

# **CHARTER REVIEW COMMITTEE MEETING MINUTES**

## **January 30, 2014**

The Charter Review Committee organizational meeting was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on January 30, 2014 at 6:00 p.m.

**Members Present:** George “Mackie” McCabe, Chair; Danielle Daugherty, Vice Chair; Steven Steve” W. Fussell, Ray Lewis, and Pam Washburn

**Also Present:** City Attorney Scott Gerken, City Manager Gary La Venia, Mayor Chris Bell, Commissioner Chris Cheshire, Community Development Director Charlie Rector, and City Clerk Esther B. Coulson.

### **1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE**

The meeting was called to order at 6:00 p.m., Mayor Bell gave the invocation, and Commissioner Cheshire led in the Pledge of Allegiance to the flag.

### **2. ROLL CALL**

Ms. Coulson called the roll and a quorum was declared present.

### **3. WELCOME/INTRODUCTIONS**

At the request of Mayor Bell, the committee members gave self-introductions and gave a description of their respective backgrounds.

### **4. OVERVIEW OF CHARTER REVISIONS**

#### **(a) Resolution 2013-024 – Process**

Mr. Gerken highlighted his background and gave the purpose of this evening’s organizational meeting; addressed the committee’s role and function as reflected in the Establishment of the Charter Review Committee Resolution 2013-024 previously adopted by the city commission, and pointed out Section 10 whereby the city attorney, manager and clerk are directed to support the committee.

#### **(b) Introduction to Fruitland Park’s Charter**

Mr. Gerken referred to the materials previously provided to the members electronically by Dropbox™; defined the city’s Charter -- similar to the U.S. Constitution -- that governs every municipalities’ roles, duties, powers, operations, and procedures, and highlighted the charter’s table of contents which provides a layout of the items.

Mr. Gerken explained that boundaries are one of the few items that do not require an amendment in the charter process as the city commission approves annexations regularly by the enactment of ordinances. In order to amend the charter, he stated that the committee would make recommendations of what items, if any, it believes need to be revised for commission consideration.

(c) **The Florida's Sunshine Law**

Mr. Gerken gave an overview of the Sunshine law as referenced in the Government in the Sunshine Manual and the resolution and described how they pertained to the committee. He addressed situations on how the law would affect a gathering of two or more members discussing committee-related issues and cited Florida Statutes 286 that meetings of public boards or commissions must be open to the public, reasonable notice of such meetings must be given, and minutes of the meetings must be taken and promptly recorded.

After discussion, Mr. Gerken also depicted in the sunshine manual -- materials made or received by the committee; the method of communication among the members such as comments posted on social media network sites, columns in newspaper articles, e-mails, and casual conversations outside the sunshine meeting, which are subject to disclosure. He highlighted the civil and criminal penalties if a member violates the sunshine law.

(d) **The Public Records Law**

Mr. Gerken reviewed the public records law, the second component in the manual, whereby the public has the right to access any committee-associated records or documents that are produced, with the exception of a section in the manual which identifies the public records exceptions and exemptions, and noted that part of Ms. Coulson's responsibilities is to respond to public records requests. He recognized that e-mails and notes (except personal notes) can be public record which may be perpetuating knowledge on the members' activities.

Mr. Gerken recognized the elected officials present at this evening's meeting who have the right, as citizens, to be present; however, if they need to communicate with each other about city commission-related business, prior notice such as a joint meeting between the committee and commission would be required. He stated that the means of utilizing city staff to communicate with another committee or commission member is a violation of the sunshine law.

Mr. Gerken advised the committee members to contact Ms. Coulson regarding the best methods on recordkeeping.

(e) **Preliminary Topics for Consideration**

Mr. Gerken referred to the provision in Resolution 2013-024 indicating that the committee shall conform to the proposals to subjects and matters which may be brought to its attention by the city commission, city manager, city attorney or city clerk and described the referendum process before the electors.

Mr. Gerken mentioned the likelihood of the city commission having a line item on its future meeting agenda relating to issues it would specifically like the committee to address. He relayed an item; namely, redistricting for electing the city commission, previously proposed by the commission for the committee to

consider. Mr. Gerken recognized the current charter reflecting city-wide or at-large elections; described the process in carving the city up into districts with the commission residing in related areas, and predicted how the potential The Villages may change the fabric of the city. He noted how several municipalities have districts and/or at-large areas.

Mr. Gerken relayed the city commission's previous discussion on code enforcement and the use of a special magistrate system which the commission can implement by enacting an ordinance.

As the charter is being reviewed, Mr. Gerken stated that topics may be addressed by staff and issues that the committee members believe ought to be included in the charter can be considered.

After discussion, Mr. Gerken recognized the committee's power to influence changes to the charter presented to the commission first and if not, utilize other avenues.

## **5. ELECTION OF OFFICERS**

Following considerable discussion, Mr. Gerken recognized that nominations for the Chair and Vice Chair to be in order.

### **(a) Chairperson**

**Mr. Lewis placed the name of Mr. Mackie "Mack" McCabe to serve as Chair of the Charter Review Committee. This nomination was seconded by Ms. Daugherty.**

**There being no further names placed for consideration, the nominations were closed which resulted in the unanimous election of Mr. Mackie "Mack" McCabe as Chair of the Charter Review Committee.**

### **(b) Vice Chairperson**

**Mr. Fussell placed the name of Ms. Danielle Daugherty to serve as Vice Chair of the Charter Review Committee. This nomination was seconded by Mr. Lewis.**

**There being no further names placed for consideration, the nominations were closed which resulted in the unanimous election of Ms. Danielle Daugherty as Vice Chair of the Charter Review Committee.**

## **6. COMMITTEE MEMBER QUESTIONS/COMMENTS**

Discussion was held on holding future meetings at venues within the City of Fruitland Park such as the library; how the members represent the community by reaching out and encouraging public participation through Facebook™ and

“Fruitland Park News”, and the need for a transparent government by allowing access of city business with the concept of addressing in the charter the creation of a department for press releases such as a public information office.

In response, Mr. Gerken indicated that although the city is following the legal requirements for transparency, he cautioned the members on the use of back and forth communications with each other through social media network sites, newspaper comment columns, and other means as it is governed by the sunshine law.

The Chair addressed the desire to have as much public input and be as open as possible and manage control at its forthcoming meetings.

**7. STAFF COMMENTS**

There was no staff comments to submit at this time.

**8. PUBLIC COMMENTS**

There were no comments from the public to come before the committee at this time.

**9. NEW BUSINESS**

There was no new business to come before the committee at this time.

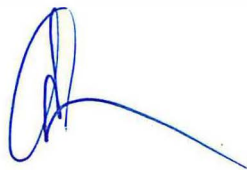
**10. ESTABLISHING FUTURE MEETING DATES (AND PURPOSE OF MEETINGS)**

Following further discussion, the committee agreed to hold its next meeting on February 11, 2014 at 6:00 p.m. at the commission chambers and future meetings to be held on the second and fourth Tuesday of every month.

**11. ADJOURNMENT**

**On motion made, seconded and unanimously carried, the meeting adjourned at 7:20 p.m.**

Signed



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Esther B. Coulson, City Clerk

Signed



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George “Mackie” McCabe, Chair