

**MINUTES
LAKE ALFRED CHARTER
REVIEW COMMITTEE
SEPTEMBER 22, 2020
CITY HALL**

Call to Order: Herb Nigg at 6pm.

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

Chair Nigg suggested that the committee listen to the presentations tonight and make suggestions. Then at the following meeting the committee go through the text page by page including any modifications based on the committee suggestions. He also requested that any citizen concerns brought to staff's attention be placed on the agenda.

Vice Chair Arnold asked about the staff issues addressed a policy.

Assistant City Attorney Crawford reviewed the plan for discussion including the items staff has noticed over the past several years, changes due to state law, and then changes based on the committee suggestions. He stated that one item was related to a political policy and that Florida statutes could be referenced.

Chair Nigg asked if any of the members were planning to run for City Commission.

Vice Chair Arnold and Member Duncan stated they were not running at this time. All other stated they were not planning to run for office.

Member Duncan stated in the last charter review they went page by page and proposed 13 amendments to the charter. He stated the hardest part was educating the public due to the word limitations. He stated no items could be bundled.

AGENDA

1.) Charter Review Meeting Minutes August 27, 2020

Vice Chair Arnold moved to approve of the August 27, 2020 minutes, seconded by **Member Duncan**. A unanimous voice call vote approved the motion.

2.) Presentation: Staff identified Charter Review Items

Assistant City Attorney Crawford provided a few corrections to the first presentation stating the Lake Alfred citizen charter was adopted in 1975. The charter has been amended 18 time and all amendments need to be approved by the citizens.

Assistant City Attorney Crawford lead a discussion regarding several items within the Charter that could be cleaned up, improved, or clarified. Five provisions were identified by staff.

1. Extraordinary Vacancies - § 2.07(d)
2. Validity of Conflicts of Interest - § 2.08(c)
3. Triggering requirements for Ordinances & Resolution - §§ 2.09(d)(1), (3)– (7); § 3.06(b)
4. Registration of Electors - § 4.01
5. Qualifying for Individual Commission Seats

Of the items listed 1, 2, and 4 are ministerial in nature. The change to 3 is designed to reduce administrative/procedural burdens and number 5 is designed to help delineate and remove confusion in municipal elections regarding qualifying for a seat.

Assistant City Attorney Crawford provided examples for extraordinary vacancies and that the charter calls for special election within 60-90 days. It is a tight timeline and suggested that the timeline be extended to 180 days.

The committee concurred with the suggestion and requested proposed language be provided at the next meeting.

Member Duncan asked if 180 days was sufficient for the Polk County Supervisor of Elections office and if the Governor had any authority to appoint someone to the City Commission. He also asked if the charter should reference state statutes.

Assistant City Attorney Crawford stated he had a general discussion to the Elections Office but could ask the specific question. He also confirmed that the Governor would have the ability to respond in an emergency. Staff can also request that Municode reference state statutes.

City Manager Leavengood stated if the impact had a larger scale then there could be executive orders from the Governor as we have seen with Covid.

Member Vittorio asked about the posting requirements and the required five posting locations.

Assistant City Attorney Crawford stated that the requirement for a physical location could be separate locations such as the City Hall, library, administration, etc. The City is still able to utilize a newspaper publication. Electronic notices may be added in the future.

He then continued by discuss conflicts of interests. The Florida Ethics Commission has established what constitutes a conflict, which did not previously exist. The City charter allows the City Commission to determine if someone has a conflict. He suggested removing the provision and allowing conflicts to be determined by state law.

City Manager Leavengood stated the items presented by the City Attorney's Office are not on policy, but rather on liabilities or conflicts with state law. When the committee presents their recommendations to the City Commission, the City Manager will also have a summary document to assist in providing explanations related to the recommendations. T

Member Vittorio asked about bundling amendments.

Assistant City Attorney Crawford stated the ballot language is controlled by Florida Statue and allows for a 15 word title and a 75 word amendment. Therefore, the language has to be crafted carefully to ensure the intent is relayed. Items would have a single subject and not be bundled. If the committee found that there were too many changes the committee could recommend repealing and reinstating the entire charter.

Assistant City Attorney Crawford reviewed ordinances and resolutions and suggested the charter allow the City to make actions through both. Ordinance adoption is cumbersome and requires multiple meetings. General Florida law (SB 50) now requires opportunity for public participation on all matters before formal action and other provisions of the City Charter require advance notice of action be given to the public.

Member Vittorio asked about the different timing requirements.

City Manager Leavengood stated that ordinance require additional cost and timing associated with advertising. In addition, some items that require an ordinance have an impact to operations. Staff can provide the committee with a list of items that require ordinance adoption. State law allows for citations the charter is an administrative code.

Chair Nigg asked if taxes could be increased by resolution without a public hearing.

Assistant City Attorney Crawford stated State statues will still require some items to be adopted via ordinance or that they have a public hearing process (such as taxes). In addition, an ordinance requires another ordinance to be repealed. He also explained the differences between administrative code and laws. He also reviewed the taxation process including hearings and advertising requirements.

Member Duncan asked about a procedure for adopting a resolution.

Assistant City Attorney Crawford stated the process is included in state laws. The charter requires the publishing of the agenda with the action items.

City Manager Leavengood stated the charter is the long-term base and items are more specifically addresses in the Code of Ordinances.

There was consensus to review draft language at the next meeting.

Assistant City Attorney Crawford stated the charter requires registration with the City to vote. The Florida Elections Code requires the permanent voter registration system to be used in lieu of any municipal registration system. This item was for information only.

City Manager Leavengood stated City election process may cause some confusion since it is the only City in Polk County that allow voters to vote for more than one candidate. Most jurisdictions have assigned seats.

Assistant City Attorney Crawford stated that the staff does not recommend districting.

Chair Nigg stated he liked the current system and win a seat with the least number of votes if there was no opposition.

Member Duncan asked how the ballot counting was handled.

Assistant City Attorney Crawford stated the machine will kink out an under vote and an over vote. Then those ballots need to be reevaluated. The canvassing the board noticed a significant number of under votes during the last election.

The committee needed more time to consider but was willing to review possible language.

3.) Discussion: Committee Items identified for further review

In addition to feedback provided for the staff identified provisions, the Charter Review Committee may wish to identify provisions within the charter or subjects in general that they would like to further review.

City Staff and the City Attorney can provide research, background information, and recommendations to the Committee to assist in vetting different provisions or subjects the Committee is interested in.

An analysis by staff will be drafted on the items identified by the Committee, if any, and be presented at the next meeting. The format will be similar to the staff items presented at this meeting. This will aid the Committee in making an informed decision regarding any recommendations you send to the City Commission.

Vice Chair Arnold asked if hiring practices were a charter item of a City Commission items. She stated she would like to see more diversity in the workforce.

City Manager Leavengood stated the hiring processes are mandated by Florida statues and a management/operational issue. He also wants to hire diversity across the positions within the City since the City wants to promote from existing staff. Some positions are more difficult to hire.

Chair Nigg asked to review emergency ordinances.

Member Vittorio asked about creation and powers, municipal boundaries, acting City Manager, method of resolving ties, and the schedule.

City Manager Leavengood provided some example conditions for appointing an acting City Manager, although with today's technology it is not as necessary.

Member Duncan asked about term limits. He suggested that commissioners should periodically take a year off to allow for others to run for office. If there was a vacancy the City Commission could appoint someone.

Assistant City Attorney Crawford stated he can provide some language although he would recommend against adding term limits. There is also a small pool of talent in Lake Alfred.

Member Schelfo suggested against term limits.

Chair Nigg asked about the cost associated with running an election. However, staff should propose language for consideration at the next meeting.

The committee discussed several dates and times for the next meeting. The next meeting was set for October 8th at 6:00 pm.

With no other business, **Chair Nigg** adjourned the meeting at 7:43 pm.

Respectfully Submitted,


Ameé Bailey
City Clerk