last time it was done was in 2010. The members may make recommendations for changes to the Charter. He told them they need to decide how they will approach the task: address specific issues, take it section by section, etc.

He said the committee was established by resolution, and they will need to elect a Chair and Vice Chair.

He commented that one of the things they may wish to look at is the frequency of the Charter review. It is currently done every five years. The committee has six months to complete the review, and all recommendations will be forwarded to the City Commission.

Mr. Barnebey went through a handout he provided to the members which covers the Sunshine Law, the Public Records Act and Ethics for Public Officers. The handout is attached to and made a part of these minutes. He advised them that any correspondence received or generated by members related to this committee becomes a public record and should be forwarded to Assistant City Clerk Amber Foley.

It was decided that Thursdays at 3:00 p.m. in the Commission Chambers was a good meeting time for all members. The next meeting will be Thursday, December 3, 2015.

Mr. Barnebey said he is available if anyone has questions, and he passed out his business card to each committee member.

Mr. Barnebey gave a brief overview of the Charter. It is divided into four sections: General Provisions, Legislative Branch, Executive Branch and Miscellaneous Provisions.

The Legislative Branch has five elected Commissioners and the Executive Branch is the Mayor. The City has three wards with three Commissioners elected within their wards and two Commissioners elected at-large. Qualifications for Commissioners are in Section 9. Vacancies are covered in Section 12.

The Executive Branch section outlines the Mayor's powers. The Mayor has a veto, but it is rarely if ever used. The Mayor's qualifications are set forth in Section 18, and Section 19 covers a vacancy in the Mayor position.

Miscellaneous Provisions covers elections, terms, Oath of Office and recall. It also covers amendments and referendums, and he opined that this area needs some cleanup. He does not feel they are totally consistent within the document.

Mr. Wilson remarked that he understands that this Charter gives the City the right to operate as a city, and it is not set down by state law. Mr. Barnebey said that is correct. There are some limitations, but we have what is called Home Rule power which allows the City to do pretty much anything that is not inconsistent with state law.

Mr. Barnebey called for a discussion of potential issues. He said the City Commission will bring up some issues they would like discussed on Monday at the 4:30 p.m. workshop.

Mr. Zirkelbach said he did not think there is any desire to move towards a city manager. He sees the committee's function as just fine tuning what works. He opined the City has gotten a great deal with mayors. They act as city managers for a lot less pay. It is a full-time job, and he thinks it works really well. The mayors he has known all worked really hard to make the City the best it can be. Ann Marshall remarked it is easier to vote a mayor out than to get rid of a city manager.

Mr. Zirkelbach continued with a few of the things he feels need to be addressed:

[Section 10. Vice Mayor]: Under Vice Mayor, page 4, he would like to remove "retain the right to" and change to "While performing the temporary duties of acting Mayor, the Vice Mayor **shall** vote as a Commissioner."

[Section 12. Commission Members; Vacancies; Replacement.]: Keep the *Legal Resident* of the City requirements consistent throughout the document at 365 days.

Mr. Zirkelbach thought the committee should review the residency requirement for the Mayor. He asked if one year is long enough. Someone with a lot of money could come in, establish residency and win.

Mr. Guercio said he would like the committee to discuss term limits for all elected positions in the City. He would grandfather in current officials. He opined two terms, eight years, is long enough for anyone. Discussion ensued on the various options that would allow elected officials to run for elected office again: stay out for two years and run again, run for a different office with different representation, etc.

Mr. Barnebey advised the committee that he will be bringing up Section 23 at some point. This is the Amendment; Referendum section. He said the process is unclear. Mr. Zirkelbach asked him to bring back some clarifying language to the next meeting.

Mr. Barnebey asked the members to go through the document, and if they see anything they would like to talk about to bring it forward for discussion.

Mr. Barnebey called for nominations for position of Chair for the Charter Review Committee.

Motion: Mr. Guercio nominated Mr. Zirkelbach for Chair of the Charter Review Committee and Ms. Marshall seconded the nomination.

Motion: Mr. Guercio moved, Mr. Thompson seconded, and the motion carried unanimously to close the nominations.

Mr. Zirkelbach was designated Chair of the committee.

Mr. Zirkelbach called for nominations for Vice Chair.

Motion: Ms. Marshall nominated Wade Thompson for Vice Chair and Mr. Wilson seconded the nomination.

Motion: Mr. Wilson moved, Mr. Guercio seconded, and the motion carried unanimously to close the nominations.

Mr. Thompson was named Vice Chair of the Committee.

Motion: Ms. Marshall nominated Vicki Moore as Recording Secretary and Mr. Guercio seconded the nomination.

Motion: Mr. Wilson moved, Mr. Guercio seconded, and the motion carried unanimously to close the nominations.

Vicki Moore was named Recording Secretary.

Mr. Zirkelbach reminded the members that the next meeting will be Thursday, December 3, 2015.

Motion: Mr. Wilson moved, Ms. Marshall seconded, and the motion carried unanimously to adjourn the meeting.

The meeting was adjourned at 3:58 p.m.

Minutes approved: December 3, 2015

Alan Zirkelbach

Alan Zirkelbach, Chair