

1 **MINUTES OF THE MEETING OF THE ORANGE CITY CHARTER REVIEW**  
2 **COMMITTEE**, held on Monday, April 21, 2008 at 6:00 p.m. in Council Chambers, 201 N. Holly  
3 Avenue, Orange City.

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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.

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9 **ROLL CALL**

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11 PRESENT: John Crowther; Joelle DeVane; Bill DeVane; Paul Rasch, Chair; Gary Blair, Hugh  
12 Strickland; Evelyn Robinson; City Clerk Deborah Renner; City Attorney Bill  
13 Reischmann

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15 **1. Approval of April 14, 2008 Minutes**

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17 Mr. Strickland commended the City Clerk for her hard work last week, noting that there had been  
18 another lengthy meeting that had to be transcribed last week.

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20 Chairman Rasch noted a corrections to the minutes as follows:

21 Page 5, Line 31, the word "feel" should say "mean" so the sentence reads, ".....feel someone is not  
22 doing a good job does not mean that they aren't."

23  
24 Page 5, Line 38, a close quotation mark is missing after the sentence that ends ".....if you're not  
25 doing a good job."

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27 Ms. DeVane noted a correction on Page 3, Line 44, the dissenting votes should be Mr. DeVane, Ms.  
28 DeVane, and Mr. Blair. (Strike "Mr. Strickland")

29  
30 Mr. Crowther noted a correction on Page 4, Line 4, sentence relating to term limits should read  
31 ".....that terms in office be limited to two terms in any one office." (Strike "years")

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33 **Mr. Crowther moved to accept the minutes as amended, seconded by Mr.**  
34 **Blair and passed by 7/0 voice vote.**

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36 **2. Continued Discussion Regarding Districts**

37 *Amended on 4/28/08*

38 Chairman Rasch returned the discussion to Term Limits. He read a statement into the record as  
39 follows: "I've struggled with this question all week, visited many websites on both sides of the issue,  
40 and quite frankly, most of the sites in favor of term limits really seem to be run by, as perhaps one of  
41 the current candidates would say 'frustrated and bitter people or organizations' that really were mainly  
42 concerned with the fact that they didn't like political careers. I think they were frustrated because they  
43 don't have power and don't know how to get it. I hear the arguments that term limits can 'level the  
44 playing field' however in practice, I don't believe that is true or the best way to accomplish the goal.  
45 Most of the pro limits sites go on at length about getting rid of the career politician. I find it a ~~bad~~ sad  
46 indictment of our society that being a career politician has almost become synonymous with being a  
47 gangster. Devoting one's life to public service should be lauded, not denigrated. The public policy  
48 institute of California found that 'special interest money still flows in roughly the same proportions  
49 and ever-rising amounts and term limits have not eased the burden of fundraising in any way.' From

1 the same study they pointed out that rather than representing a new breed of citizen legislators, new  
2 members behave a great deal like their predecessors. Supposedly term limits encourages turnover of  
3 legislators, thereby producing representatives with new ideas, etc. Obviously, it increases turnover.  
4 But generally that does not occur until the representative has termed out. New ideas? I'm not so sure  
5 about this either. Do we really think that the special interest groups that we think are controlling the  
6 politicians now are simply going to throw their support and funds away? They're going to find a  
7 candidate, throw that same support and funds behind that candidate of their choosing with the same  
8 old ideas. If we truly want to level the playing field, I believe we need to address other paths,  
9 campaign finance reforms, effective campaign finance reforms. For example, if you're running for  
10 the State House of Representatives, you'll notice a lot of ads when it gets down toward the end where  
11 you've got ads that are on there for one politician, but they're funded by a group of three or four. It  
12 makes it very hard to track the money, very hard to trace where the money's coming from, very hard  
13 to determine how much people are spending. Ethics reforms that are enforceable, etc. In summation,  
14 I see far more negatives than positives to term limits. After wrestling with this issue almost the entire  
15 week, I happened to be flipping the channels last Thursday evening looking for something worth  
16 watching. I fell upon a broadcast on the UCF channel of Governor McKay speaking to a group of  
17 students. If you recall, Governor McKay was one of the leading proponents of term limits in the State  
18 of Florida. One of the students asked Governor McKay how he now felt about term limits. I found his  
19 response surprising and I think you will too. Governor McKay indicated that term limits was a  
20 mistake and had he the opportunity to do things over, he would not be in favor of term limits. One of  
21 his major objections was that term limits shifts the power away from elected representatives of the  
22 people and places it in the hands of governmental bureaucracy. Governor McKay's thoughts kind of  
23 sealed my position on term limits."

#### 24 25 **Section 4.02 Terms & Districts**

26  
27 **Mr. DeVane moved to strike subparagraph (b) of 4.02 Elections,**  
28 **Terms and Districts in the handout presented by Mr. Strickland,**  
29 **seconded by Mr. Blair.**  
30

31 Mr. Crowther asked where the two handouts placed at everyone's place came from. Ms. Renner  
32 responded that they were brought in by Michelle Polgar. Mr. Crowther spoke in support of term limits  
33 stating that they can be beneficial and could "level the playing field" because there is no incumbent  
34 running every eight years. Mr. Crowther stated, "If term limits are constructed with a focus on  
35 consecutive terms, it's possible that a candidate can return to the same office after experiencing life as  
36 'John Q. Public' again for a while. I propose that this experience could be enlightening for the elected  
37 official and beneficial for those he or she serves in the future."  
38

39 Mr. Strickland spoke in support of term limits. He agreed with Ms. DeVane and Ms. Polgar that the  
40 term limits should be for consecutive terms. Mr. Strickland said that removing term limits  
41 disadvantages women and minorities and does not promote new people and new ideas. He noted that  
42 most "career politicians" are opposed to term limits. He stated, "I just couldn't figure out why the  
43 problem was about having some limitation on elected office when one could continue to serve in their  
44 community in other capacities that are as valuable."  
45

45 *Amended 4/28/08*

46 Mr. DeVane said that he opposed term limits due to the fact that Orange City is small with a  
47 population of about 9,000. He said that when districts are implemented, there will be only about 917  
48 people registered voters per district. Mr. DeVane stated, "We are a small community and the people's  
49 voices speak rather loudly, especially when you narrow it down into five districts." He noted that

1 districts should encourage more people to run and if the people in the district like the job their elected  
2 official is doing, they should be able to continue.

3  
4 Ms. Robinson said that the City is growing and will continue to grow in population through  
5 annexations. She said that she supports consecutive term limits and she felt that it should be included  
6 in the charter. She said that clarifications in the language would be needed if this provision is added to  
7 the charter. Ms. Robinson stated, "I've lived here all my life and I've seen people that have been in  
8 office for twenty, thirty years and that's just, I mean, it's too much."

9  
10 Mr. DeVane concurred that the City is growing and predicted that it could double or triple in size over  
11 the next ten years. He noted that even if that happens, it will still be a small city.

12  
13 Mr. Rasch again spoke against term limits, stating that it seems "really questionable." He said there  
14 has been no proof that term limits increases involvement among minorities. Mr. Rasch stated, "All it  
15 seems to do is guarantee that somebody's going to be there for the entire term limit period." He noted  
16 that people are generally hesitant to run against an incumbent.

17  
18 Ms. DeVane said that she "could go either way" on this issue, noting that when she ran for office, she  
19 was young, as was Ms. Polgar, and that with term limits, they would not have an opportunity to run  
20 again later in their life. Ms. DeVane discussed the learning curve faced when first elected to the  
21 Council. She commended the newly elected Council Members for their campaign efforts to become  
22 elected.

23  
24 **Motion passed by 4/3 roll call vote with Mr. Strickland, Ms. Robinson,**  
25 **and Mr. Crowther voting "no."**  
26

27 Chairman Rasch clarified that the Committee is now considering Section 4.02 (a) and (c) which has  
28 been relettered as (b) following the vote.

29  
30 Mr. Strickland advised that changes had been made to subsection (b). Mr. Crowther said that the  
31 reference to redistricting following a large annexation had been stricken. Mr. Strickland said that he  
32 was not able to find any guidance in general law regarding this provision. He stressed that it is  
33 important for the City Council to have the option to draw new district boundaries between the census  
34 if needed. Mr. Strickland said that Ms. DeVane suggested looking at the boundaries every five years,  
35 however, there is no firm population number generated other than the decennial census. The other  
36 numbers are just estimates which can vary widely. Mr. Strickland suggested that using an untested  
37 estimate of the population could leave the City vulnerable to a law suit over the issue. Mr. DeVane  
38 concurred. He noted that not only do people move into the area, they are also moving out.

39  
40 Mr. Strickland said that the districts could become skewed following a large annexation necessitating  
41 the redrawing of the boundaries. Mr. Crowther noted that the problem is determining what constitutes  
42 a "large" annexation. Mr. Strickland suggested leaving that decision to the Council's discretion. Mr.  
43 Reischmann noted that as the language reads right now, the word "shall" requires that district  
44 boundaries be adjusted after each decennial census or large annexation. He suggested making it  
45 mandatory to adjust boundaries every ten years after the census and giving the Council the option to  
46 consider adjustments following a significant annexation.

47  
48 Mr. Strickland provided suggested wording for this section as follows: "Following each decennial  
49 census the Council shall by ordinance adjust the boundaries of the City Council districts according to

1 general law.” Additional language could then be added which says that the Council *may*, upon an  
2 annexation into the City, by ordinance adjust the boundaries of the City Council districts according to  
3 general law.

4  
5 Mr. DeVane asked whether the sentence in this section that reads, “This ordinance shall comply with  
6 the general laws governing district boundaries” was appropriate. Mr. Reischmann responded that it  
7 was.

8  
9 Chairman Rasch read proposed language for Section 4.02 (b) as follows: “..... Following each  
10 decennial census the City Council shall by ordinance adjust the boundaries of the City Council  
11 districts according to general law, or after an annexation the City Council may adjust the boundaries of  
12 the City Council districts as required.”

13  
14 Discussion ensued regarding whether a trigger point should be included in the language regarding  
15 annexations which would require the redistricting process. Mr. Strickland maintained that the Council  
16 should have the right to decide whether any annexation causes a redistricting. Mr. Blair suggested that  
17 there must be a trigger point which would make redistricting mandatory. Mr. DeVane felt that  
18 adjusting the boundaries only after the decennial census would be adequate. Mr. Strickland suggested  
19 that would not be “wise.” Mr. Crowther read from the memo submitted by Mr. Reischmann’s  
20 associate in which Frank Gummey, City Attorney for New Smyrna Beach, indicated that he was  
21 unaware of any mandatory requirement for redistricting. Mr. Gummey suggested that the charter  
22 should include a mechanism for interim redistricting with the requirement that any redistricting not  
23 occur too soon before an election. He noted that Daytona Beach allows redistricting up to two months  
24 prior to an election, however, he said he would recommend six months rather than two. Mr. Strickland  
25 advised that the city of Gainesville requires not sooner than a year.

26  
27 Mr. Reischmann advised that during his tenure with the City, growth has been more related to  
28 rezonings than to annexations. He noted that most of the many annexations the City has done, with  
29 the exception of John Knox Village, are small pieces.

30  
31 Mr. Strickland suggested a provision that if any one district becomes 20% larger than the others, the  
32 Council may redraw the district lines. He recommended using discretionary language so that if the  
33 annexation occurs too close to the decennial census, the Council can wait until then for the adjustment.

34  
35 Mr. Crowther suggested that rather than setting a growth threshold for the redistricting, that it just be  
36 left up to the Council as long as it prohibits redrawing boundaries six months or a year before an  
37 election. Mr. Crowther expressed that he likes to see the City grow as that represents an expansion of  
38 the tax base. He noted that there will be more “closed” communities built such as apartment  
39 complexes. Mr. Crowther stated, “If you give the City Council the discretion to change those districts  
40 without having to wait for a 20% or an artificial 10% figure, that might give a little bit more balance to  
41 keeping the districts even.” Mr. Strickland and Chairman Rasch said that they could support that idea.

42  
43 Michelle Polgar, 585 Montclair, came forward and asked for clarification as to the legal definition of  
44 “redistricting” and she questioned what would happen in the event that a redistricting caused the  
45 elected representative to no longer reside in the district. She spoke in support of a percentage  
46 threshold to identify an increase that would require a redistricting. Chairman Rasch and Mr.  
47 Strickland noted the difficulties that would be associated with a percentage increase, especially when  
48 there is not an official number to base the figures on except following the decennial census. Mr.  
49 Strickland said that his understanding is that the population figures are based on the number of people,

1 not the number of registered voters. Ms. Polgar suggested that the language could specify that the  
2 increase is over the original population of that district. Chairman Rasch discussed the inherent  
3 difficulties in estimating a population increase. Mr. Strickland agreed and again said that the census  
4 should be the basis for the estimate.

5  
6 **It was the consensus of the Committee that language should be**  
7 **included that will limit the adjustment of district boundaries to no less**  
8 **than one year prior to an election.**  
9

10 Mr. Crowther suggested using the following language: "following each decennial census, the City  
11 Council shall by ordinance adjust the boundaries of the City Council districts according to general law.  
12 In addition, the City Council, in its discretion, may adjust the City Council districts provided that any  
13 such adjustment shall not take place within one year prior to an election.  
14

15 Mr. Strickland requested that Ms. Renner read the proposed revision to Section (b). Ms. Renner read  
16 as follows:  
17

18 **(b) The City of Orange City shall be divided into five Council**  
19 **districts by an ordinance of the City. This ordinance shall comply**  
20 **with the general laws governing district boundaries. Following each**  
21 **decennial census, the City Council shall by ordinance adjust the**  
22 **boundaries of the City Council districts according to general law. In**  
23 **addition, the City Council may, at its discretion, adjust the districts**  
24 **provided that any such adjustment will not take place less than one**  
25 **year before an election. The Council may appoint a special**  
26 **commission to develop district boundaries, use consulting firms**  
27 **specializing in the process and/or use such other public governmental**  
28 **resources as are available to develop a plan for districts and to adjust**  
29 **the district boundaries when required.**  
30

31 **Ms. DeVane moved to approve the new language as read by the City**  
32 **Clerk, seconded by Ms. Robinson and approved by unanimous 7/0**  
33 **voice vote.**  
34

35 **Ms. DeVane moved that Section 4.02 (a) as submitted by Mr.**  
36 **Strickland be accepted as written, seconded by Mr. DeVane and**  
37 **approved by 7/0 voice vote.**  
38

#### 39 **Section 4.06 Qualified Voters**

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41 Chairman Rasch read the proposed language submitted by Mr. Strickland into the record. Mr.  
42 Crowther asked whether there is a statutory requirement that a voter must live in the City to vote in  
43 City elections. Mr. Reischmann responded in the affirmative.  
44

45 **Mr. Strickland moved that Section 4.06 of Article IV specifying**  
46 **qualified electors for the City wide and the district elections and that**  
47 **the draft language presented be used by legal staff to draft final**  
48 **language for this Commission to send to the City Council, seconded**  
49 **by Mr. Crowther.**

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Chairman Rasch read the language as follows: “Any elector shown on the voter registration books to be a resident of the City of Orange City, Florida, shall be qualified to vote in a municipal election. Electors shall vote for the at large Council Member, the Mayor and for the district Council Member where they reside.

Mr. Crowther said that he found the language confusing. Mr. Reischmann stated that a resident of the City is qualified to vote in any City election. The voter can vote for the Mayor, the at-large Council Member and for the election of a Council Member if that seat is coming up for election in the district where the voter resides. Discussion as to how this section should be worded ensued.

Ms. DeVane suggested the following language: “Electors may vote for the at large Council Member, the Mayor and for the Council Member in the district where they reside.”

Mr. Crowther suggested the following language: “Electors may vote for the at large Council Member, the Mayor and for the district Council Member representing the district where the elector resides.

Ms. Robinson advised that it would be confusing for voters at the polls on election day. She related that at the last election, voters in the unincorporated areas of the City were upset that they could not vote in the City election.

**Mr. Crowther moved to amend the motion on the floor for the language in Section 4.06 to read, “Any elector shown on the voter registration books to be a resident of the City of Orange City, Florida, shall be qualified to vote in a municipal election. Electors may vote for the at large Council Member, the Mayor and for the District Council Member representing the district where the elector resides, seconded by Mr. DeVane and passed by unanimous 7/0 voice vote.**

**Main motion passed as amended by unanimous 7/0 voice vote.**

#### **Section 4.07 Nominations by Petition**

Mr. Strickland distributed the wording for this Section. He indicated that there is no change except for the sentence in the second paragraph pertaining to district council seats.

Discussion ensued as to the clarity of the language in this section as it relates to district elections.

Speaking from the audience, Mr. Robert Storke related a story regarding a petition filed in Daytona Beach which was disqualified because it did not include either the voter’s birthdate or voter registration number. Mr. Strickland noted that this is a statutory requirement. Mr. Rasch suggested including these requirements in the charter language.

Discussion ensued regarding how the proposed changes would be presented to the voters. Mr. Strickland said that there would be a considerable amount of voter education to be done. Mr. Blair suggested getting the media involved. Mr. Crowther stated that any time a document such as the constitution or a city charter is being proposed for changes, the voter should always vote “no” unless they fully understand the change.

1           **Mr. DeVane moved that Section 4.07 Nominations by Petition be**  
2           **worded as follows: Candidates for the office of Mayor or Council seat**  
3           **shall qualify for such office by filing a written petition with the Clerk**  
4           **in the following manner: A prospective candidate shall file with the**  
5           **Clerk a notarized statement of intention to be a candidate for a**  
6           **specified Council seat or the office of Mayor, whereupon the Clerk,**  
7           **without charge, shall provide forms for nomination by a petition to be**  
8           **signed by a minimum of twenty-five qualified electors of the City.**  
9           **Qualified electors signing the petition for the District Council seats**  
10           **must reside in that district. Only petitions on official forms provided**  
11           **by the Clerk for a specific office shall be accepted for validation and**  
12           **such forms shall include spaces for the printed name, signature,**  
13           **address, and either date of birth or voter registration number of each**  
14           **elector, and a sworn affidavit executed by the circulator of each page**  
15           **of the petition stating that each signature on it was affixed in his**  
16           **presence and that he believes each signature to be the genuine**  
17           **signature of the person whose name it purports to be. The signature**  
18           **shall be executed in ink or indelible pencil.**

19  
20           **Petitions shall be filed with the Clerk during the period specified for**  
21           **qualifying in Section 4.03 above. The Council, by ordinance, may**  
22           **establish a separate qualifying period for special elections, provided**  
23           **such qualifying period covers a minimum of seven days and is**  
24           **otherwise consistent with general law. The report of the Supervisor of**  
25           **Elections shall be used by the Clerk to determine the sufficiency of**  
26           **each petition, and the Clerk shall notify each candidate of the results**  
27           **thereof, seconded by Mr. Strickland.**

28  
29 Discussion ensued about whether or not to include indelible pencil in the first paragraph of this  
30 section.

31  
32           **Motion passed by unanimous 7/0 voice vote.**

33  
34 Mr. Strickland noted that Sections 8.01 and 8.02 do not require any modifications regarding districts.

35  
36 In response to a question from Mr. Blair, Mr. Strickland advised that discussion would begin next  
37 week with Section 2.03.

38  
39 **b.       Public Comment**

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41 There were no further requests from the public to speak.

42  
43 **Committee Comment**

44  
45 Mr. Strickland said that he enjoyed the meeting. He noted that the Committee appears to be talking  
46 now.

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1 **4. Closing Comments**

2  
3 There were no further comments.

4  
5 **7. Adjourn**

6  
7 There being no further business, the meeting was adjourned at 7:28 p.m.

8  
9 Respectfully Submitted

Approved on  
As amended

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11  
12 \_\_\_\_\_  
13 Deborah J. Renner, CMC, City Clerk

\_\_\_\_\_ 4/28/08 \_\_\_\_\_