



Charter Review Advisory Committee
Minutes

August 27, 2019

Present

Bud Kirk, Jr.
Mary Daniels
Nick Pope (by phone at 6:13)
Marjorie Bridges
Lawrence Lyman
Steven Brandon
Lisa Coney
James Johnston

City Attorney Dan Langley
Facilitator Marilyn Crotty
City Clerk Rene Cranis
Randy Knight, City Manager
Michelle Neuner, Asst. City Manager

Absent

Amanda Day

The meeting was called to order by Facilitator Marilyn Crotty at 6:00 p.m. in the Oak Room 'C', Winter Park Community Center, 721 West New England Avenue, Winter Park, Florida.

City Clerk Rene Cranis called the roll.

Approval of Minutes

Ms. Crotty stated that a member of the public requested clarification of the minutes relating to Section 3.01 of the Charter. She recommended clarifying the minutes be amended to add "suggested list" and that the list be added as an attachment to the minutes.

Motion made by Lisa Coney to approve the August 13 minutes as amended, seconded by Bud Kirk and carried with a 7-0 vote (Amanda Day was not present and Nick Pope joined late by phone).

Public comments

Michael Perelman, 1010 Greentree Drive, spoke on Section 4.07 suggesting that the Police and Fire Departments be invited to provide input. He also addressed Section 3.01 recommending that a limit on the amount spent on elections.

The following spoke in favor of revising the Charter to allow for all members of the Commission make board appointments:

Philip Anderson
Jeffrey Blydenburgh, 204 Genius Drive
Nancy Shutts, 2010 Brandywine
Sally Flynn

The following spoke in favor of maintaining the current Civil Service Code and Board as a means of keeping politics out of the management of the police and fire departments:

Rick Frazee, 1921 Englewood Road
Gary Brewer, 1250 S. Denning Drive, #112

Ms. Crotty read an e-mails from Beth Hale and Mary Randall in support of changing board appointments and an e-mail from Peter Weldon supporting the Charter remain as is with the Mayor making appointments and confirmation by Commissioners.

Ms. Crotty reviewed the changes reached by consensus in the August 13 meeting. Section 3.01 Nonpartisan elections was readdressed. Ms. Crotty reviewed the language suggested by City Attorney Langley who explained why the proposed language which was taken from the statutes regarding judicial elections is not completely relevant for municipal officials. He recommended deleting the first prohibition, as originally proposed, as being vague and unenforceable. After discussion, consensus was to amend Section 3.01(a) as follows:

- a) Upon qualifying for office until the election, a candidate for the office of city commissioner or mayor shall not:
 - (1) Campaign and or publicly represent or advertise herself or himself as a member any political party.
 - (2) Accept contributions from any political party.
- b) A candidate for commissioner or mayor who violates a provision of this section shall be liable for a civil fine of up to \$1,000 per violation. The City Commission shall adopt an ordinance describing the procedure to determine violations, provide due process, and set fines.

Sec. 1.03. – Charter Amendments. (Addressed at end of meeting)

Sec. 2.06, Functions of Mayor. (Addressed after Section 4.05)

Sec. 4.05, Powers and Duties and Section 4.07, Police and Fire Departments.

Ms. Crotty explained that the Civil Service Code is referenced in the Charter but was not established by Charter. Assistant City Manager Neuner confirmed that the Civil Service code was adopted by referendum in 1967.

Attorney Langley stated that because the Civil Service Code was adopted by referendum, it must be repealed by referendum, which could be placed on the ballot with the Charter as a consolidated ballot question. The ballot question could be either that the Civil Service Code may be adopted and amended by vote of the City Commission or continue to be amended by referendum.

Ms. Neuner said that she and City Manager Randy Knight met with the Police and Fire Chiefs and department representatives regarding the Civil Service Code (CSC). Their primary support was the value in the disciplinary procedure being before the Civil Service Board (CSB) that has police and fire representation on the board. They also supported the CSB's review of the hiring and promotional processes. They agreed that the CSC needs to be updated to reflect current practices as accredited departments and also to participate in the drafting of updated language.

City Manager Randy Knight explained that operationally, the Chiefs have reported to him and that the changes would be reflective of current operations, particularly in the area of the department's operational budgets.

Ms. Crotty stated that rather than retaining the numerous references to the CSC there could be a statement that there shall be a CSC.

Ms. Coney expressed her opposition to removal of CSC references citing the need to protect public safety operations and employees. She said she is not inclined to change something she feels works well. Ms. Crotty explained that the Civil Service Code and Board are not being eliminated but will be strengthened by acknowledging their existence within the Charter and putting the details in the Civil Service Code.

Attorney Langley explained that a two-step approach is required: first, a Charter amendment to remove reference to the CSB and either a separate referendum to repeal the Civil Service Code or Charter amendment to allow the Commission to amend the CSC by ordinance.

After additional comments, consensus was to delete some references to the Civil Service Code in Sections 4.05 and replace the language in 4.07 with "The City Commission shall adopt by ordinance and maintain a Civil Service Code that provides for management of the police and fire departments.

Sec. 1.03. Charter Amendments. To be renumbered Sec. 5.10 and moved in its entirety to Article V which will be renamed Article V, Initiative, Referendum, Recall, and Charter Amendment.

Sec. 1.03(b)(3). Change the vote of the electors to not later than 180 days.

Sec. 2.06, Functions of Mayor.

Discussion was held on the manner for making appointments to city boards, currently appointed by the Mayor with confirmation of the Commission.

Mr. Johnston and Mr. Kirk spoke in favor of leaving the language as is, each stating that the Commissioners do have input by voting in favor or denial of the Mayor's appointments.

Ms. Daniels disagreed stating that the Mayor should not have the sole authority to make all board appointments as it does not serve minorities well and some residents are left out.

Mr. Lyman stated that changing the process would promote conversation and encourage more involvement. Mr. Pope disagreed.

Mr. Brandon agreed with Mr. Lyman that it would open conversation.

Ms. Coney stated that the Committee has heard from numerous residents that this process is "broken" and is not inclusive. She suggested that each Commissioner should make one appointment to each Board with the Mayor appointing the remaining.

Ms. Crotty polled the Committee with no consensus (75%) reached. Committee members in favor of changing the language to allow board appointments by all members of the Commission: Lawrence Lyman, Margie Bridges, Mary Daniels, Steven Brandon and Lisa Coney. Those in favor leaving the language as is: James Johnston, Bud Kirk, and Nick Pope.

Sec. 6.01. Continuation of Former Charter Provisions. Leave as is.

Sec. 6.02. Ordinances Preserved. Leave as is.

Sec. 6.03. Pending Matters. Leave as is.

Sec. 6.04. Schedule. Delete in its entirety and reserve the section.

Sec. 6.05. Deletion of Obsolete Schedule Items. Leave as is.

Sec. 6.06. Invalid or Unconstitutional Provisions. Leave as is.

Other Issues

Ms. Crotty stated that there are only two more meetings scheduled and that will be enough time to finalize the work of the committee. At the next meeting, she will present a draft final report and a cross-through/underlined Charter for review/changes/recommendations. At that time it will be determined if another meeting is necessary. A work session with the City Commission to present the Committee's recommendations was tentatively scheduled for October 7th depending on City Commission availability.

Ms. Crotty presented an email that David Vermeulen had sent suggesting including the sustainability program be included in the in the charter. There had also been a suggestion at the first meeting of the Charter Review Committee that provisions for sale of public properties be included in the Charter. Ms. Crotty stated the current Charter states that sale of "land" is required by ordinance but the Committee is recommending "land" be changed to "real property."

Public Comment

Judy Maynard, 1531 Berkshire, expressed her support for more diversity on City boards through revision of the board appointment process.

Commissioner Greg Seidel spoke on the role political consultants play in presentation of candidate information in non-partisan elections.

Maria Bryant spoke on Section 2.06 agreeing with Mr. Lawrence regarding communications encouraging inclusion on advisory board appointments.

Mary Randall, 1000 S. Kentucky Avenue, spoke in support of allowing all members of the Commission to make board appointments and for an open application process to allow all residents access.

Commissioner Carolyn Cooper thanked the Committee for their work on the charter review process. She urged the Committee to look at the ethics language in the Charter as a guide to dealing with matters regarding eh Civil Service Code..

The meeting adjourned at 8:00 p.m.



Rene Cranis, City Clerk