

**Charter Review Committee
Meeting Minutes
September 10, 2020**

9/10/2020 - Minutes

1. CALL TO ORDER & ROLL CALL

Members Present: Chevon Baccus, Andy Oguntola, Keith Wadsworth, Jim Weaver, Sara Jones

Commission Members Present: Al Goldstein, Terrye Howell

Guests: John Miller

Staff Present: Jennifer Nanek, City Clerk

2. Minutes

The minutes of August 27, 2020 were reviewed. Keith Wadsworth made a motion to approve the minutes. The motion was seconded and unanimously approved.

3. Review Of Charter Sections

The Chair said we need to review Article IX General Provisions. She suggested that after Charter changes are made then Ordinances need to be changed to be in compliance with the Charter within 6 months. This was discussed. One suggestion was made by Sara Jones that the City Attorney should address this. Commissioner Goldstein said the Attorney should review this before changes to the Charter are made and present the conflicts to the commission. The Chair gave several examples. There was consensus that this needs to be looked at and discussed with City Attorney.

The Chair distributed the list of proposed changes over the last several meetings and reviewed them.

[Begin list]

Lake Wales Charter Review Committee – Summary as of 8/27/2020

The Committee will present its findings and recommendations to the City Commission, which will have the final say on which items will go for voter approval on the April 2021 ballot. So far, potential Charter changes the Committee may recommend include:

CANDIDATE RESIDENCY: Candidates for mayor or city commission currently must live within the city limits for one year before qualifying to run. The Committee is recommending a three-year residency requirement so potential commissioners have a better understanding of the community before seeking to govern.

MISSION STATEMENT: The mission of the City of Lake Wales is to serve and unify its citizens, to foster economic growth while building on our City's existing small town values, and to promote the Bok ethic that we make our City "a bit better and more beautiful" for our being here.

PURCHASING: The Charter currently calls for the city manager to approve every purchase, which slows down the process, presents a significant paperwork burden and takes time away from the manager's other duties. The Committee is recommending aligning the Charter section on purchasing with procedures outlined in city ordinance – currently allowing department heads to approve budgeted purchases of up to \$1,000 and city manager approval above that level. The Charter would just refer back to the existing ordinance.

COMMISSIONERS ELECTED BY DISTRICT: Commissioners currently are voted on citywide but must live in the district they will represent when they qualify to run. The Charter currently says a commissioner must give up the seat if he or she move outside the city. The Committee is recommending a commissioner vacate the seat if he or she moves outside their district.

FILLING VACANCIES: Currently if a commission seat is vacated, the city commission appoints a replacement, who serves for the remainder of the three-year term. The Committee is recommending if more than one year remains on the term the vacancy be placed on the ballot to be filled by the voters. The commission appointee would only serve until the seat is filled in the next city election. The newly elected commissioner would serve the remainder of the unexpired term.

CITY MANAGER RESIDENCY: The Charter specifies that the city manager does not have to live within the city limits at the time of employment. The Committee discussed whether to add a residency requirement to the Charter, and agreed to recommend that the city manager must live within "the greater Lake Wales area" within six months of employment. The city commission would still have the option to require residency within the city limits through their employment contract, but the Committee agreed limited executive housing options within the city or the desire of a manager to live on a large, rural piece of property might discourage candidates.

DUTIES OF COMMISSIONERS: The current Charter details the duties of the mayor, but doesn't specify duties of commissioners. Since these duties are not spelled out in the charter or ordinances, the Committee agreed it would be prudent to include them in the Charter. The proposed list of duties is still being fine-tuned by the Committee.

TIMELINE FOR BUDGET AND 5-YEAR CAPITAL IMPROVEMENT

PLAN: (updated Aug. 27): The current Charter calls for the Capital Improvement Plan to be submitted three months before the budget is due to commissioners on Sept. 1; the CIP actually has been submitted simultaneously with the budget, a timeline the Committee agreed was appropriate. The Charter change would have both due no later than Sept. 1 so the Commission could adopt them in September before the new fiscal year, which begins Oct. 1.

OTHER ISSUES: The Committee discussed a possible change to have the city clerk become subject to the city manager. The Charter currently has the city clerk supervised by the city manager, but hired or fired by the city commission. To ensure a level of accountability, especially in light of the city clerk being responsible for public records, the Committee agreed not to recommend a change to the current structure. The Committee also agreed the city attorney should continue reporting to the city commission.

[End List]

The Chair reviewed the list.

Andy Oguntola, regarding the Filling of Vacancies, asked about a time limit on this. Commissioner Goldstein agreed with putting in a limit. Andy Oguntola recommended a month? This was discussed. Commissioner Howell suggested within 30 days. Everyone agreed with this.

In the section City Manager Residency the phrase greater Lake Wales area was discussed and if it should it be more clear? There was consensus to leave it as Greater Lake Wales area. Sara Jones suggested recommending an Ordinance with a more specific definition. There was consensus on this.

Andy Oguntola asked about speakers from outside City at Commission meetings that take up time. Can we change this in an Ordinance or in the Charter? This was discussed. Keith Wadsworth suggested that the City Attorney review this issue. Jennifer Nanek said she will send a link to the Committee to the Ordinance section about Citizen Participation at Commission Meetings. The Chair asked Ms. Nanek to send it to the Commission as well.

4. Duties Of Commissioners

The revised list was reviewed.

[Begin list]

DUTIES OF CITY COMMISSIONERS – Updated after 8/27 meeting

Individual commissioners have no express power, but members acting together as a city commission are responsible for:

- Adopting vision, goals, and policies for the city
- Adopting local laws, ordinances and resolutions
- Representing the best interests of the city and its citizens
- Attending regular and special commission meetings and workshops
- Employing, supervising, and evaluating a city manager, who is responsible for the city's day-to-day operations
- Employing a city attorney and city clerk
- Adopting an annual ad valorem tax rate and budget, and approving any necessary budget amendments
- Setting rates for any special fees or assessments
- Adopting a 5-year Capital Improvement Program prior to the start of the fiscal year
- Prioritizing projects for annual funding
- Serving as the city's Community Redevelopment Agency
- Confirming appointments to city boards, committees, and commissions
- Approving the city's organization plan, operational departments, and salary ranges
- Adopting a long-range comprehensive plan for land use, planning, and zoning
- Providing for the public safety by supporting adequate police and fire services
- Adopting comprehensive personnel policies
- Ensuring that city pension programs are adequately funded
- Representing the city at various community events
- Promoting active citizen engagement in the affairs of the city

[End List]

No one had changes.

5. COMMUNICATIONS AND PETITIONS

6. AROUND THE ROOM

Jim Weaver asked if Commission meeting abide by Robert's Rules of Order. The Chair said she did not know but will investigate this.

The Chair said she would promote the proposed changes on social media to invite public comment.

Chair presented a request to review how to remove a Commission member who violates Charter? Other cities such as Lakeland has this. She could research this and report back. Sara Jones said we would need a provision for due process to avoid this becoming a political issue. The Chair said we would need to allow a hearing. Keith Wadsworth said he hesitates to take this out of a voter's hands. Various possible strategies were discussed. Consensus was to not change the charter on this. The Chair noted that if there is egregious behavior the Governor can remove them. Sara Jones said one Commissioner can't do much damage alone without consent of the other Commissioners.

7. ADJOURN

Next meeting is September 24th.

Chair

City Clerk