

## **MINUTES OF THE OCTOBER 2, 2013 MEETING GREEN COVE SPRINGS CHARTER REVIEW COMMITTEE**

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1. Invocation and Pledge of Allegiance to the Flag

Invocation performed by Chairman Bob Page and Pledge of Allegiance by all Committee Members.

2. Roll Call

The Charter Review Committee meeting of October 2, 2013, was called to order by Chairman, Robert C. Page at 5:00 p.m.

The following members were present: Bob Page, Chairman, Sarah Spurrier, Vice Chairman, Bob Lewis, Bruce Bickner, Foster Forehand, Joseph Sobotta, Luke Byrne, Marilyn Haddock, Marsha Fields, Danielle J. Judd, City Manager, L. J. Arnold, III, City Attorney, and F. Lee Bentley, City Clerk.

3. Approval of Minutes

None

4. Presentation of Information Received From Florida League of Cities regarding:

- Composition of City Commissions / Councils (Number of Members);
- Process for Elections (At Large or By District);
- Council Member Terms of Office;
- Term Limits;
- Election Process for Mayor / Vice Mayor;
- Compensation Procedures for Mayor and Council Members;
- Compensation Adjustments;
- Population;
- Millage Rate;
- Operating Budget;
- Area (Size of City / Town);
- Type of Municipal Utility Services Provided;
- Residency Requirements for City Manager.

City Clerk Bentley provided the Committee with a spreadsheet of comparable information regarding the items referenced above and included the current data for the City. Mr. Bentley also shared with the Committee information provided by Ms. Cynthia Hunter, Human Resources Director obtained from Government Surveys – a database of salary information for Cities and Counties.

City Clerk Bentley provided the Committee with the following information:

- Bonding for the City Manager - Ms. Cynthia Hunter, Human Resources Director provided a memo reflecting the premium amount of the current bonding for the City Manager and included all Administrative Officers, the premium is \$443.69 from the Florida League of Cities;
- Ms. Hunter also provided information on the estimated premium for increasing the bond limit up to \$250,000 as requested by the Committee and is approximately \$1,287.00;

- The Committee received information from City Attorney Arnold regarding Emergency Ordinances;
- The Committee received the map depicting the City's Utility Service Area Boundary regarding the discussion of residency for the City Manager;
- The Committee received a three-month calendar representing the various meetings of City Council and other committees;
- City Attorney Arnold provided the Committee with a copy of an Ordinance adopted by the City of Crestview to serve as a model for establishment of Rules of Procedure for conducting City Council meetings.

Chairman Page encouraged the Committee to review the information provided as related to the areas of the City Charter for evaluation of potential recommendations as Charter Amendments.

City Manager Judd advised the Committee that she and Finance Director Sue Heath were working on re-writing the finance section before Ms. Heath leaves and will provide a memo to the Committee.

5. Follow-up on Items Discussed and Additional Information Requested from September 12, 2013 Meeting:

- L. J. Arnold, III, City Attorney & F. Lee Bentley, City Clerk

Section 2.02 Composition, qualifications, and terms of office (D) Term Limits (check with other Cities for wording) (City Attorney);

- City Attorney shared his research with the Committee citing the City Charter requirement for serving three (3) consecutive terms and not being eligible for re-election was unique for us and was not for other communities examined;
- The requirement for being out of office for one year before seeking election to another seat is not really clearly addressed by our Charter and should be considered for clarification.

Section 2.04. Prohibitions (C) Interference with administration –define what “City Officers” are; (City Attorney);

- City Attorney advised the Committee the above section applies to an employee or officer under the direction of the City Manager;
- City Attorney shared his research of what an “Officer” would be and advised it could be a lot of different things other than the context of government, however, it appears to be an employment on behalf of the government in any station or public trust, not merely transient, occasional, or incidental, also, it is the right to exercise the public trust or authority as contained in the Black’s Law Dictionary;

Section 2.14 Emergency ordinances – check to see if this is still consistent with State Statute; (City Attorney);

- City Attorney provided the Committee with a copy of Florida Statute 166.041 that outlines the process for adoption of ordinances and resolutions providing a standard procedure for municipalities and for adoption of emergency ordinances. He further stated that our regulations are more stringent than Florida Statutes, which is fine;

Section 2.18 Investigations. Adding wording to include City Council's investigation of Residency requirements for Council Members; (City Attorney);

- City Attorney provided his recommendation to include language in this section to make it clear that investigations are not only in the affairs of the City but also including but not limited to investigations regarding the qualifications of City Council members as required in Section 2.08 of the City Charter;
- City Attorney also recommended language added in Section 2.08 to clarify the issues previously referenced and state there in that would include residency of a Council Member shall forfeit his office if he is found by the City Council to lack the stated qualifications at any time during their term of office;

City Attorney Arnold informed the Committee that he and Committee Member Bruce Bickner had briefly discussed by phone the issue regarding Homestead and offered the following suggestions:

- In the section dealing with the City Manager's residency, to make a short statement that "it does not prohibit the City Manager from homesteading property in another location which does not require them to be a voter; but still within the confines of the City or enlarge it to include the Utility Service Area Boundary;

Section 7.04 Procedures. City Attorney/City Clerk to research for Ordinance that prescribes rules and regulations for conduct of elections; (City Attorney & City Clerk);

- City Attorney referenced the Crestview Ordinance regarding recommending rules and regulations for City Council to consider adopting;
- City Attorney also informed the Committee that they could include a definition for a Proclamation as prescribed in Black's Law Dictionary in Section 2.12 of the Charter as a fourth (4) definition; however, he would not necessarily recommend to do it, it would be the decision of the Committee.

Discussion ensued with the Committee regarding the salaries of City Council Members and clarification of the 3% automatic increase per year and acceptance or deferral of that by individual members. The City Attorney advised the automatic increase commenced on October 1, 2008 and was the City Council and not an individual person elected later is to increase by 3% annually thereafter.

Chairman Page shared with the Committee that in the past, City Council Members elected to forfeit their automatic increase because the employees were not receiving increases even though the voters approved their annual increase. This was a decision by the individual Council Members to accept or reject their automatic increase.

There was no further discussion regarding this section.

6. Discussion of Charter Articles VI, VIII, and IX

Chairman Page proceeded to have the Committee review Articles VI, IV, and V with the following comments:

Article VI - BOARDS, PLANNING AND ZONING

Discussion ensued by the Committee with this section resulting in the following:

Section 6.01. – City planning and zoning board.

Chairman Page posed the question of expanding the pool for appointments of Board Members to include residents who may not necessarily be a qualified voter but lives within the corporate limits.

Committee Member Marilyn Haddock for clarification of the statement about Board Members not holding another city office. City Attorney Arnold advised the intent was to prevent a compensated city employee or staff member to be appointed and serve on the Board.

The consensus of the Committee after reviewing this section was that no changes were necessary.

Section 6.02. – Appointment of board members; vacancies.

The consensus of the Committee after reviewing this section was that no changes were necessary.

Section 6.03. – Appeals.

The consensus of the Committee after reviewing this section was that no changes were necessary.

The Committee discussed the concept of the Super Tuesday elections process and Chairman Page asked for the Supervisor of Elections to come back before the Committee to discuss this concept further.

City Clerk Bentley will contact the Supervisor of Elections to address the Committee at future date regarding the Super Tuesday Elections concept.

ARTICLE VIII. - INITIATIVE, REFERENDUM, AND RECALL

Section 8.01. – General authority.

*B. Referendum.*

Committee Member Foster Forehand questioned why the budget or capital program were exempt from this section. City Attorney Arnold stated his opinion this may be addressed in Florida Statute 100.161 unless it has changed and will research this to provide further information at another meeting.

The consensus of the Committee after reviewing this section was that no changes were necessary.

Section 8.02. – Commencement of proceedings, petitions' committee; affidavit.

The consensus of the Committee after reviewing this section was that no changes were necessary.

Section 8.03. – Petitions.

Committee Member Foster Forehand addressed the concern with the process for obtaining the required amount of petition signatures without being able to go into Magnolia Point without a resident assisting in this process as they are a private community.

The consensus of the Committee after reviewing this section was that no changes were necessary.

Section 8.04. – Procedure after filing.

The consensus of the Committee after reviewing this section was that no changes were necessary.

Section 8.05 – Action on petitions.

The consensus of the Committee after reviewing this section was that no changes were necessary.

Section 8.06 – Results of election.

The consensus of the Committee after reviewing this section was that no changes were necessary.

Section 8.07 – Recall.

City Attorney Arnold advised the Committee the requirements for this section are established by State Law and can provide that if requested.

The consensus of the Committee after reviewing this section was that no changes were necessary.

#### ARTICLE IX. - GENERAL PROVISIONS

Section 9.01. – Severability.

The consensus of the Committee after reviewing this section was that no changes were necessary.

Section 9.02. – Conflicting ordinances.

The consensus of the Committee after reviewing this section was that no changes were necessary.

Section 9.03. – Continuation in force of non-conflicting ordinances; repeal of uncodified ordinances.

Chairman Page requested City Attorney to research this section to see if it was still applicable or could be removed.

Section 9.04 – Charter amendments and revisions; filing of same with original.

The consensus of the Committee after reviewing this section was that no changes were necessary.

Section 9.05. – Standard of ethics.

The consensus of the Committee after reviewing this section was that no changes were necessary.

Section 9.06. – Numbering of council seats.

The consensus of the Committee after reviewing this section was that no changes were necessary.

#### ARTICLE X. – TRANSITIONAL

Section 10.01. – Pending matters.

The consensus of the Committee after reviewing this section was that no changes were necessary.

Section 10.02. – Officers and employees.

The consensus of the Committee after reviewing this section was that no changes were necessary.

#### ARTICLE XI. - CHARTER REVIEW

Section 11.01. – Mandatory.

The consensus of the Committee after reviewing this section was that no changes were necessary.

City Attorney Arnold referenced the statement at the end of the Agenda as something that the City of Green Cove Springs has done to be open with allowing people to speak at City Council meetings. The State Legislature has mandated that all governments now do the same thing the City has been doing for years. This applies to all Council or Committee during a Public Meeting.

City Attorney informed the Committee that previously State Law did not require entities to allow the public the opportunity to address them during a Public Meeting. Public Hearings are different and require comments from the public regarding the matter being presented for action by the Council, Commission, or Committee; however, for general matters on the Agenda, the public never had a right and Green Cove Springs has always afforded that right to the public.

#### ARTICLE XII. – CHARTER AMENDMENTS

Section 12.01. – Procedure.

The consensus of the Committee after reviewing this section was that no changes were necessary.

Section 12.02. – Separate vote on each proposed change.

City Attorney Arnold explained the purpose for this section being in the Charter as a requirement of State Law. This addresses the requirement for a single subject matter limitation in most things that individuals vote on to prevent violation of the single subject matter.

The consensus of the Committee after reviewing this section was that no changes were necessary.

#### ARTICLE XIII. – MISCELLANEOUS

Section 13.01. – Prohibition against closing certain streets and all alleys,

City Attorney Arnold provided an overview of the reason for this section of the City Charter relating to a number of streets that dead end at the river and shall remain open for the public's access.

City Attorney Arnold advised this was the same situation for the properties that comprise or are associated with Spring Park; they are protected from being sold and retained for the Public Interest and purpose.

The consensus of the Committee after reviewing this section was that no changes were necessary.

Chairman Page recognized the information provided to the Committee from Ms. Cynthia Hunter, Human Resources Director regarding the annual salaries of the City Council Members. There were no follow up questions concerning the information at this time.

Chairman Page informed the Committee that it had concluded its first review of the City Charter section by section and have identified those areas to be revisited for potential recommended amendments or changes.

Chairman Page encouraged the Committee to review the list proposed for potential changes or revisions and be prepared at the next meeting to decide if there are problems in these areas and what are the proposed solutions to remedy those concerns. He further explained that when the final review of each concern was completed a motion would be made and voted on as to the next action to be taken.

8. Next meeting date and time scheduled for Wednesday, October 16, 2013 at 5:00 p.m. with confirmation sent by email to the Committee by the City Clerk

Chairman Page recapped the items on the list for further review and noted the item for Rules of Procedure was an encouragement to the City Council for consideration and not a specific Charter Amendment item. The recommendation would be to follow the model outlined by the City of Crestview Ordinance to establish rules of procedure.

Additional discussion ensued about the Super Tuesday Elections process and getting the process started for its consideration. City Manager Judd advised that the Committee should make a motion on this issue and others to present to the City Council for their consideration as potential Charter Amendments.

City Clerk Bentley volunteered to make contact with the other municipalities for their interest in the Super Tuesday Elections concept in conjunction with the Supervisor of Elections to also participate in the discussions and report back to the Committee at the next meeting.

Chairman Page agreed with the City Manager's comments regarding presentation of a report from the Charter Committee regarding the items for consideration as an amendments and then recommendations for other issues reviewed by the Committee for consideration and action.

Chairman Page commented that the Committee's Report was to be presented to the City Council at their first meeting in January or as early as the first meeting in December if the review was completed.

Chairman Page recognized Ms. Karen Kenny, 701 Cove Street to speak to the Committee. Ms. Kenny's remarks were to have the Committee's vote on the individual recommendations presented with the number of yays and nays.

9. Adjournment at 6:25 p.m.

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Robert C. Page, Chairman

Attest:

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F. Lee Bentley, City Clerk