

1 **MINUTES OF THE MEETING OF THE ORANGE CITY CHARTER REVIEW**  
2 **COMMITTEE**, held on Monday, April 14, 2008 at 6:00 p.m. in Council Chambers, 201 N. Holly  
3 Avenue, Orange City.

4  
5 **CALL TO ORDER**

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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; Gary Blair, Hugh  
12 Strickland; City Clerk Deborah Renner

13  
14 **ABSENT:** Evelyn Robinson

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16 **1. Approval of April 7, 2008 Minutes**

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18 **Mr. DeVane moved to accept the minutes as presented, seconded by Mr.**  
19 **Strickland and passed by 6/0 voice vote.**

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21 **2. Continued Discussion Regarding Districts**

22  
23 Mr. DeVane expressed concern that areas of the Charter could be missed by using the method of  
24 reviewing only those issues related to districting first. He suggested reviewing each section in its  
25 entirety before moving on to the next section. Chairman Rasch stated his understanding that the  
26 Committee had agreed to focus only on districting initially, and then start over with a section-by-  
27 section review.

28  
29 Mr. Reischmann requested that the Committee review the changes that they had made to Section 2.11  
30 at the last meeting. He suggested that there is some vagueness and ambiguity in the changes regarding  
31 the process for the selection of a candidate appointed to fill a vacancy. Mr. Reischmann advised that  
32 as written, the section could lead to confusion for future Councils. In response to a request for  
33 clarification by Mr. Strickland, Mr. Reischmann noted that no guidance is given as to how the  
34 interviews should be conducted or by whom, or where the vacancy should be advertised.

35  
36 Mr. DeVane noted that the current charter specifies that a vacancy must be filled within thirty days.  
37 Mr. Strickland expressed his thought that if the selection requirements are not strictly defined, it would  
38 give Council the authority to establish their own policy. Mr. Reischmann noted that the language in  
39 the revision is not mandatory, it reads “notice should.....” “interviews should....”

40  
41 Ms. DeVane advised that in the past, Council would appoint someone to fill the vacancy and then vote  
42 on the appointment. She suggested that other than the fact that the appointment must be someone  
43 from the district that has the vacancy, the process should be left up to the Council. Mr. DeVane said  
44 that the language should be mandatory with the word “shall” instead of “should.” He expressed his  
45 concern that thirty days is not enough time as it only encompasses the span of two Council meetings.  
46 Discussion ensued regarding how to publish the notice of the vacancy.

47  
48 Mr. Strickland suggested postponing continuation of this discussion until Ms. Robinson is present.  
49

1 Chairman Rasch asked what the current process is for filling a vacancy. Council Member Laputka  
2 was in the audience and he advised that several years ago the Council did conduct interviews. Ms.  
3 DeVane said that over the past five years, each Council Member could submit a name for  
4 consideration by the other Council Members. Mr. Blair stated that he was appointed to the Council for  
5 his first term and that he had submitted a letter of interest in response to an article in the newspaper  
6 and was subsequently interviewed and appointed to the position. He spoke in support of language  
7 requiring public notice of a vacancy. Former Council Member Storke advised that when he was  
8 appointed, each Council Member had a person of their choice submit a letter of interest or a resume  
9 and then the Council nominated their choice from among the applicants.

10  
11 Mr. Reischmann suggested the following language for Section 2.11(a): "Notice should be given of a  
12 vacancy which notice requests applicants for consideration." Further discussion ensued regarding  
13 possible problems which could arise with this suggested language. Lengthy discussion took place  
14 regarding a process to accomplish the interview process. Ms. DeVane suggested potential problems  
15 with the 30 day timeframe. Mr. DeVane suggested 45 days. Mr. Blair concurred that there could be  
16 times that a 30 day deadline may be hard to meet, such as during the holidays.

17  
18 Mr. Strickland suggested gathering more sample language that incorporates the suggestions that have  
19 been made. Mr. Rasch agreed. Further discussion regarding how the process should be worded in the  
20 charter took place. Ms. DeVane advised that language should be included specifying that the  
21 applicant must come from the district. Mr. DeVane suggested that the deadline for submitting  
22 applications should be five working days prior the next City Council meeting to provide the City Clerk  
23 an opportunity to prepare the information for the Council before the meeting is held. Mr. Strickland  
24 suggested that all ideas be recorded in the minutes and then he can find some sample language for  
25 consideration.

26  
27 Mr. Crowther suggested that having too many details in the Charter could be detrimental. He  
28 suggested language which reads "A vacancy on the Council shall be fill within 30 (or 45) days, by a  
29 majority vote of the Council Members remaining after public notice of the vacancy has been given and  
30 public interviews have been conducted." He said this would lay out the general guidelines with the  
31 details to be worked out by the Council. Mr. Strickland suggested that it would be wise for Council to  
32 adopt a policy detailing the process for filling a vacancy. Mr. Crowther warned, "You'll lose yourself  
33 in the details on something like this." Mr. Reischmann noted that the requirements for districts are  
34 already covered in this section by the language added that reads, "The qualifications for service in  
35 Section 2.09 of this article shall apply to the filling of any vacancy." Mr. DeVane spoke in support of  
36 Mr. Crowther's suggestion and suggested that he present it in a motion. Chairman Rasch said that he  
37 supported the language, but that he wanted the language regarding the public notice to be "a little bit  
38 more clear" and that the public notice is "inviting" applicants. Chairman Rasch stated, "I don't want  
39 names drawn out of a hat."

40  
41 Ms. DeVane said that she would only anticipate lengthy discussion if the seat being filled was either  
42 at-large or the Mayor. Mr. Strickland noted that a vacancy in the office of Mayor is not covered in this  
43 section. Ms. DeVane suggested that there would be a limited pool of applicants for a district seat  
44 appointment. Chairman Rasch said that he just wanted to be assured that people would be informed  
45 that they can apply for the vacancy.

46  
47 Michelle Polgar, 585 Montclair Ave., came forward and expressed concerns that the term "interview"  
48 is too vague as no parameters are set. She questioned what would happen if too many people applied.  
49 She noted that an interview could take a while and questioned the process that would be used. She

1 also expressed concern that only one application might be received from a district and that the person  
2 submitting it may be less than ideal. Committee Members agreed that the vacancy must be filled as  
3 mandated, therefore, if only one person applied, they must be appointed. Ms. Polgar questioned what  
4 would happen if no one in the district wanted to apply for a seat. Mr. Reischmann responded that it  
5 would remain vacant. He noted that he had copies of fifteen different charters for purposes of  
6 comparison and that each one of them simply states that a vacancy shall be filled within 30 days by a  
7 majority of the remaining council members. He said that language was from the "Model Charter." He  
8 suggested that all of the issues arising during this discussion could account for the reason that the  
9 language is simple in the model charter. Mr. Strickland said that the language he recommended came  
10 from Daytona Beach and Gainesville. Ms. Polgar questioned the meaning of the referral to "ten  
11 working days." She asked, "Whose working days is that?" Mr. Rasch said that it is standard business  
12 days. Ms. Polgar suggested that holidays could interfere with the schedule.  
13

14 Discussion ensued regarding how to handle lack of applicants for appointment to a vacancy.  
15 Chairman Rasch suggested that Council would encourage people to apply for vacancies, thereby  
16 reducing the possibility of having no applicants. Ms. DeVane discussed the perception attached to  
17 appointments made by City Council members. Mr. Crowther stated that the more he listens to the  
18 discussion, the less inclined he is to want specificity in the Charter regarding the procedure for filling a  
19 vacancy. Mr. Strickland concurred. Mr. DeVane concurred with Mr. Crowther and stated, "The  
20 Devil's in the detail." Mr. Crowther clarified that he thought "official notice" was a good idea, but  
21 anything beyond that could be problematic. Ms. DeVane suggested changing the language to "public  
22 invitation." Mr. Reischmann discussed the importance of filling the vacancy promptly in order for  
23 City business to continue moving forward. Mr. Blair expressed that he thought an advertisement for  
24 the vacancy was a good idea and that he didn't feel any special wording needed to be used. Mr.  
25 Reischmann suggested the following wording: "Notice shall be given of a vacancy requesting  
26 applicants for consideration." Ms. DeVane and Mr. Blair spoke in support of allowing 45 days to fill  
27 the vacancy.  
28

29 **Mr. DeVane moved that Section 2.11(a) be changed to read "A**  
30 **vacancy on the Council shall be filled within 45 days by a majority**  
31 **vote of the Council Members remaining. Notice of a vacancy shall be**  
32 **given requesting applicants for consideration. The qualifications for**  
33 **service in Section 2.09 of this article shall apply to the filling of any**  
34 **vacancy. The interim Council Member's term shall run until the next**  
35 **regular election, seconded by Mr. Crowther.**  
36

37 Mr. Strickland stated that he was not sure what Ms. Robinson's intent was when she wrote her  
38 comments and that he was concerned that due to her absence, "she has no voice" to elaborate on it.  
39 Chairman Rasch questioned whether the item could be tabled until the next meeting. Ms. DeVane  
40 expressed her confidence that the Committee had preserved Ms. Robinson's intent.  
41

42 **Mr. Crowther moved to table the motion regarding Section 2.11(a),**  
43 **seconded by Mr. Strickland. Motion dies by 3/3 tie vote with Mr.**  
44 **~~Strickland, DeVane~~, Ms. DeVane, and Mr. Blair voting "no."**  
45

46 **Motion on Section 2.11(a) passed by 4/2 roll call vote with Chairman**  
47 **Rasch and Mr. Strickland voting, "no."**  
48  
49

1 **Mr. Strickland moved that Section 4.02 be amended to provide for a**  
2 **transition to district representation from the present charter and that**  
3 **this transition be done over a period of two election cycles; that terms**  
4 **in office be limited to two years terms in any one office; that districts**  
5 **be accomplished by ordinance of the City Council that comply with**  
6 **general law; using the decennial census or when a large annexation**  
7 **may require it. That the means the Council uses may be a citizen's**  
8 **commission, consulting firm specializing in the process and/or the use**  
9 **of such other public governmental resources as may be needed and**  
10 **that the draft language presented be used by legal staff to draft final**  
11 **language for this commission to send to the City Council. Motion dies**  
12 **for lack of a second.**  
13

14 Mr. DeVane stated that he "has a problem" with term limits. He stated that he did not feel that if you  
15 have a good representative who is working for the best interests of the City, you should limit that  
16 person's term. Mr. Crowther mentioned some notable members of Congress who had been in office  
17 for many, many years.  
18

19 Mr. Strickland clarified that the proposed term limits were for any one office, so a person would have  
20 an opportunity to serve for 24 years under the proposed provisions. Mr. Crowther noted that the City  
21 has had Mayors in the past who have served for over thirty years. He stated that he felt "reasonable"  
22 term limits were fair to the elected official and to the public. Mr. Strickland referenced the comments  
23 made by Ms. Polgar regarding using the word "consecutive" with the reference to term limits and  
24 stated that he agreed with this terminology. Ms. DeVane disagreed with the use of the word  
25 "consecutive" in this section. She noted that at present, she would have an opportunity to run for the  
26 Council again. Mr. Blair said that he did not support term limits as he felt that the people would vote  
27 someone out of office if they felt they had been there long enough. Chairman Rasch said that he was  
28 against term limits for the reasons cited by Mr. Blair. He said that if there are going to be term limits,  
29 the word consecutive should be included. Ms. DeVane agreed.  
30

31 Mr. Reischmann observed that that the Palm Coast Council limits terms to 2 consecutive terms in the  
32 same seat.  
33

34 Mr. DeVane said that he does not have a problem with the language submitted related to term limits.  
35

36 **Mr. DeVane moved to accept Mr. Strickland's language for Section**  
37 **4.02 as written with the exception that Section (b) be stricken and (c)**  
38 **be relettered as (b), seconded by Ms. DeVane.**  
39

40 Ms. DeVane expressed some doubts about the language that specifies that the decennial census be the  
41 trigger for redistricting. Mr. Strickland responded that his understanding is that using the census is a  
42 "pretty standard" way of setting district boundaries. He said that having a requirement of at least  
43 every ten years guarantees that it will be looked at.  
44

45 Mayor Strickland spoke from the audience and stated that it appeared that there were a number of  
46 folks who did not get counted in the last census. He said that staff has been working on making sure  
47 they are included the next time.  
48

49 Ms. DeVane said that she felt ten years might actually be a little too long between updates. She

1 expressed concern over small annexations that take place over the course of the year and noted that if a  
2 property is not in the City limits at the time of adoption of the new charter, they will not be included in  
3 a district. Mr. Strickland clarified that if it passes in November, the census will be taken again within  
4 a year and the City would be checking the boundaries after the census. He said that he understood that  
5 if the districts go out of balance by more than 5%, there must be a provision that requires an update.  
6 Mr. Strickland questioned whether any state law triggered any mechanisms other than what was  
7 specified in the charter. In response to language suggested by Mr. Strickland which references a  
8 “large” annexation, Mr. Reischmann questioned the definition of “large annexation.” He also  
9 questioned the language “when a large annexation is required under general law” and said that he  
10 would have to find out exactly what that means and whether or not it creates a trigger. Mr. Crowther  
11 suggested using the language “when required by general law.” Mr. Reischmann concurred. Ms.  
12 DeVane said that it seems as though ten years is a long time. Mr. Crowther said that he would like to  
13 hear what the citizens think about term limits.

14  
15 Council Member Laputka, speaking from the audience, said that when he neared the end of his term,  
16 he would begin looking for someone to take his place.

#### 17 18 **b. Public Comment**

19  
20 Michelle Polgar came forward and stated that she was in support of consecutive term limits. She said  
21 that she did research on the benefits of term limits and found that it encourages more minorities to  
22 run, more young people and more women. She said that some people use “name familiarity” to run  
23 over and over again. Ms. Polgar said that she ran three times and she noted that many people ran  
24 multiple times before being elected. She said that she felt term limits would have helped.

25  
26 Mr. Rasch said he believe that districts would make it easier for people to run when they are running  
27 in a small district representing their own neighbors. In addition, he stated, “I think they’re going to  
28 vote you out in four years if you’re not doing a good job.” Ms. Polgar noted that this could work both  
29 ways and that there could be a minority of people who don’t feel that they are being served by their  
30 representative. Mr. Rasch said that just because a minority of people feel someone is not doing a  
31 good job does not feel mean that they aren’t. Mr. DeVane questioned why take someone who is doing  
32 a good job out of a seat. Ms. Polgar suggested that just because someone is doing a good job, it does  
33 not mean that someone else could not do better. Mr. Rasch responded that it doesn’t get people out  
34 because they are not doing a good job, it only gets them out for the sake of getting them out. Mr.  
35 Crowther suggested that may not be a bad thing. Mr. Blair asked Ms. Polgar to identify the source of  
36 her research.

37  
38 Ms. DeVane related what it is like to be a new Council Member, especially one who is younger. Mr.  
39 Crowther noted that the playing field is leveled because every eight years, there is not an incumbent to  
40 be beaten in the election. She said that she could go either way on term limits. She noted how hard  
41 the people who won the last City election had worked to get elected.

#### 42 43 **Committee Comment**

44  
45 Mr. Strickland said that there was an assumption in the conversations that the only way someone can  
46 contribute to the vitality of the City is by being elected to Council. He said that was not true and that  
47 he has been convinced that term limits specifying consecutive terms are appropriate.

48  
49 Mr. Storke noted that most of the time in elections with term limits, people are waiting until after that

1 second term so they don't have to run against an incumbent.

2  
3 **Mr. DeVane moved to amend the motion on the floor to provide that**  
4 **the current section (c) which is to be retitled (b), sentence beginning**  
5 **“Following each decennial census.... Strike ‘or when a large**  
6 **annexation may require it’ and add ‘or when required by general**  
7 **law....”, seconded by Mr. Strickland.**  
8

9 Mayor Strickland said that when there are annexations it can be ascertained how many voters are  
10 added to the City and he suggested having a “trigger” mechanism in the charter which would require a  
11 redrawing of the districts. Mr. Reischmann said that he would have to do more research on this matter  
12 and would report back.

13  
14 Ms. DeVane suggested voting on each subsection of 4.02 separately.

15  
16 **Mr. DeVane withdrew both of his motions with the concurrence of**  
17 **Mr. Strickland (the seconder)**  
18

19 **Mr. DeVane moved to table consideration of this item until the next**  
20 **meeting on April 21<sup>st</sup>, seconded by Mr. Crowther and passed by**  
21 **unanimous 6/0 voice vote.**  
22

23 Mr. Reischmann requested that the Committee begin to consider how these changes would be  
24 presented to the voters.

25  
26 **4. Closing Comments**

27  
28 There were no further comments.

29  
30 **7. Adjourn**

31  
32 There being no further business, the meeting was adjourned at 7:30 p.m.

33  
34 Respectfully Submitted

Approved on  
*As Amended*

35  
36  
37 \_\_\_\_\_  
38 Deborah J. Renner, CMC, City Clerk

\_\_\_\_\_ 4/22/08 \_\_\_\_\_