

1 **MINUTES OF THE MEETING OF THE ORANGE CITY CHARTER REVIEW**
2 **COMMITTEE**, held on Monday, May 5, 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; Hugh Strickland; Evelyn Robinson; and Gary Blair;
12 Paul Rasch, Chair; City Clerk Deborah Renner; City Attorney Bill Reischmann

13
14 **ABSENT:** Bill DeVane
15

16 Chairman Rasch noted that there were a number of people speaking from the audience at the last
17 meeting and said this seems to have caused some confusion for some. He advised that there was
18 someone in the audience who appeared to be confused and who left the meeting without speaking, but
19 carrying what appeared to be notes in his hand. He stated that from this point, he would recognize
20 those in the audience wishing to speak and they can come forward at that time and address the
21 committee.
22

23 Mr. Blair said that he has been getting emails from another member of the Charter Review committee
24 and he wondered if there were any legal ramifications as a result, or if this would be considered a
25 violation of the sunshine laws. He said that he would be "more comfortable" if any communication
26 among the committee came through the City Clerk rather than to his personal email address.
27 Chairman Rasch questioned whether everyone else on the committee received a copy of the email as
28 well. Mr. Reischmann responded that it is not a violation of the sunshine laws to receive emails from
29 the other committee members. He advised that there are two Attorney General opinions that caution
30 against responding to such an email because it would then constitute a dialogue among two members
31 of the board and would then become a violation. Mr. Reischmann cautioned that there have been
32 instances where an elected official was having a dialogue with City staff using their personal computer
33 and that this has opened the door for third parties such as the press to request to see all files on their
34 personal computer to ensure that all the items responsive to the public records request were actually
35 provided. Mr. Reischmann said that personal emails are not subject to public records laws, but that it
36 could be problematic to mix personal and public emails. He said that one email address for all City
37 business makes it much easier to comply with public records laws. Mr. Blair asked that his email
38 address not be given out.
39

40 **1. Approval of April 28, 2008 Minutes**

41
42 Mr. Crowther noted a mistake on Page 1 of the minutes, Line 24, that reads Mr. Strickland moved,
43 seconded by Ms. Strickland. The motion should read, Mr. Strickland moved, seconded by Ms.
44 DeVane.
45

46 **Mr. Crowther moved to approve the minutes of the April 28th meeting**
47 **as amended seconded by Ms. Robinson. Motion passed by 6/0 voice**
48 **vote of the committee.**
49

1 **2. Continue discussion on Article II**

2
3 **Section 2.05 Compensation** (Tabled on 4/28/08)

4
5 a. Committee Discussion

6
7 Mr. Strickland referenced a handout from the City Attorney and Christine Davis, Finance Director,
8 regarding the FRS retirement plan which he said was in conflict with information he had found in his
9 research. He suggested that discussion be postponed for further research. Mr. Reischmann advised
10 that he had reviewed information previously sent to him by Mr. Strickland as well as the Florida
11 Statute Chapter 121 regarding pensions for elected officials and the related administrative code. Mr.
12 Reischmann noted that there are two types of pensions covered in Chapter 121 F.S. He said that he
13 reviewed the research provided by Ms. Davis and could not find any legal inconsistencies with her
14 conclusions. He stated that he did not, however, speak with a representative from FRS, but that Ms.
15 Davis did and she was told that it would be a violation of the City's contract to terminate pension
16 benefits for elected officials. Mr. Strickland responded that the FRS website indicates that elected
17 officials are "optional participants" in the pension plan. He said that Chapter 121 says that they may
18 withdraw at any time.

19
20 Chairman Rasch agreed that it is not required for Council Members to participate, but stated his
21 understanding that the City is obligated to provide the option of participating. Mr. Reischmann said
22 that the elected officials have a six-month window to decide whether or not they wish to participate in
23 the plan. He said that the issue appears to be whether or not a charter requirement forbidding the City
24 from contributing to the plan on their behalf would constitute a violation of the City's contract. Mr.
25 Reischmann noted that all of the information provided to him by Mr. Strickland was in reference to
26 Part 2 of the FRS system (the investment plan).

27
28 **Mr. Strickland moved to table this item to give Mr. Reischmann time**
29 **for additional research up to a period of two weeks.**

30
31 Ms. Robinson said that even if the City decides not to participate in the FRS plan, it does not preclude
32 a person who might potentially be eligible because they have creditable service in another type of
33 employment from joining the program by paying separately.

34
35 Mr. Reischmann questioned whether a Charter provision prohibiting the City from contributing public
36 funds on behalf of a public official towards their pension would create a potential conflict with an
37 existing contract.

38
39 Ms. Robinson questioned whether the City has a contract with FRS and if so, what are the options
40 such as whether or not health insurance is involved.

41
42 Ms. DeVane said that her impression was that the City could do nothing or they would have to
43 completely separate from the FRS plan. However, elected officials do have a six-month period
44 following the election during which they can "opt-out" of the FRS plan. She said that she was told the
45 only way exclusion of elected officials could happen would be if the City cancelled the FRS contract
46 for all employee classes. Mr. Reischmann said that was what he was told by Ms. Davis as well.

47
48 Mr. Blair called for a point of order and asked whether the motion on the floor should be seconded
49 before discussion commenced.

1
2 **Mr. Blair seconded the motion.**
3

4 Council Member Donald Sandford, 455 W. Lansdowne, came forward. He said that the City
5 contributes 16% of an elected official's salary to the plan. He noted that the monthly operating budget
6 for the City is about \$750,000 and the contribution for the elected officials is less than \$500 per
7 month. Mr. Reischmann said that information is available in the packet created by Ms. Davis.
8

9 Mr. Crowther reviewed F.S. 121.052 (3) (e) which allows that effective July 1, 2001, elected officials
10 could be designated for inclusion in the FRS plan. The Statute provides that such designation shall be
11 made between July 1, 2001 and December 31, 2001 and shall be irrevocable. He noted that the
12 decision to join the program was made in 2004.
13

14 Mr. Reischmann concurred that this gives the appearance that the 2004 action was not done in
15 accordance with the statute, however, the statute could also be interpreted to mean that it gives
16 permission for the elected officials class to be part of the plan in the future. He said that what is not
17 clear in the statute is whether participation in the plan for any certain class can be discontinued
18 without affecting the remaining classes in the plan. Mr. Reischmann said that his concern is that there
19 have been indications from FRS that one class can not be dropped from the plan.
20

21 **Mr. Strickland called the question.**
22

23 Mr. Reischmann clarified that the issue at hand appears to be whether to add a clause to Section 2.05
24 which excludes City Council Members from participating in the City's pension plan. Mr. Strickland
25 stated that his language for this section was never presented. He said that he was proposing that the
26 City could not fund a pension benefit for elected officials, not that they could not receive a pension or
27 medical benefit. Mr. Reischmann noted that this provision would exclude the elected officials from
28 participation in the FRS plan. Mr. Strickland responded, "I understand."
29

30 **Mr. Strickland called the question.**
31

32 Ms. DeVane requested that the motion be clarified to add a date certain to return to this item.
33

34 **Mr. Crowther moved to postpone consideration of Section 2.05 until**
35 **May 19, 2008, seconded by Mr. Strickland.**
36

37 **Mr. Strickland called the question.**
38

39 **Motion to amend passed by 6/0 voice vote.**
40

41 **Main motion as amended passed by 6/0 voice vote.**
42

43 **Section 2.07 Rules and Journal**
44

45 **Mr. Strickland moved that Section 2.07 of Article II be amended to**
46 **provide for the posting of City Council minutes on the City's internet**
47 **site, if operational, by electronic media and that the draft language**
48 **presented be used by legal staff to draft final language for this**
49 **commission to send to the City Council, seconded by Mr. Blair.**

1
2 Mr. Crowther noted that it appears the remainder of Section 2.05 was skipped and that there were
3 other questions regarding the timing of salary increases. Mr. Strickland responded that he had
4 included that in his draft language and that portion would be considered when the Section is revisited
5 on May 19th.

6
7 Mr. Blair questioned why the language “if operational” is included in the recommended language. Mr.
8 Strickland responded that in the event the internet becomes inoperable for some reason, the City would
9 be in violation of the charter without this provision. Discussion ensued as to possible ways the
10 website could become inoperable. Mr. Strickland noted that there are no penalties specified for charter
11 violations.

12
13 Ms. DeVane said that the current charter already provides for public access to the minutes of the
14 Council meetings, therefore, does not need to be included as a charter requirement. She said that it
15 could be included as part of the Council Rules and Procedures which could be updated easily as
16 technology changes.

17
18 Mr. Rasch said that he concurred with Mr. Strickland’s suggested language. He questioned what
19 would happen if either a future City Manager or Council conspired to withhold information from the
20 public and said that he felt it was “a good thing” to include this as a charter requirement.

21
22 In response to a request from Mr. Crowther for clarification, Mr. Strickland stated his belief that
23 “transparency in government” is important. He further stated, “I believe placing the information at the
24 public’s disposal is absolutely an obligation.” Mr. Strickland noted the rising costs associated with
25 having to come to the Clerk’s office to obtain copies of documents and said that the internet is a good
26 alternative to access it. He reiterated the importance of “transparency and access” to government
27 documents. Mr. Crowther asked whether there had been any specific instances where people had had
28 problems obtaining information from the Clerk’s office. Mr. Strickland responded that there have
29 been some questions raised.

30
31 Mr. Blair asked how much the public had to pay for copies of documents. Ms. Renner responded that
32 they are charged the statutory rate of 15¢ per single-sided page or 20¢ per double-sided page. In
33 response to further questions from Mr. Blair, Ms. Renner confirmed that documents are already placed
34 on the website in a timely manner. Mr. Blair said that he did not see a need to include this requirement
35 in the charter.

36
37 Ms. DeVane noted that the City Attorney and City Clerk would be tasked with writing ballot language
38 for all of the proposed changes and expressed her fear that too many changes could be confusing to the
39 voters. She stated, “It just didn’t feel like this was one of the more important things to change when
40 there’s other processes that can do it.”

41
42 Mr. Crowther asked if there were any specific instances that Mr. Strickland wanted to relate regarding
43 problems gaining access to city documents when requested. Mr. Strickland responded that there have
44 been individuals who have had difficulty obtaining records other than City Council minutes. He
45 stated, “This is simply my attempt to go through the charter and place at every pertinent point where
46 records, public records are identified, a transparency item that makes them published documents and
47 accessible to the public from their home through the internet and by electronic media.”

48
49 Mr. Crowther asked the City Clerk how much additional work time would be created by this

1 requirement. Ms. Renner responded that her office was already placing documents on the website.

2
3 Michelle Polgar, 585 Montclair, came forward and said that she agrees with idea of keeping things in
4 the public and putting them on the website. She noted that other cities have their information on the
5 internet and stated, "What's wrong with just saying, hey, we're to keep records and we're going to
6 make it optional to put it on the internet, put it on the website. I think if anything, that's a plus,
7 especially if it's operational. So I'm for it." Ms. DeVane responded that the issue is not whether these
8 documents should be available on the website, it is whether it should be a charter requirement or
9 simply an operational mandate. Ms. Polgar said that she supports the City Council and thinks they are
10 "doing a great job." She said she favored putting it in the charter because Council Members change.

11
12 Ms. DeVane reiterated her concern that too many questions on the ballot will be confusing for the
13 voters. Ms. Robinson said that the Council will be reviewing the Committee's recommendations and
14 are free to make any changes they wish.

15
16 Mr. Strickland said that all of the items he will be proposing on transparency can be lumped under one
17 single ballot question; "Shall the Charter provide for governmental transparency by use of the internet
18 and electronic media?" He said that this would cover all of the amendments. Mr. Strickland said that
19 this amendment would be a "guarantee of access to information."

20
21 Mr. Blair questioned what Mr. Strickland meant by "and electronic media," specifically questioning
22 whether this would include public access television. Mr. Strickland responded that his research has
23 indicated that electronic media could be identified as a .pdf file. He said that in the future, if the
24 Council broadcasts their meetings on the radio or television, those broadcasts would also be
25 considered electronic media which would need to be made available.

26
27 Ms. DeVane questioned whether this would be an additional charge to the City. Mr. Rasch said that if
28 the meetings were broadcast, they would be available for everyone. Mr. Strickland noted that the
29 recordings are already available now. Mr. Rasch said that this requirement does not mean the City
30 must use these methods, just that if they are used, they must be open to the public.

31
32 Mr. Blair disagreed stating that the proposed language for the charter says, "and electronic media" and
33 he suggested this makes it a requirement for the City. Chairman Rasch explained that "electronic
34 media" is used to refer to any type of media that is downloadable from the internet.

35
36 Mr. Reischmann said that how the changes are presented to the voters will be instrumental in whether
37 or not the proposed changes are adopted by the voters. He discussed past attempts to amend the
38 charter, noting that when presented with one "all or nothing" question, the attempts failed. The third
39 and final (and successful) attempt presented a number of different ballot questions which were all
40 approved by the voters. He cautioned the Committee that the more changes that were made, the more
41 questions would be presented to the voters. Mr. Reischmann addressed Mr. Strickland's earlier
42 remark that numerous changes could be lumped under one question dealing with "transparency in
43 government" and stated that it could not be done that way. Mr. Strickland responded, "I understand."

44
45 Ms. Robinson asked whether there was a Charter Review Committee in 2004. Ms. Renner responded
46 in the negative.

47
48 **Mr. Strickland called the question.**

49

1 Ms. DeVane asked how much it costs to maintain information on a website. Mr. Rasch responded,
2 “Not much.”

3
4 **Motion passed by 6/0 roll call vote.**

5
6 Mr. Strickland noted that when Section 2.11 had been previously considered by the Committee the
7 voted ended in a tie because Ms. Robinson was absent from the meeting that night. He said that he
8 had language for that section.

9
10 **Mr. Strickland moved that Section 2.11 of Article II be amended to**
11 **require that the filling of Council vacancies be done using the**
12 **residency requirements in Section 2.09 for district members, the**
13 **general requirements for other members of the City Council and that**
14 **the City Council adopt a policy and procedure for filling vacancies**
15 **and that the draft language presented be used by the legal staff to**
16 **draft final language for this commission to send to the City Council.**

17
18 Ms. DeVane said that she thought this item had already been voted on. Mr. Strickland said that the
19 vote was deadlocked, therefore, no changes had been made. Ms. DeVane said that the motion to table
20 had ended in a deadlock, and the vote to adopt the proposed language in the main motion had failed.

21
22 **Mr. Blair seconded the motion.**

23
24 Mr. Strickland said that he did not recall approving anything in Section 2.11. He stated, “My
25 understanding in the minutes was that we had deadlocked and that the issue had died and that we had
26 made no change.” Chairman Rasch stated that he saw one change. Mr. Strickland said that what was
27 discussed and what was approved was the idea of forty-five days. He stated that when the original
28 motion failed because of a deadlock, the amendment failed as well.

29
30 Ms. Renner advised that upon reading the minutes of that meeting, the motion to table was what ended
31 in a tie vote and the subsequent vote passed by four votes for and two against.

32
33 Mr. Reischmann noted that that is the change that is shown in Section 2.11 on the revised charter that
34 was provided to him.

35
36 Mr. Strickland said that the reason he was bringing this up again was because of Ms. Robinson’s
37 original comments suggesting that there be public involvement and policy in the filling of vacancies.
38 He stated, “And so I’m inserting Item B and asking the Council to adopt a policy that establishes a
39 process.”

40
41 **Mr. Blair withdrew his second to the motion.**

42
43 **Mr. Crowther seconded the motion.**

44
45 Mr. Crowther expressed his concern that the Committee was “moving backwards” at this point and he
46 suggested that perhaps this item could be reconsidered at the end.

47
48 Ms. DeVane stated that it would open the door for anyone who did not agree with a vote to bring the
49 issue back up for further discussion.

Both the motion maker and seconder withdrew their motion and second.

Chairman Rasch suggested that discussion move forward and that perhaps this item could be revisited at the end.

Mr. Reischmann advised that Mr. Strickland’s actions were “kind of like a motion for reconsideration” and that motion must be brought by the party who is on the prevailing side of the vote.

Section 2.08 Quorum and Voting

This section remains as written.

Section 2.09 Qualifications, Disqualifications and Forfeiture of Office

Chairman Rasch noted that there were comments on this section by Mr. Strickland, Mr. Storke and Mr. Crowther. Mr. Strickland stated that this item was previously considered.

Section 2.10 Recall

This section remains as written.

Mr. Blair requested clarification as to the provisions for recall. Mr. Reischmann responded that there is a statutory procedure which must be followed.

Section 2.11 Filling of Vacancies

This section was previously covered.

Chairman Rasch asked whether anyone wished to further discuss a procedure for dealing with a vacancy in the office of both Mayor and Vice Mayor. Mr. Strickland responded, “As I understand we’ve already moved on 2.11, we’ll have to reconsider it at the end.”

(amended on 5/19)

Chairman Rasch said that this item would be revisited in its ~~entirely~~ entirety at the end.

Ms. Renner suggested that when this item was considered previously, it was only from the perspective of districts and the remainder of the section was not addressed.

Mr. Strickland requested to move on.

Section 2.12 Extraordinary Vacancies

Mr. Strickland advised that this item had already been reviewed.

Section 3.01 Council Appointments

Mr. Strickland moved that Section 3.01 of Article III be amended to make uniform the language for the appointment or removal of the City Manager, City Clerk and City Attorney; modify section B (a), (d), (g), and create (m) and that the draft language presented be used

1 **by legal staff to draft final language for the Commission to send to the**
2 **Council.**

3
4 Ms. Polgar came forward and requested that the proposed language be read aloud so that the audience
5 would know what is being discussed. Ms. Renner provided her with extra copies of Mr. Strickland's
6 handout.

7
8 Mr. Strickland elaborated on the items that are being amended as follows:

9
10 Section 3.01 A, B, and C, the same language is used for the appointment and removal.

11
12 Item B (a) the language is amended to "show how that actually works" He advised that the previous
13 language simply stated that the City Manager "hires and fires" and didn't say how it works. He stated
14 that the City Manager is required to use the Personnel Manual and the policies of the City Council and
15 general law in order to hire, fire, promote, or terminate employees. Mr. Strickland noted that
16 ultimately, the City Council could hear a grievance from an employee. He stated, "He just can't fire
17 people and that's it."

18
19 Item B (d) requires that the City Manager must attend all Council meetings with no provision for
20 illness or the ability to designate someone to fill in for him.

21
22 Item B (g) adds a requirement to post finance and administrative materials on the website.

23
24 Item B (m) was based on comments made by Ms. Robinson of keeping the Council informed and
25 aware of the processes involved in the hiring and termination of employees.

26
27 Mr. Blair asked for clarification as to whether this meant that any time an employee is hired or fired,
28 the City Manager must inform the Council. Ms. Robinson said that this was in by her request because
29 she felt that the process of hiring should be made known to the Council Members. She indicated that
30 they may have information about an applicant that would preclude them from employment. Mr. Blair
31 suggested that this would be a function of the Human Resources department. Mr. Strickland clarified
32 that the language does not require that the person appear before the Council, just that they have to be
33 informed of it. Mr. Blair questioned how they could know about it without it being in a public forum.
34 Ms. DeVane called it "dragging out other people's dirty laundry." She asked, "If you were an
35 employee of the City would you want the reasons for you being let go or being demoted or
36 reprimanded or any of that brought in front of the public? Most people wouldn't." Ms. Robinson said
37 that the employee has the right to contact their district representative and let them know they were
38 contemplating a lawsuit against the City. She said that she was suggesting that Council Members
39 should be made aware of potential litigation efforts. Ms. DeVane said that this was a manner of letting
40 the Council interfere with the day-to-day operations of the City.

41
42 Mr. Reischmann said that his interpretation of the suggested language is that the City Manager must
43 let the Council know each time there is a change in the process of the procedures regarding personnel.
44 He stated that that practice is followed at the present time because the personnel policies can only be
45 changed by ordinance of the City Council. Mr. Reischmann suggested that the language in (m) could
46 be "more artfully drafted."

47 Mr. Crowther requested that all of the changes for Section 3.01 be reviewed individually. Mr.
48 Strickland responded that Mr. Storke's concerns were that all charter officers were provided with a
49 mechanism that is clear and uniform for each one.

1
2 Mr. Blair questioned why the charter was not the basis for the review rather than working from Mr.
3 Strickland's language so that everyone has a chance to give their input. Chairman Rasch responded
4 that everyone can give their comments. He recalled that initially, everyone did provide their input on
5 the charter to the City Clerk.

6
7 **Section 3.01 A. City Clerk**
8

9 Chairman Rasch noted that the suggested new language reads ".....a City Clerk appointed by and
10 removed by the City Council by a motion requiring four affirmative votes, shall give notice.....".
11 Ms. DeVane questioned the need to add new language when nothing substantive is being changed.
12 Chairman Rasch said that the new language makes the process the same for either appointment or
13 removal of the Clerk and requires a majority of the full Council. Ms. DeVane said that she would
14 prefer an affirmative vote of a supermajority for this section relating to all of the charter officers. Mr.
15 Blair agreed. Mr. Crowther recalled a situation in the past where the Clerk needed to be removed and
16 that there was not the agreement of a supermajority. Ms. DeVane said a similar situation occurred
17 with the removal of a past City Manager.

18
19 Michelle Polgar came forward and clarified that when the Manager Ms. DeVane spoke of was
20 removed it was by a 6/1 vote.

21
22 Mr. Strickland spoke in support of a simple 4/3 majority.

23
24 **Mr. Crowther moved to amend the motion to vote on Section 3.01 A.**
25 **as presented separately and independently from the other sections,**
26 **seconded by Mr. Strickland and passed by 4/2 voice vote with Mr.**
27 **Blair and Ms. DeVane voting "no."**
28

29 **Section 3.01 B. City Manager**
30

31 Mr. Crowther questioned why the City Manager is not required to be a resident of the City. Chairman
32 Rasch advised that this is the language in the current charter.

33
34 Subsection (a): Chairman Rasch said that the proposed language adds, "and shall follow established
35 policy in the personnel manual, policies of the City Council and general law." Mr. Strickland said that
36 this just clarifies current procedures.

37
38 Chairman Rasch suggested that in the future, Mr. Strickland present his motion in a
39 strike-through/underline format using the current language.

40
41 Mr. Reischmann noted that the language as proposed references the Personnel Policies and Procedures
42 Manual and the policies of the City Council and questioned whether this was redundant as the Policies
43 and Procedures Manual is adopted by the City Council. He asked if there are other policies of the City
44 Council being referenced. Mr. Strickland stated his understanding that inclusion of this language
45 "makes any other policy, besides that policy manual, that effects employees relevant." Mr.
46 Reischmann responded that the purpose of the Personnel Policies is to provide "very specific
47 guidelines on the employment, discipline and/or termination of employees." He expressed his concern
48 regarding what other types of policies of the City Council regarding employment would be relevant,
49 stating that he did not know of any that would not be contained in the Manual.

1
2 Mr. Crowther questioned the differenced between a “funded” position and a “budgeted” position.
3 Chairman Rasch responded that not all positions in the budget are funded. Mr. Crowther questioned
4 how someone could be hired for a position that is not funded. Ms. DeVane suggested that it would
5 make more sense to hire for funded positions, not budgeted positions in case funding does not come in
6 at expected levels. Mr. Strickland suggested that the next phrase, “based upon performance or budget
7 constraints” addresses this possibility.
8

9 **Ms. DeVane moved to strike the word “budgeted” in the first sentence**
10 **of subsection (a) of Section B and replace it with “funded,” seconded**
11 **by Mr. Strickland.**
12

13 Mr. Reischmann noted that this is the language in the current charter. Chairman Rasch spoke in
14 support of using the word “funded.”
15

16 Regarding the remaining language in this section, Mr. Reischmann said that there appears to be “some
17 redundancy.” Mr. Crowther stated, “If we don’t need to put it in, why do we want to put it in? This
18 could be something that somebody would vote down just because they didn’t like the language.”
19

20 Chairman Rasch questioned where it dictates that the City Manager must follow the Personnel
21 Policies. Mr. Reischmann responded that it is in the ordinance and in the Manager’s contract.
22

23 Ms. DeVane questioned the need for the proposed changes stating that these are things that are already
24 being done by the city manager and by previous managers and that when they are not done, the
25 manager is let go. Mr. Strickland said that he proposed the change because it is “unclear to the
26 citizens” what the processes are.
27

28 Chairman Rasch summarized that the revised subsection (a) adds the fact that the Manager must
29 follow the procedures in the Personnel policies manual and general law. He stated, “The question is
30 do we want to add that in to the charter or is it sufficient to have it handled by the City Council
31 ordinance?” Ms. DeVane said she felt it was sufficient as written.
32

33 Mr. Reischmann suggested that the committee members review the personnel policies, noting that they
34 are very detailed and specific in the procedures that must be followed.
35

36 **Motion to change the word “budgeted” to “funded” passed by 5/1**
37 **vote with Mr. Blair voting “no.”**
38

39 **Mr. Crowther moved to adopt the language in the current charter as written for**
40 **3.01 B (a).**
41

42 Mr. Reischmann clarified that there are two factors to consider from a legal standpoint; money and
43 process. He stated that the City Council determines both of those factors as the money is approved in
44 the budget and the process is in the personnel policies.
45

46 **Motion seconded by Mr. Blair.**
47

48 **Motion passed by 5/1 vote with Mr. Strickland voting “no.”**
49

1 **Ms. Robinson moved to strike the addition of subsection (m),**
 2 **seconded by Mr. Strickland and passed by 6/0 vote.**

3
 4 **Mr. Crowther moved to accept the language for 3.01 B. (d) as**
 5 **proposed, seconded by Mr. Strickland and passed by 6/0 vote.**

6
 7 **Mr. Crowther moved to amend Section 3.01 B. (g) to include the word**
 8 **“including” between the words “year” and “on” so that it reads as**
 9 **follows: “Submit to the City Council and make available to the public**
 10 **a complete report on the finances and administrative activities of the**
 11 **City as of the end of each fiscal year including on the City’s internet**
 12 **site if operational and by electronic media”, seconded by Mr.**
 13 **Strickland. Motion passed by 6/0 vote.**

14
 15 **b. Public Comment**

16
 17 Al Blue, 447 N. Oak, came forward and said that there is a procedure for removing the City Clerk and
 18 City Attorney, but that he didn’t see that for the Manager. Chairman Rasch responded that the
 19 removal procedure would be exactly the same for everyone.

20
 21 **Further Committee Discussion and Action**

22
 23 Mr. Reischmann explained that the proposed language for Item 3.01 C provides that the City Attorney
 24 be appointed by 4 affirmative votes while the current language provides that the Attorney be appointed
 25 by resolution. In response to a question from Mr. Strickland, Mr. Reischmann said that the advantage
 26 of using a resolution is for the purpose of documentation. Mr. Strickland suggested that all of the
 27 charter officers should be appointed by resolution in that case.

28
 29 Chairman Rasch said that he would like for the procedure for all officers to be the same. Mr.
 30 Crowther said that he would like for them all to be done by resolution.

31
 32 **Motion to adopt Section 3.01 Council Appointments as amended**
 33 **passed by 4/2 vote with Mr. Blair and Ms. DeVane voting “no.”**

34
 35 **Public Comment**

36
 37 Ruth Blue, 447 N. Oak, came forward and requested that she be granted time to speak at the next
 38 meeting about Compensation as she will not be here on the 19th when it is scheduled. Chairman Rasch
 39 said that he would.

40
 41 **4. Closing Comments**

42
 43 Ms. DeVane advised that neither she nor Mr. DeVane will be present at the next meeting. Mr.
 44 Crowther said that he would be out as well.

45
 46 Mr. Crowther asked if it was Mr. Strickland’s intention to delete Item 3.01 D. Chairman Rasch said
 47 that it was not the intention that that item be deleted.

48
 49 **7. Adjourn**

1
2 There being no further business, the meeting was adjourned at 7:53 p.m.

3
4 Respectfully Submitted

Approved on

5
6 _____
7 Deborah J. Renner, CMC, City Clerk

5/19/08