

1 **MINUTES OF THE MEETING OF THE ORANGE CITY CHARTER REVIEW**
2 **COMMITTEE**, held on Monday, April 7, 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 Chairman Rasch and roll call was taken.

8
9 **ROLL CALL**

10
11 PRESENT: John Crowther; Joelle DeVane; Bill DeVane; Paul Rasch, Chair; Evelyn Robinson; Bob
12 Storke, Vice Chair; Hugh Strickland; City Clerk Deborah Renner

13
14 **1. Approval of March 31, 2008 Minutes**

15
16 **Ms. Robinson moved to accept the minutes as presented, seconded by Mr.**
17 **Strickland.**

18
19 Ms. DeVane requested to clarify her remarks in the minutes on Page 6, lines 33 through 35. She said
20 that the way her remarks were written in the minutes did not convey her intent. She said that she was
21 not trying to infer that John Knox Village, Country Village and Orange Tree Village should be put
22 “punished” by putting them all in one district. She encouraged anyone with questions about her
23 remarks arising from reading the minutes to listen to the audio of the meeting to hear the entire
24 conversation.

25
26 **Motion passed by unanimous voice vote.**

27
28 Chairman Rasch announced that Mr. Storke had submitted a letter resigning from his service on the
29 Charter Review Committee to take a seat on the Planning Commission.

30
31 **2. Continued Discussion Regarding Districts**

32
33 **ARTICLE II**

34
35 **Section 2.01 City Council: Powers and Composition**

36
37 Chairman Rasch said that he still favored a system of seven Council Members, five from districts, one
38 at-large and a Mayor at-large.

39
40 Mr. DeVane said that he has been studying the map of the city limits and suggested that the City could
41 be dissected at Leavitt and Blue Springs for an even breakdown. He suggested that one polling place
42 could be centrally located to serve the entire City with this method. He suggested that this would save
43 some money for the City. Mr. DeVane further suggested that reducing the number of Council
44 Members from seven to five would also save money.

45
46 Ms. DeVane said that she had reviewed a precinct map and a map of the city limits and that she
47 observed that there were some areas included in the map that are not in the City. She said she would
48 like to ask Mr. Reischmann if the unincorporated areas could be included in the districts. Chairman
49 Rasch responded that it was not the Committee’s job to define the districts. He referenced the map

1 generated by Ms. McFall and stated, "I'm not sure it's a very good one based on a lot of stuff we've
2 heard about it." He suggested that Council be given the responsibility of defining the districts.

3
4 Ms. DeVane noted that the City currently has two precincts. She suggested dividing the City into two
5 districts modeled after the current configuration and allow three elected representatives from each
6 precinct and a Mayor at-large. Ms. DeVane suggested that this could be less confusing for people.

7
8 Mr. Strickland said that it is not the Committee's responsibility to draw the district boundaries, rather
9 that is a function of the City Council. He suggested not engaging in any discussion of where the
10 district lines would be drawn. Mr. Strickland stated that he spoke with someone in the GIS field and
11 was told that the way Ms. McFall drew the district map was only one of many different ways it could
12 be done.

13
14 **Mr. Strickland moved that Section 2.01 of Article II be amended to**
15 **change the composition of the City Council to specify that there be**
16 **five district Council Members, one at-large Council Member and a**
17 **Mayor and that the draft language presented be used by legal staff to**
18 **draft final language for this Commission to send to the City Council.**

19
20 Mr. Storke said that he had hoped to ask the City Attorney about how the six-member Council of the
21 City of Winter Springs functions. He noted that if it is the wish of the Committee to stay with five
22 districts, a six-member Council could be formed as is used in several other cities. He expressed his
23 opposition to having an at-large member. He noted that in Flagler Beach, the Mayor is non-voting, but
24 has "veto power." He further noted that the City of Umatilla has a Mayor, a Council President, and
25 four Council Members. Mr. Storke stated, "So there are a number of ways to do it."

26
27 **Mr. Crowther seconded the motion.**

28
29 Ms. DeVane suggested letting Council decide how the makeup of the Council should be. She noted
30 that there are "pros and cons" to every situation. She advised that the Committee has recommended
31 districts, but that Council could decide how many members and how many districts there should be.

32
33 Mr. DeVane objected to the motion because he felt that it was presumptuous by assuming that the
34 Council would consist of seven members. He stated that the responsibility of the Committee ends
35 with the recommendation to have districts and that the Council should figure out how many there
36 would be.

37
38 Chairman Rasch disagreed, stating that it could be done either way.

39
40 Mr. Crowther called the question.

41
42 **Motion passed by 4/3 roll call vote of the Committee with Mr.**
43 **DeVane, Ms. DeVane and Mr. Storke voting "no."**

44
45 **Section 2.09 Qualifications, Disqualifications and Forfeiture of Office**

46
47 **Mr. Strickland moved that Section 2.09 of Article II be amended to**
48 **add the qualification of residency for five district Council Members**
49 **and to modify the section to include forfeiture of office if a district**

Council Member ceases to reside in the district and that the draft language presented be used by legal staff to draft final language for this Commission to send to the Council.

Mr. Rasch suggested that there should be “more meat” in the disqualification or suspension from office. Mr. Strickland stated his understanding that the Governor has the authority to remove or suspend any City Council Member who is charged with a felony. Mr. Rasch noted that the Charter provides this authority only if the elected official is convicted. Mr. Strickland and Mr. DeVane advised that under the constitution, a person is considered innocent until proven guilty. Mr. Strickland said there have been instances recently where the Governor has removed people from office after they have been charged with a crime and before they are convicted.

Mr. DeVane addressed Mr. Strickland and asked, “I’m very curious, have you rewritten the entire thing for us and if so should we just adjourn this?” Mr. Strickland responded that he has not rewritten everything, that he is just presenting his ideas and the ideas of people he has talked to.

Ms. DeVane said that it felt as though Mr. Strickland’s ideas were being presented as a motion with very little discussion on the matter. She said that she thought the Committee was to function as a group to make changes and not just present it as one man’s view. Mr. Strickland responded that under “Robert’s Rules of Order,” there is discussion and that anyone can make a motion. Ms. DeVane said that she felt it was “being shoved down our throats.” She observed that it appeared that it was done and questioned the point of further discussion. She noted that there were comments by other committee members that had not even been discussed prior to the motion being made. Ms. DeVane stated, “I’m not impressed with how this is going because this seems well planned out...well played out and there is a hidden agenda.” Chairman Rasch disagreed that there is a hidden agenda. He advised that Mr. Strickland’s motion can be discussed or amended. He said that he agrees with Mr. Storke’s recommendation that a candidate must have been a resident of the district for a year prior to running for office. Ms. DeVane noted that there are people who have lived in the City for years and then may move from one district to another within the City and that they should not be penalized with a one-year district residency requirement. Chairman Rasch concurred.

Mr. DeVane requested that the discussion on Section 2.09 be tabled until the City Attorney is present and to give committee members an opportunity to research the motions that are being presented, seconded by Ms. DeVane.

Chairman Rasch noted that there is already a motion on the floor. It was noted that Mr. Strickland’s motion did not have a second. Mr. Strickland advised that Mr. DeVane’s motion must be considered first because it was seconded and his was not. In response to a question about discussion on Sections 2.02 and 2.03..., Mr. Strickland stated that the consensus was to discuss those sections dealing with districts together in a group and then to go back and review each section sequentially.

Mr. Storke agreed that the residency requirement should pertain to residence in the City as opposed to in the District.

Mr. Crowther suggested that recall of the Mayor or an at-large Council Member should be by the population at large. Mr. Strickland advised that the procedure for recall is covered in Florida Statute 100.36.

Chairman Rasch noted that there is a motion currently on the floor to table discussion on Section 2.09.

1 In response to a question from Mr. DeVane, the City Clerk advised that she believed discussion on a
2 motion to table was not allowed.

3
4 **Motion to table failed by 3/4 vote with Mr. Crowther, Mr. Strickland,**
5 **Ms. Robinson and Chairman Rasch voting “no.”**
6

7 Mr. Crowther called for a point of order stating his understanding that the motion on City Council
8 Composition had passed by 4/3 vote. He questioned why the matter was being considered for tabling.
9 Mr. DeVane said that it was because he had not had an opportunity to consider Mr. Strickland’s
10 motion. Chairman Rasch stated that the information was available to the committee and that the
11 motion was basically the same as the information. He asked, “Are we going to table every motion
12 because we need a week to study it?” Mr. DeVane responded, “I don’t know, are the motions going to
13 come like this?” Chairman Rasch responded, “I don’t know.”
14

15 Mr. Crowther noted that this is the fifth meeting of the Committee and yet Section 2.01 was still not
16 finished. Mr. Strickland said that the only way he could see for progress to begin under Robert’s
17 Rules of Order is to bring motions and that is what he has done.
18

19 Ms. DeVane reiterated that she wants legal opinions to come from the City Attorney and she noted
20 that he is not present. She stated, “I think that the City not having either staff or the City Attorney
21 here is a disservice to us because there are questions that need to be asked.” Mr. Strickland responded
22 his motion specifically does not ask that the language he proposes be adopted, it states that it is “draft
23 language” to be used by legal staff to draft final language for the Commission to send to the City
24 Council. He stated, “I’m not rewriting anything, nor am I usurping anyone’s final approval or legal
25 review.”
26

27 Ms. Robinson noted that the Committee is not the final authority on the charter changes, that they are
28 just submitting proposed language for the City Council to critique. She said that as long as the
29 Committee is “nit picking” no progress will be made. Ms. Robinson expressed her frustration at the
30 slow progress the Committee is making and said that she is becoming confused as to their purpose.
31 She said that she thought the purpose of the Committee is to submit recommendations to the Council
32 for their final action. Ms. DeVane said that she is more concerned with getting it right than with
33 meeting a deadline. Chairman Rasch said that he has no problem with Mr. Strickland coming with a
34 motion as that provides something tangible to discuss. He noted that motions can be amended. Mr.
35 DeVane noted that there is a motion on the floor that has not been seconded and needs action.
36

37 Mr. Crowther said that he wished to amend the motion. He noted that what is on the “Summary of
38 Charter Areas Relating to Redistricting” differs from the original outline of committee member
39 comments distributed previously. He remarked that one of his comments had been left out. Mr.
40 Crowther read from the portion of Section 2.09 dealing with absences from meetings. He
41 recommended requiring a “supermajority” of the City Council to excuse such absences.
42

43 **It was the consensus of the Committee to amend the last sentence in**
44 **Section 2.09 to read “Absence by a member from four consecutive**
45 **regular meetings of the City Council shall cause the seat to become**
46 **vacant unless such absence is excused by a supermajority (5/7^{ths}) of all**
47 **members of the City Council.”**
48

49 **Motion to amend Section 2.09 of Article II as amended was seconded**

1 **by Mr. Storke and passed by unanimous 7/0 roll call vote.**

2
3 **Section 2.10 Recall**

4
5 **Mr. Strickland moved that Section 2.10 of Article II be amended to**
6 **provide for the removal of elected officials of the City and that the**
7 **draft language that is presented be sent to legal staff to draft final**
8 **language for the Commission to send to the City Council.**

9
10 Mr. Strickland noted that with a district system, removal from office must be by voters residing in that
11 district. He advised that Florida Statute 100.361 provides guidelines for recall and is incorporated by
12 reference with the statement "as provided by general law."

13
14 Discussion ensued whether it was necessary to make any changes to this section from its form in the
15 current charter. Chairman Rasch said that a ruling from the City Attorney is required. Mr. Crowther
16 said that he did not see any problems with this section as written.

17
18 **Motion died for lack of a second.**

19
20 **Mr. DeVane moved to leave Section 2.10 as written in the current**
21 **charter, seconded by Mr. Strickland and passed by 7/0 voice vote.**

22
23 **Section 2.11 Filling of Vacancies**

24
25 **Mr. Strickland moved that Section 2.11 of Article II be amended to**
26 **require that the filling of Council vacancies be done using the**
27 **residency requirements in Section 2.09 for district members and the**
28 **general requirements for the at-large Member and that the draft**
29 **language presented be used by legal staff to draft final language for**
30 **this Commission to send to the City Council, seconded by Mr. Storke.**

31
32 Mr. Crowther noted that 2.11 includes subdivisions (a) and (b). Mr. Strickland amended his motion to
33 include Section 2.11 (a) of Article II.

34
35 **Motion passed by 7/0 voice vote.**

36
37 Mr. Crowther noted that both he and Ms. Robinson had submitted proposed changes for Section 2.11
38 (b), but they were not included in the summary. He advised that Ms. Robinson's comment was that
39 notice should be given of a vacancy and names submitted for consideration. Interviews should be
40 conducted with the public's knowledge, candidates will be selected from the district that has the
41 vacancy if districts are approved.

42
43 Mr. Strickland said that he thought the Committee was just considering items related to districting at
44 this time and that the remaining items would be revisited after the discussions on districting were
45 complete. Chairman Rasch spoke in support of a process for an interim appointment.

46
47 Ms. DeVane said that this confusion over what is to be discussed is the reason she supported going
48 through the Charter section by section to begin with. She noted that something could easily be
49 overlooked with the present system.

1
2 Mr. Crowther noted that Sections 2.11(b)(1) and (b)(2) require the Vice Mayor to “temporarily
3 relinquish his office as a Council Member” if he serves as either Interim Mayor or Mayor. He
4 suggested deleting this language as the definition of the City Council includes the office of Mayor. He
5 questioned whether there should be a distinction between the Vice Mayor’s title when he fills the
6 Mayor’s vacancy.

7
8 Chairman Rasch suggested reviewing Section 2.11 (b) at this time. He said that he would like to see
9 language in Section 2.11 (a) that includes the recommended language submitted by Ms. Robinson.
10 Mr. Storke questioned whether there was another way of requiring a recruitment and selection process
11 for filling a vacancy other than providing for it in the Charter. Brief discussion ensued on whether a
12 recruitment process could be completed in time to meet the thirty-day requirement. Ms. Robinson said
13 that she hoped the recruitment process would stimulate more public involvement such as
14 recommendations from other people in the district containing the vacancy.

15
16 Mr. Strickland advised that if it is the desire of the Committee to change the language in a section of
17 the charter, they can let the Attorney know what they are hoping to accomplish and have the City
18 Attorney draft the language to incorporate it into the charter.

19
20 Ms. DeVane questioned the need for a motion if everyone is in agreement on a certain change. Mr.
21 Crowther and Mr. DeVane felt that a motion was required for clarity.

22
23 **Mr. Strickland moved that Ms. Robinson’s comments be added to the**
24 **sample language for use by the legal staff for drafting Section 2.11(a),**
25 **seconded by Mr. DeVane and passed by 7/0 voice vote.**

26 27 Section 2.12 Extraordinary Vacancies

28
29 Mr. Strickland noted that this section must be amended to reflect that in the event of a catastrophic
30 event in which the entire Council had to be replaced, the Governor could make those appointments
31 without regard to districts.

32
33 **Mr. Strickland moved that section 2.12 of Article II be amended to**
34 **disregard districts if an interim Council is appointed by the Governor**
35 **and that draft language presented be used by legal staff to draft final**
36 **language for this commission to send to the City Council, seconded by**
37 **Mr. Storke and passed by 7/0 voice vote.**

38 39 Section 4.01 Council Seat Designations

40
41 There was a brief discussion regarding whether or not the at-large seat should be assigned a seat
42 number. Everyone was in agreement that it should not. Mr. DeVane spoke in support of using the
43 language “seat” to identify each Council Member’s place on the Council.

44
45 **It was the consensus of Council to change the language in Section 4.01**
46 **to read as follows: “City Council seats are hereby designated as**
47 **Districts Number 1, 2, 3, 4, 5, and at large Council seat. Council**
48 **Districts 1, 2, 3, 4, and 5 shall serve from each district respectively and**
49 **the at large member shall serve at large.**

1
2 **Each candidate for the office of Council Member shall declare at the**
3 **time of qualification the district or at large seat to which such**
4 **candidate seeks election.”**

5
6 **Mr. Strickland moved that Section 4.01 of Article IV be amended to**
7 **specify five district Council Members and one at large Council**
8 **Member with district members elected from each district respectively**
9 **and the at large member elected at large and that the draft language**
10 **presented be used by legal staff to draft final language for this**
11 **commission to send to the City Council, seconded by Mr. Crowther**
12 **and passed by 6/1 voice vote with Mr. Storke voting “no.”**

13
14 **b. Public Comment**

15
16 Michelle Polgar, 585 Montclair Avenue, came forward and said that having five district seats and two
17 at large is “a great compromise for this group.” She stated, “The worry was that you’d only have one
18 person to go to. Now you’ll have three!” She thanked the committee for contributing their time.

19
20 **Committee Comment**

21
22 Mr. Crowther said that when he ran for office in 1975 and lost by three votes, he didn’t ask for a recall
23 because he thought that the City needed to unite. He said that the second time he ran, he was
24 unopposed. Mr. Crowther said that he promised the people of Orange City that he would not serve for
25 more than two terms. He noted that today, there are people who have served for years and stated that
26 he is an opponent of that. Mr. Crowther stated, “I don’t like to see kingdoms built by people who
27 want to serve forever.” He expressed his opposition to providing retirement benefits to elected
28 officials at taxpayer’s expense. Mr. Crowther spoke strongly in support of term limits.

29
30 Mr. Strickland distributed his proposed language for Section 4.02, Election, Terms and Districts. Mr.
31 Storke concurred with a limit of two terms as a Council Member and two terms as Mayor. He did
32 observe that, ultimately, voters can impose their own term limits at election time. Mr. Strickland
33 noted that one person could serve as a district representative on the Council for two terms, an at-large
34 representative for two terms and as Mayor for two terms for a total of 24 years of service for one
35 person.

36
37 Mr. Storke noted that Mr. Strickland had included odd-year elections in his proposed language and
38 said that he thought that issue had not been discussed as yet. Mr. Strickland said that he included that
39 because he had talked with several Council Members and they were “absolutely adamant” with him
40 that they did not want that changed. Mr. Storke noted the additional cost involved in odd-year
41 elections. Mr. Strickland said that he was told that the cost of an election was “miniscule” compared
42 to a \$10 or \$12 million budget. Mr. Strickland advised that the phase-in that he proposed was
43 modeled after Daytona Beach.

44
45 Mr. Strickland read his proposed motion into the record as follows, but did not ask for action on it.
46 (1) That Section 4.01 of Article IV be amended to provide for a transition to district representation
47 from the present charter. (2) That this transition be done over a period of two election cycles. (3) That
48 terms in office be limited to two terms in any one office (4) That districts be accomplished by
49 ordinance of the City Council that comply with general law using the decennial census or when a large

1 annexation may require it. (5) That the means the City Council uses may be a citizen’s commission,
2 consulting firm specializing in the process, or/and use of such other public governmental resources as
3 may be needed and that the draft language presented be used by legal counsel to draft final language
4 for this commission to send to the City Council.

5
6 Michelle Polgar, 585 Montclair, came forward and asked for clarification regarding the provisions for
7 term limits. Mr. Strickland responded that it is two terms in each position, i.e., district representative,
8 at-large representative and Mayor. Chairman Rasch said that most people run for a district seat
9 because it is easier. Ms. Polgar suggested a term limit of two consecutive terms and then after a two
10 year break from the Council, the person could run again. Chairman Rasch suggested that this could
11 preclude a good candidate who was representing a district from running for Mayor at the end of their
12 term. He spoke in support of language that would allow someone to run for a different seat after
13 reaching their term limit for their original election. Mr. Strickland said that when he contemplated the
14 proposal using consecutive terms, the length of time encompassed negated the effect of a term limit.
15 Mr. Storke suggested language that would allow two terms as a Council Member and two terms as
16 Mayor. Mr. Crowther noted that “Mayor” is defined as a Council Member in the definitions.

17
18 **4. Closing Comments**

19
20 There were no further comments.

21
22 **7. Adjourn**

23
24 There being no further business, the meeting was adjourned at 7:30 p.m.

25
26 Respectfully Submitted Approved on

27
28
29 _____
30 Deborah J. Renner, CMC, City Clerk