

**MINUTES  
LAKE ALFRED CHARTER  
REVIEW COMMITTEE  
OCTOBER 20, 2020  
CITY HALL**

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**Call to Order:** Herb Nigg at 6:05 pm

**Roll Call:** City Clerk Ameen Bailey

**Members in attendance:** Chair Herb Nigg, Vice Chair Brenda Arnold, Member John Duncan, Member Ron Schelfo, and Member Loretta Vittorio.

**Staff in attendance:** City Manager Ryan Leavengood, Assistant City Attorney Drew Crawford, and City Clerk Ameen Bailey.

**Recognition of Citizens:** No comments

**Agenda**

1. Approval of Minutes – October 8, 2020

**Member Vittorio** moved to approve of the October 8, 2020 minutes with corrections, seconded by **Member Schelfo**. A unanimous voice call vote approved the motion.

2. Charter Review

**Assistant City Attorney Crawford** presented a marked-up copy of the Charter with draft amendments based on the committee discussion.

**Chair Nigg** suggested that the committee review and discuss each section and decided if they agree to maintain the text, agree to make changes or if further discussion is needed.

Discussion ensued regarding each section.

**Member Duncan** asked if the City changed the city-limits if the charter would need to be updated.

**Assistant City Attorney Crawford** stated the changes would be submitted to the state, that the charter would not change, and the City Clerk keeps the record.

**Member Duncan** stated the committee had discussed a possible change to the qualifications section 2.02 in regards to participating on committees.

**Assistant City Attorney Crawford** stated the item was not included because it was not supported by the committee.

**Chair Nigg** stated that the minority opinions should show in the text/report.

**Member Vittorio** stated it was captured in the minutes.

**Chair Nigg** stated Section 2.05 should also include in the title "Vise Mayor".

**Member Vittorio** asked about adding a statutory reference in Section 2.09 and throughout.

**Chair Nigg** stated he would like to see all the state references in the next version for consistency and ease of use for citizens. All sections should have a starting point for citizens.

**Assistant City Attorney Crawford** stated that adding all references would be a significant project. Most references were made by Municode and they will add any suggestions requested.

**City Manager Leavengood** stated that the most relevant references could be included and not requires as much research. The Committee can make a recommendation for staff to add the references.

**Member Shelfo** stated the lack of references has not caused an issue in the past.

**Chair Nigg** asked why Section 3.05 prohibits the City Manager from acting as the City Clerk.

**Member Duncan** stated that the previous Charter Committee discussed the reason as due to the fact that the City Clerk processes the a city Elections.

**Chair Nigg** asked about Section 4.05 regarding the deletion of the election transition schedule.

**Assistant City Attorney Crawford** stated that Section 6.06 states that sections in Article 6 can be removed but it does not allow the removal of Section 4.05.

**Member Schelfo** asked if it was an issue for it to remain.

**City Manager Leavengood** asked if the ability to remove a transition schedule from the Charter could be added to 6.06.

**Member Duncan** stated he had received comments about the confusion associated with Section 5.01(b) and he asked what the City's role would be regarding a citizen-initiated petition.

**Chair Nigg** asked if a state reference could be added or if additional language was suggested that it be presented at the next meeting.

**Assistant City Attorney Crawford** reviewed the referenda requirements and stated that he would provide. He would not recommend including state law regarding the petition requirements.

**City Clerk Bailey** stated the City Clerk would accept the petitions, check, the signatures, and ensure the requirements were met, but not evaluate the content.

**City Manager Leavengood** stated that if the citizens were interested in filing the petition, they would have an attorney.

The Committee accepted the recommended changes in Section 2.07(d), 2.08(c), Section 2.09, 3.06(b),

**Chair Nigg** asked about the draft report and timing. He stated he could present the report with the Attorney's assistance.

**Member Duncan** asked when the committee needed to be complete and if the minutes would be submitted with the report.

**Assistant City Attorney Crawford** stated he would recommend the report be broken down by single subject items rather than a strikethrough/underline copy of the Charter. He stated that the report could consist of a summary of the proceedings, suggested amendments with title and ballot language, suggestions for Commission items, and the minority report. The report should be presented at the second meeting in November. The Commission can they consider any ordinances beginning in December.

**City Manager Leavengood** suggested the committee meet November 5<sup>th</sup> and review the draft report.

### 3. Term Limits Discussion in Section 2.03

**Assistant City Attorney Crawford** stated the draft language for the term limits was based on the question responses received at the last meeting. A title was added to create an (a) and (b) to Section 2.03.

**Chair Nigg** asked about the requirement to have time away from the seat.

**Assistant City Attorney Crawford** stated the provision was based on Polk County's language to not appear on the ballot rather than a set number of days away from the office.

**Chair Nigg** asked Member Duncan about his reasons for suggesting term-limits.

**Member Duncan** stated it was based on home-rule where governing rules should start at home. In addition, if elected officials are required to step away it gives a better opportunity for others to run. Also, the off year when there is not an election discourages participation.

**Member Vittorio** stated she was torn seeing both sides. She also asked how long each of the other cities had term-limits. She also asked how difficult it is to fill the city boards and if commissioners can serve on a board after serving on the City Commission.

The Committee discussed several scenarios.

**City Manager Leavengood** suggested that the issue without consensus would be in the Minority Report. He also discussed the cycles in Auburndale. The Commissioners serve on the Commission and then serve on a board since they have 8-year term limits. They also provide experience. He also stated that the City Commission can serve on a board after their time on the commission. They cannot receive a position with compensation (such as a city employee) for at least one-year.

**Chair Nigg** asked if there were any provisions of the Charter that could be amended by a majority vote of the City Commission.

**Assistant City Attorney Crawford** stated only Article 6 could be amended or deleted to remove the transition schedule. They can add references, clarification, or editorial notes.

The item did not receive consensus.

**City Manager Leavengood** asked if the committee was in support of the proposed language if the City Commission recommended to include the term-limits item to the ballot. He will also provide the commission with pros and cons regarding the item.

The committee agreed.

**City Manager Leavengood** stated the committee would receive the report several days ahead of the November 5<sup>th</sup> meeting. The goal would be to incorporate the changes at that meeting to finalize the report.

**Assistant City Attorney Crawford** stated he envisioned seven sections to the report covering the following items:

1. Proposed amendments
  - a. One for extraordinary vacancies
  - b. Validity of conflicts
  - c. Formal actions by resolution
2. Minority report on term limits with suggested ballot language
3. Other Misc. changes
  - a. Notes and references
  - b. Exercisers authority to modify Article 6
  - c. Insert clarification language
4. Thank you
5. Executive summary
6. Report of proceedings
7. Closing note.

He will also provide a color-coded version of the Charter with each amendment in a different color.

With no other business, **Chair Nigg** adjourned the meeting at 7:37 pm.

Respectfully Submitted,



Ameé Bailey  
City Clerk