



Charter Review Advisory Committee
Minutes

September 20, 2019

Present

Bud Kirk, Jr.	City Attorney Dan Langley
Mary Daniels	City Attorney Kurt Ardaman
James Johnston	Facilitator Marilyn Crotty
Lawrence Lyman	City Clerk Rene Cranis
Lisa Coney	City Manager Randy Knight
Steve Brandon	Asst. City Manager Michelle Neuner (by phone)
Margie Bridges (by phone)	

Absent

Nick Pope
Amanda Day

The meeting was called to order by Facilitator Marilyn Crotty at 12:00 p.m. in the Elm Room, Winter Park Community Center, 721 West New England Avenue, Winter Park, Florida.

Approval of minutes

Motion made by Steve Brandon to approve the August 27, 2019 minutes, seconded by Lisa Coney and carried unanimously.

Motion made by Bud Kirk to approve the September 10, 2019 minutes, seconded by Lawrence Lyman and carried unanimously.

Public comment

There were no public comments.

Review and approval of draft amended Charter and Final Report and Recommendations

Ms. Crotty stated the purpose of this meeting is to finalize the recommendations to present to the Commission in a work session Monday, September 23. She reviewed the Final Report and Recommendations and the Committee had additional discussion on the following items.

Section 2.03 was amended to add language outlining the process for forfeiture of office. The Committee did not add any grounds for removal beyond what currently exists in the charter regarding residency and registered voter status.

Bud Kirk asked who has the authority for removal due to an immoral or criminal act. Mr. Langley advised that the Governor has authority under State law to suspend or remove any elected official that has been accused or convicted of certain crimes; otherwise removal of office by the Commission is limited by the Charter.

Ms. Crotty noted that Section 2.07 allows for removal of office if the Commission member ceases to meet the qualifications for the office under any provision of the Charter or by law. Attorney Ardaman suggested that a process be put in place for any provisions other than the residency and voter registration status.

Ms. Crotty outlined the grounds for forfeiture of office as stated in the model charter: 1) Fails to meet the residency requirements, 2) Violates any express prohibition of this charter, 3) Is convicted of a crime involving moral turpitude, or 4) Fails to attend three consecutive regular meetings of the Commission without being excused by the Commission.

After discussion, consensus was to add Items 2-4 to Section 2.07(b). Ms. Crotty advised that adding these necessitates the process as outlined in Section 2.03.

Attorney Langley commented on the fifth item under Section 2.03 regarding the evidence. He stated that "preponderance of evidence" is used in civil court proceedings and suggested changing the language to "must find that the substantial competent evidence..." Change approved by consensus.

Section 2.05: Ms. Crotty explained that the Committee agreed it was best to establish the Mayor and Commissioners salary within the Charter with provisions for changes based on the CPI change each April, rather than allowing the Mayor and Commissioners to set their own salary. She recommended an effective date of 10/1/20, Fiscal Year 2021, for the purposes of budgeting.

Lisa Coney suggested that the effective date be 10/1/21 to alleviate the misconception that those currently in office are giving themselves a raise. Ms. Crotty pointed out that ultimately, the voters will decide and that future pay changes can only be approved in accordance with the new provision.

Discussion followed on the appropriate date for implementing the pay change. Consensus was to recommend an effective date of 10/1/20.

Section 2.08(d): Ms. Crotty stated that the Committee recommended that quorum be defined as a majority of the Commission present either in person or through the use of video-conferencing. She expressed her concern that decisions of the Commission could be overturned if a physical quorum is not present. She stated that state and regional boards are permitted to convene via teleconference due to the geographical location of members and their inability to attend in person, which would not apply to the Commission.

After discussion, consensus was to change the second sentence in Section 2.08(c) to read "The affirmative vote of three (3) members of the City Commission who are present at the meeting either in person or through the use of video-conferencing, shall be necessary to adopt any ordinance or resolution and to make no changes to 2.08(d).

Ms. Crotty reviewed the recommendations for Sections 2.09 – 2.19 and changes to Section 3.01 prohibiting candidates from representing themselves as a member of a political party and requiring the adoption of an ordinance to address violations and set fines. She continued to review changes to Section 3.02 – 4.05.

Section 4.06 and 4.07: Ms. Crotty stated that the cities that have civil service have certain procedures in an ordinance rather than in the charter. She noted that the Civil Service Code, although outdated, has worked well and that there is no intent to abolish either the Civil Service Board or Civil Service Code, which was approved by the voters.

Ms. Crotty read the proposed revision to Section 4.07 as drafted by the City Manager "There shall be a Civil Service Code adopted by the electors. At a minimum the Civil Service Code shall set forth the terms of appointing a Civil Service Board whose purpose is to review and make recommendations on standard operating procedures of the police and fire departments and to serve as the appeals board for any disciplinary action resulting in suspension of more than two days, demotion, or termination of all sworn police and certified fire personnel."

Consensus was to approve Section 4.07 as presented changing the last sentence to read "... or termination of any sworn police and certified fire personnel."

Lisa Coney said that she feels Section 4.05(d) should include a provision that specifies that civil service employees' right to appeal are pursuant to the Civil Service Code. She suggested leaving Section 4.05(h) as is to leave the organizational structure in accordance with the Civil Service Code.

Mr. Knight advised that his draft of Section 4.07 was reviewed by the Police and Fire Chiefs who have both supported the language. He advised that he met with police and fire representatives and he will be working with them to create the Civil Service Code ordinance that is supported by civil service employees.

After discussion consensus was to revise Section 4.05(d) to read "In the case of employees covered by the Civil Service Code, such removed employees shall have the right to appeal under the provisions of the Civil Service Code" and to leave Section 4.05(h) as is in the current charter.

Ms. Crotty reviewed the recommended changes to the remaining sections and reviewed the implementation strategies in the Final Report. She stated the City Attorney will draft the ordinance stating the amendments to be placed on the ballot based on Commission direction. She noted that some of the

recommendations that are content related, title changes or renumbering, can be combined into one ballot question. This will reduce the number of ballot questions; however the Commission could put forward some of the amendments over two years. She advised that the Committee recommends a plan to educate the public on the ballot questions.

Motion made by Lisa Coney to approve the Final Report and Charter as amended above; seconded by Steve Brandon. Motion carried unanimously with a 7-0 vote.

Mr. Knight advised that the work session to present the Committee's recommendations to the City Commission is scheduled for September 23rd at 6:00 p.m. Ms. Crotty explained the format of the work session and that public comment is not taken at a work session.


Ms. Crotty and Mr. Knight thanked everyone for their participation and commitment to this process.

Public Comment

Mr. Knight stated that during the work session, the Commission will receive the Final Report and the recommendations, but no public comments will be taken; however the public can speak to the charter at the two public hearings on the ordinance on the ballot questions.

Ms. Crotty advised that the Final Report and red-lined Charter will be available by the end of the day and sent to Committee members.

The meeting adjourned at 1:30 p.m.



Rene S. Cranis, City Clerk

Note: Minutes are unapproved as this was the last official meeting of the Charter Review Committee