

**MINUTES
LAKE ALFRED CHARTER
REVIEW COMMITTEE
AUGUST 27, 2020
CITY HALL**

Assistant City Attorney W.A. "Drew" Crawford called the meeting to order at 2:00 pm.

Roll Call: City Clerk Ameen Bailey

Members in attendance: Member Brenda Arnold, Member Herb Nigg, Member Ron Schelfo, and Member Loretta Vittorio. Member John Duncan was absent.

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

Assistant City Attorney Crawford provided an introduction and reviewed the agenda.

City Manager Leavengood stated he will serve as the kick-off and the future meeting dates and times will be determined at the end of the meeting by the members.

Agenda:

1.) Nominate and Appoint a Chairperson and Vice-Chairperson

Assistant City Attorney Crawford stated that he called the meeting to order as the temporary chair. The first action item of the committee is to nominate a chair and vice chair. He asked for nominations for the chairperson.

Member Schelfo nominated Herb Nigg as the chairperson. Member Nigg accepted the nominations. No other nominations were presented.

Member Nigg made a motion to close the nominations for chairperson; seconded by **Member Vittorio**. The motion passed unanimously by voice vote. As there were no other nominations for chairperson, Member Nigg was appointed.

Member Nigg asked for nominations for the vice-chair.

Member Nigg nominated Brenda Arnold as the vice-chair. Member Arnold accepted the nominations. No other nominations were presented.

Member Nigg made a motion to close the nominations for chairperson; seconded by **Member Vittorio**. The motion passed unanimously by voice vote. As there were no other nominations for chairperson, Member Arnold was appointed.

2.) Discussion of the City of Lake Alfred's Charter Review Committee Duties and Responsibilities.

Assistant City Attorney Crawford stated the Charter Review Committee meets every ten years to review how the charter is work. The committee will make recommendations to the City Commission regarding any possible updates. The Committee should review the charter based on what is best for the citizens of the City.

Chair Nigg asked how the recommendations would be presented.

Assistant City Attorney Crawford stated the recommendations would be presented and reported to the City Commission based on the Committees choice. Every city reports the recommendations differently and he provided several examples. Staff will assist with the report preparations based on the committee's guidance.

3.) Overview of Florida Sunshine Law, Municipal History, and City Charter

Assistant City Attorney Crawford provided an overview on the purpose of the legal discussion and how it relates to the boards duties. He reviewed Sunshine Law, Public Records Responsibilities, Ethics for Public Officials, Basic Charter Concepts, and and overview of the Lake Alfred Charter.

In review of the Sunshine Law, the law provides right of access to government proceedings of public boards or commissions and to applicable appointed and elected boards. The basic requirements are that the meeting must be open to the public; there must be note and minutes taken. He provided a few examples of what would be a meeting and what would not. The Board members should not discuss anything related to the City Charter review outside of the Charter Review Committee meetings.

Public records were reviewed next. Anything that perpetuates, communicates, or formalizes knowledge is considered a public record. Any shared items (documents, papers, maps, recordings, photos, emails, etc.) would be considered a public record. The public may access all materials made or received in the transaction of official business of the committee. The committee was encouraged to ask staff if they had any questions or concerns regarding public records. The City will be responsible for maintaining public reports for the committee. Any items coming from or to staff will be maintained and the committee members may forward any correspondence to staff to be maintained for purposes of public record.

Chair Nigg requested that the staff and committee contacts information be provided to the committee.

Member Arnold asked about social media.

Assistant City Attorney Crawford responded that if the members broadcasted their role on the committee and asked for feedback on social media those records would need to be maintained. He encouraged the members to let the City use social media for any committee discussion since the City already achieves the City's social media sites.

The two types of ethics provisions include prohibiting certain actions or conduct and requiring certain disclosures be made to the public. The prohibitions are the solicitation or acceptance of gifts or compensation that would influence the committee member.

Member Arnold asked about social media.

Member Arnold asked about clarification of gifts. **Assistant City Attorney Crawford** provided several examples.

Members are prohibited from the misuse of their position and the disclosure of information for personal gain. The members may not have business with the City or conflicting appointments. While these last two may not apply to the committee since they will not make the final decision, this is part of the ethical provisions. There also penalties to the ethics laws.

Chair Nigg asked for examples of voting for personal gain.

City Manager Leavengood and Assistant City Attorney Crawford provided examples regarding land uses changes and discloses why the member is sustaining from the vote. However, there is a difference between a private gain and a public gain and several examples were provided.

Chair Nigg asked if members could discuss legal or ethical issues with the staff and if Sunshine laws would apply. He recommended that items discussed with the staff should be presented to the committee.

Assistant City Attorney Crawford stated that the members may discuss items with staff. Although staff cannot act as a conduit between members. The role of the attorney is to provide advice.

City Manager Leavengood stated all members would receive the same information from staff. Member questions may lead to additional information being provided to the committee.

Assistant City Attorney Crawford provided the roles of laws and charters. He provided some of the basic items included in charters. He then discussed a history of the Florida Constitution and the impact on the municipal charters. Home Rule amendments occurred in 1956 and the Florida Constitution allowed for Citizen Charter after 1973. Citizen charters are created by the citizens and must be updated by the citizens. Municipal charters may be very different based on when they were created and if it has been updated.

Lake Alfred's Charter was updated as a Citizen Charter to incorporate home rule and then acts to prohibit rather than to permit government roles. Ordinance 562 was adopted in 1979, which makes the Lake Alfred's charter the oldest citizen charter in Polk County. The Charter has been amended seventeen times. The last amendment was in 2015. The City was founded in 1913.

City Manager Leavengood stated the next meeting will include staff presentation of the charter provisions and issues that have been identified by staff. Some issues, while additional work for staff, may not be worth the perception of a charter change. The charter is for general guidance and should not be so specific as to regulate the day-to-day operations of the City.

Assistant City Attorney Crawford and City Manager Leavengood provided several examples.

Assistant City Attorney Crawford reviewed the Lake Alfred Charter outline and suggested the committee focus on Articles 2-4. He also suggested not changing from home-rule.

- Art. 1: Creates the City; Authorizes Plenary Home Rule
- Art. 2: Creates a Commission-Manager Government; Provides Restrictions on Finance and Budget
- Art. 3: Creates Administrative Offices
- Art. 4: Specifies How Elections are Conducted
- Art. 5/Art. 6: General Provisions

Member Schelfo stated the committee does not need to make unnecessary changes.

City Manager Leavengood played a video explaining the role of City Managers, the Council/Mayor form of government, and the division of powers. The City was also one of the first cities to adopt the Council/Manager form of government. The different forms of government was reviewed.

There is some items in the Charter that are further explained in the Code of Ordinances. The Code of Ordinances can be changed by the City Commission. The City Commission and Citizens petitions can also be used to make changes to the Charter. The Charter Review Committee is a formalized process to ensure the Charter is reviewed periodically.

4.) Questions and Comments from the Lake Alfred Charter Review Committee

Member Vittoria asked when the last charter review was conducted. **Assistant City Attorney Crawford** confirmed that it was ten years ago and he served as the committee attorney for that committee in 2010.

City Clerk Bailey stated the last charter amendment was in 2015 regarding ties of elected commissioners.

Chair Nigg asked if the City Manager has the authority to hire/fire the Police Chief.

City Manager Leavengood stated that in a Council/Manager form of government runs like a business and the City Manager "manages" all staff. Every municipality in Polk County has a Council/Mayor form of government.

Member Arnold ask if the members should/could talk to other municipalities or citizens regarding charter.

Assistant City Attorney Crawford stated he expected some members may want to research on their own which is why staff provided the information and history of charters to the committee. He asked the committee to read the Lake Alfred Charter.

Chair Nigg request the committee discuss the schedule.

City Manager Leavengood provided some dates in relation to other City meetings and suggested some dates.

Assistant City Attorney Crawford stated the next meeting would be the staff presentation. Staff would get feedback on the topics the committee was interested in further information. They the City would present on the specific information.

He reviewed the timeline for the committee. The election will be held in April and ballots must be prepared by the first of February. In order for the City Commission must have the amendments in final form by January. The amendments must be presented to the City Commission by the first of December. November the City Commission would review the committee report, therefore the report should be finalized by the end of October. Typically charter review committees meets 5-7 times.

The committee discussed several dates and times and landed on September 3 and September 22 at 6:00 pm.

With no other business, **Chair Nigg** adjourned the meeting at 3:49 pm.

Respectfully Submitted,



Ameé Bailey
City Clerk