

1 **MINUTES OF THE MEETING OF THE ORANGE CITY CHARTER REVIEW**
2 **COMMITTEE**, held on Monday, March 3, 2008 at 6:00 p.m. in Council Chambers, 201 N. Holly
3 Avenue, Orange City.

4
5 **CALL TO ORDER**

6
7 The Meeting was called to order at 6:00 p.m. by City Clerk Deborah Renner and roll call was taken.

8
9 **ROLL CALL**

10
11 **PRESENT:** John Crowther, Ted Erwin, Paul Rasch, Evelyn Robinson, Bob Storke, Hugh
12 Strickland, Tony Yebba; City Attorney William Reischmann; City Clerk Deborah
13 Renner

14
15 **1. Election of Chair and Vice Chair**

16
17 **Hugh Strickland moved to elect Paul Rasch Chair of the Charter Review**
18 **Committee. There being no further nominations, Mr. Rasch was elected**
19 **Chair.**

20
21 **Evelyn Robinson moved to elect John Crowther Vice Chair of the Charter**
22 **Review Committee. Mr. Crowther declined the nomination stating that his**
23 **schedule would not permit serving in a leadership capacity.**

24
25 **Evelyn Robinson moved to elect Bob Storke Vice Chair of the Charter**
26 **Review Committee. There being no further nominations, Mr. Storke was**
27 **elected Vice Chair.**

28
29 **2. Presentation by City Attorney**

30
31 Bill Reischmann, City Attorney, came forward and advised the Committee that they are now members
32 of a public body and as such, were subject to the application of the "Government in the Sunshine"
33 laws. He said that the open government rules for the meeting require that it must be noticed, must be
34 conducted in public and minutes must be kept. Mr. Reischmann stressed that any conversation among
35 Committee members regarding changes to the Charter must be done during the public meeting.
36 Discussions outside the meeting are a violation of Chapter 286 F.S. and could result in both civil and
37 criminal penalties. He said that these rules apply to conversations in person, on the phone or by using
38 a third party as a conduit to pass information from one to another. Mr. Reischmann clarified that
39 talking to a Council Member is acceptable, as long as they do not pass the information along to
40 another Committee Member. Any written correspondence either generated or received by a
41 Committee Member is a public record and is subject to public records laws. Mr. Reischmann urged
42 the members to use caution during written and email communication.

43
44 Mr. Reischmann advised the Committee that a "Model City Charter," created by the National Civic
45 League, is available for use as a reference by the Committee. Ms. Renner said that if the Committee
46 would like copies, they can be ordered. Mr. Strickland said that he read the Model Charter and that he

1 would recommend that everyone read it.
2

3 **3. Select Future Meeting Dates**
4

5 Mr. Strickland suggested that the Committee meet every Monday for the next two months. Mr. Erwin
6 and Mr. Storke responded that they were not sure it would be necessary to meet every week.
7

8 Mr. Reischmann advised that the Resolution adopted by the City Council forming the Charter Review
9 Committee specifies that they will return their recommendations to Council by the second meeting in
10 June.
11

12 **4. Discuss Process for Review of Existing Charter**
13

14 Mr. Reischmann suggested that the process used to review the Charter may determine the frequency of
15 the meetings. Mr. Yebba said that when he served on the Charter Review Committee in the past it
16 took six to eight weeks. He suggested waiting to decide until after the next meeting as the Committee
17 should have a better idea of the scope of their task by then. He said that he would recommend meeting
18 every two weeks to start with and the schedule could always be accelerated if necessary.
19

20 Mr. Rasch expressed that he was inclined toward the need for more meetings in the beginning and
21 suggested that the next meeting be scheduled for next Monday.
22

23 Ms. Robinson asked whether the target was to have the referendum on the November ballot. She
24 suggested that it is necessary to decide that the Committee would need to determine what it will take
25 to make that happen and whether the entire Charter would be reviewed or only areas in need of
26 correction.
27

28 Ms. Renner advised that the referendum does not have to be on the November ballot. The Committee
29 could recommend an alternative option such as a January election. In response to a question from Ms.
30 Robinson, she clarified that the Committee would make their recommendation to the City Council
31 regarding when the election should be held and that, ultimately, it would be up to the Council to make
32 the final decision.
33

34 Mr. Rasch stated his understanding that the resolution adopted by the Council allowed that if the
35 Committee felt they could not meet the June deadline, they were to let the Council know what they
36 can meet. Mr. Reischmann responded by stating that he believed Council's expectation was to receive
37 something by the second council meeting in June. He said that if the Committee felt they could not
38 meet the deadline, they should advise the Council as soon as possible.
39

40 Mr. Strickland read a statement into the record (a copy of which is attached and becomes a permanent
41 part of these minutes) outlining certain areas of the Charter which he feels need to be addressed.
42

43 **It was the consensus of the Committee to schedule the next meeting for**
44 **Monday, March 10, 2008 at 6 p.m.**
45

46 Mr. Erwin suggested putting a two-hour limit on the length of the meetings. Everyone agreed and Mr.

1 Strickland suggested having timed agendas to control the length of discussion. Mr. Rasch said that the
2 next meeting should only be for an hour or and hour and a half and part of the discussion should be
3 how that will be controlled. Mr. Rasch called upon Mr. Crowther for input as he said that he has never
4 been involved in the Charter Review process before.

5
6 Mr. Crowther said that the last Charter Review Commission he served on was thirty years ago. He
7 said at that time, each Commission member compiled a list of each area they felt should be changed.
8 He recommended that process be followed again. Mr. Crowther said at that time, the Committee used
9 the services of an advisor during the review process and suggested that may be something that might
10 be considered now. He related that at that time, the Commission recommended that the City move to a
11 City Manager form of Government, but that the City Council did not wish to move away from the
12 Strong Mayor form. He noted that the Committee serves in an advisory capacity only. Mr.
13 Reischmann concurred and said that the City Council could accept the recommendations of the
14 Committee as submitted or they could make changes as they wish and that they could even opt to keep
15 the charter as is. Mr. Crowther provided some history on the move from a Strong Mayor to a
16 Council/Manager form of government in Orange City. He commended Mr. Strickland for his written
17 review of areas of the Charter to be addressed and suggested that everyone do the same.

18
19 Chairman Rasch agreed with Mr. Crowther. He asked how many committee members would like a
20 copy of the Model Charter. Five of the members indicated they would like a copy of the publication.

21 22 **5. Role of Staff Support**

23
24 Mr. Reischmann suggested a number of different approaches to the Charter review process. He said
25 that if everyone brings their written suggestions to the next meeting, staff could consolidate the
26 responses. Mr. Reischmann said that a number of cities he has worked with on a charter review have
27 hired a facilitator to keep the discussion focused and moving forward.

28
29 In response to a question from Chairman Rasch, Ms. Renner indicated that she could have the minutes
30 from this meeting prepared in a couple of days. Chairman Rasch suggested that each member bring
31 their own list of changes to the next meeting for discussion.

32
33 Mr. Erwin expressed his desire to have some citizen workshops to allow input from the public.

34
35 Mr. Strickland concurred and suggested that the Committee should first put together a working
36 document to which the citizen concerns could be added. He said that if the Committee meets weekly,
37 they should be able to have a working document available and be ready to accept citizen comments by
38 April. Chairman Rasch agreed with Mr. Strickland, stating that he felt the Committee should have a
39 working document available for the citizens as many of them may not be familiar with the Charter to
40 provide meaningful input. Ms. Robinson suggested doing a survey of citizens.

41
42 Mr. Reischmann suggested inviting the Supervisor of Elections to one of the meetings to discuss the
43 portion of the charter related to elections. Mr. Yebba concurred, noting it is especially needed if the
44 Committee wants to consider the implementation of district representation.

45
46 Mr. Erwin cautioned against having the language in the charter be too specific because of the

1 possibility of changes made by the legislature which could then necessitate another charter
2 amendment. Mr. Reischmann said that the Model Charter offers some guidance on wording for this
3 section of the charter. He noted that there is some statutory preemption for the election process. He
4 said that recent changes have made it impossible for current election practices in the County to comply
5 with the new statutory requirements. Ms. Renner said that she would schedule Ms. McFall,
6 Supervisor of Elections, to come to one of the meetings. Mr. Reischmann reiterated that the current
7 conflicts could be resolved by ordinance without the authorization of a charter amendment, however,
8 the implementation of Council Member districts must be done through a charter amendment. Mr.
9 Yebba advised that during the entire review process the Committee should consider the impact that the
10 change will have on future Councils.

11 12 **6. Discuss June 24, 2008 Deadline**

13
14 Chairman Rasch suggested that it is premature to determine whether the deadline can be met or not.
15 The rest of the Committee concurred.

16 17 **7. Citizen Input (How? And When?)**

18
19 Chairman Rasch said that it appeared the Committee was in agreement to wait to solicit input from the
20 community until the review has progressed some.

21
22 Mr. Yebba noted that some citizens may not want to wait that long and encouraged citizen input
23 during the entire process. Mr. Rasch concurred.

24
25 Mr. Crowther noted that when he took part in the Charter Review held in the 1970's, a questionnaire
26 was sent to citizens asking them whether they favored a strong mayor or city manager form of
27 government. The responses indicated they wanted a City Manager, however, that was not what the
28 Council wanted. He suggested that doing a public solicitation would stimulate participation. Mr.
29 Reischmann said that the website could be used for disseminating information.

30
31 In response to a question from Mr. Crowther, Mr. Reischmann said that citizen input could be
32 provided by anyone, not just city residents.

33
34 Mr. Rasch suggested that a section for citizen comments be placed as the first item on the agenda as is
35 done in Council meetings, beginning with the meeting after next.

36
37 Mr. Strickland suggested that at the next meeting, each member present their thoughts on how the
38 process will flow and how to meet the June 24th deadline.

39
40 Ms. Renner asked how the Committee would like for the agenda to be structured for the next meeting.
41 Chairman Rasch responded that each member should present their ideas on which areas of the charter
42 need to be addressed.

43
44 Mr. Yebba clarified that it would be how each member wants to proceed with the review. He
45 suggested putting the section for citizen comments at the end of the meeting rather than at the
46 beginning, but that comments could be accepted throughout the discussions.

1 Ms. Robinson suggested that the charter be reviewed systematically in sections which would be
2 identified for each meeting. Mr. Strickland suggested having citizen comments at the conclusion of
3 the review of each section.

4
5 Mr. Reischmann noted that review of some sections would have a ripple effect throughout the entire
6 document and that limiting the discussions by section would inhibit that process. He said there would
7 be certain areas that must be dealt with by topic. Mr. Strickland said this was why he suggested
8 developing a vision of the process to be used for the review.

9
10 Mr. Reischmann advised that there are different ways the changes can be presented to the voters. He
11 said the first charter amendment attempt entailed many changes with one question to accept or reject
12 them all. That attempt failed. The successful attempt had fewer changes and covered each topic in a
13 separate question on the ballot. He suggested that these are issues which should be considered by the
14 Committee.

15
16 Mr. Strickland asked whether a ballot question can involve more than one section in order to cover
17 changes which have a ripple effect to multiple sections of the charter.

18
19 Mr. Rasch asked that the Committee try to complete the review as efficiently as possible to avoid
20 lengthy meetings as much as possible.

21
22 Discussion regarding the need for Committee members to file Form 1's took place. The City Clerk
23 said that she did not believe the members would be required to file as their role was advisory in nature.
24 The Charter Review Committee, unlike the Planning Commission, would not make binding decisions.

25
26 Mr. Reischmann asked the Committee to consider whether they wish to hire a facilitator and whether
27 they would like for him to be present at every meeting. Mr. Crowther spoke in favor of having a
28 facilitator. Chairman Rasch and Mr. Yebba suggested making that decision a little later in the process.
29 Mr. Erwin said that he did not feel it would be necessary to have the City Attorney present at every
30 meeting. He said that if a legal issue arose, the City Clerk could bring the question to the Attorney and
31 advise Committee Members of his response.

32
33 Mr. Reischmann referenced Mr. Strickland's list of proposed amendments, specifically a provision for
34 putting items on the agenda. He advised Mr. Strickland that a procedure for that already exists in the
35 Council's rules and procedures. He said that procedure has been changed a great deal over the years
36 as Councils come and go. Mr. Reischmann said that the Committee could recommend that Council
37 adopt such a change by ordinance or by amending the rules and procedures without amending the
38 Charter.

39
40 **3. Adjourn**

41
42 There being no further business, the meeting was adjourned at 7:00 p.m.

43
44 Respectfully Submitted Approved on
45 _____
46 Deborah J. Renner, CMC, City Clerk _____