

Charter Review Committee
City of Palmetto, Florida

Agenda

January 28, 2016—3:00 p.m.

1. Call the Meeting to Order
2. Old Business
 - a. Approval of January 7, 2016 Minutes
3. New Business
 - a. Review of Attorney Barnebey's proposed changes to the City's Charter
4. Adjourn

If any person desires to appeal any decision of the City Commission, CRA Board, or of any other Board of the City, that person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS §286.0105).

The City of Palmetto does not discriminate on the basis of race, color, national origin, sex, religion, age, marital status or handicapped status in employment or in the provision of services. Handicapped individuals may receive special accommodation in services on forty-eight hours notice (FS §286.26). Anyone requiring reasonable accommodation for this meeting as provided for in the American with Disabilities Act should contact the City Clerk by telephone at 941-723-4570, fax 941-723-4576 or e-mail jfreeman@palmettofl.org or afoley@palmettofl.org.

POSTED: January 21, 2016

DRAFT
Charter Review Committee
City of Palmetto, Florida

Agenda
January 7, 2016—3:00 p.m.

Committee Members Present:

Alan Zirkelbach, Chair
Wade Thompson, Vice Chair
Vicki Moore, Secretary
Phil Guercio
Ann Marshall
Bob Wilson

Committee Members Absent:

Eva Daniels

Staff Present:

Mark Barnebey, City Attorney
Amber Foley, Assistant City Clerk

Chair Zirkelbach called the meeting to order at 3:01 p.m.

Motion: Mr. Thompson moved, Ms. Marshall seconded, and the motion carried 6-0 to approve the December 3, 2015 Minutes.

The Committee reviewed the changes made to Section 23 of the Charter. Attorney Barnebey stated that the main change is that all changes to the Charter will go to referendum.

Motion: Ms. Marshall moved, Mr. Guercio seconded, and the motion carried 6-0 to accept the changes as made by Attorney Barnebey to Section 23 of the Charter.

Discussion regarding the make-up of a Charter Review Committee, Section 26, was discussed. Both Mr. Wilson and Mr. Guercio presented the Committee with a handout with their opinions on how the Committee should be made up in the future. Their suggestions included how the Committee would be established, composed, their procedures, rules and composition, expenses and the review of the Charter. Attorney Barnebey was asked to review their proposals and make changes. These changes will be sent to the Committee on the next agenda.

Mrs. Moore questioned Section 10 and Section 19 which discussed vice mayor and the vacancy of the mayor. She expressed concerns on the absence of the mayor to serve for an extended period of time. Attorney Barnebey explained that currently the way the Charter is written the vice mayor would take over as mayor within 10 days of the current mayor no longer being in office. The vice mayor can decline that role, and if so, the Commission shall elect a mayor by majority of vote. If no Commissioner takes the role as mayor, the Commission may elect a resident to serve as mayor until a successor is elected. Attorney Barnebey clarified that if more than 180 days remain in the then-current term of the mayor, the City Commission shall call a special election to fill the office of mayor for the unexpired portion of the term.

Mr. Guercio discussed term limits as presented in his handout. He reviewed other cities that are similar and smaller than the City of Palmetto. He opined that term limits work well because it creates an

opportunity for new people to come in and bring a new vision to the City. Mr. Zirkelbach agrees with Mr. Guercio and understands that new people are not as likely to run against an incumbent who has been a City Commissioner for several years; however, Mr. Zirkelbach opined that a City this size may not have enough candidates. Attorney Barnebey stated that one option could be to have term limits and then allow the candidate to run again after they have not been a Commissioner for a certain amount of terms. Discussion continued on the subject of term limits.

Mr. Zirkelbach called for a roll-call vote on this item: Mr. Guercio voted yes, Mrs. Moore voted no, Ms. Marshall voted no, Mr. Zirkelbach voted no, Mr. Thompson voted no, Mr. Wilson voted no. This item will have no further discussion.

The Committee discussed the residency requirements for Ward Commissioners and At-Large. The Committee agreed that the requirements should be consistent and would like to make the residency for both one year. Discussion regarding the mayor residency requirement continued. It was asked that Attorney Barnebey review residency requirements and having residency for all Commission seats and the mayor be two years.

Attorney Barnebey discussed a question posed by a Commission at the Commission meeting Monday night. It was asked if the Committee could review requirements to serve as a Commissioner and vice-mayor. Meaning, does the Commissioner need to be a full-time or a part-time Commissioner. The Charter Review Committee all agreed that there should be no requirements regarding full-time versus part-time for either a Commissioner or as vice-mayor.

The next scheduled meeting is January 28, 2016 at 3:00 p.m.

Chair Zirkelbach adjourned the meeting at 3:48 p.m.

Minutes approved:

Vicki Moore
Secretary

Proposed Changes to City of Palmetto Charter

Section 9. - Commissioner Qualifications; Assuming Office.

The three (3) ward Commissioners must each be an *Elector*. Additionally, the three (3) ward Commissioners shall each have been a *Legal Resident* of the City for a minimum of three hundred and sixty-five (365) consecutive days immediately prior to the last day of qualifying for election to the office being sought and have been a *Legal Resident* of the ward from which they are to be elected for a minimum of ~~one hundred and eighty (180)~~ three hundred and sixty five (365) consecutive days immediately prior to the last day of qualifying for election to the office sought. The two at-large Commissioners must each be an *Elector* and have been a *Legal Resident* of the City for a minimum of three hundred and sixty-five (365) consecutive days immediately prior to the last day of qualifying for election to the office sought. Commissioners shall assume office on the date of the first Commission meeting following their election and shall continue to be a *Legal Resident* and *Elector* of the City during their term of office.

Section 12. - Commission Members; Vacancies; Replacement.

The office of a Commissioner shall become vacant upon the Commissioner's death, permanent incapacity, resignation, permanent entry upon the office of Mayor, removal from office in any manner authorized by law, or forfeiture of the office. A vacancy shall also occur in the event no candidate seeks election for office. Forfeiture of office shall occur upon declaration by *Majority Vote of the Commission*, if a Commissioner: (a) lacks at any time, during the Commissioner's term of office, any qualification for the office as prescribed in this Charter or by law; or (b) shall be absent for more than six (6) consecutive regular Commission meetings without the Mayor having been notified. In the absence of such notification, the Commission shall inquire into the absence of the Commissioner prior to considering any motion on forfeiture of office.

As soon as practicable upon the occurrence of a vacancy, the Commission, by *Majority Vote of the Commission*, shall choose a successor to serve the remainder of such vacant term, or until the first Commission meeting following the next General Election, which ever shall first occur. If the vacant term extends beyond the next General Election, the remainder of such term shall be filled by a person elected in such election, provided, if the vacancy occurs thirty (30) days or fewer before the first date of qualifying for such election, the appointed successor's term shall continue to its end.

In the event no candidate seeks election to fill the vacancy, such Commission seat shall be filled by appointment by a *Majority Vote of the Commission* in the manner set forth above.

If a vacancy occurs in the office of a Commissioner of a ward, the City Commission shall appoint as successor a person who is an *Elector* and who has been a *Legal Resident* of the City

for a minimum of three hundred and sixty-five (365) consecutive days immediately prior to the date the vacancy occurred and who has been a Legal Resident of the ward from which they are to be appointed for a minimum of ~~one hundred and eighty (180)~~ three hundred and sixty five (365) consecutive days immediately prior to the date the vacancy occurred. If a vacancy occurs in the office of an at-large Commissioner, the Commission shall appoint as successor a person who is an *Elector* and who has been a *Legal Resident* of the City for a minimum of three hundred and sixty-five (365) consecutive days immediately prior to the date the vacancy occurred.

Section 26. - Charter Review.

This Charter shall be referred to a Charter Review Committee for review upon the occurrence of one of the following:

- Passage of ~~five (5)~~ ten (10) years from the date of the most recent amendment to this Charter; or
- Resolution of the City Commission; or
- ~~Referendum pursuant to Section 23 of this Charter.~~ The receipt of a valid petition to amend the Charter pursuant to Section 23 of this Charter.

The Charter Review Committee shall be made up of a maximum of seven (7) *Electors* of the City, with two (2) members being appointed by the Mayor and one (1) member being appointed by each City Commissioner. Each appointee shall be confirmed by a *Majority Vote*.

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The Charter Review Committee shall make recommendations as to possible changes to the Charter to the Commission and, in the case of receipt of a petition to amend the Charter, it shall make a recommendation, on behalf of the citizens of the City of Palmetto, regarding the proposed amendment as submitted.

As to amendments initiated by the Charter Review Committee, the City Commission shall make the final decision as to whether the proposed amendments are (i) returned to the Charter Review Committee for further review, (ii) revised and approved by ordinance, and included on a ballot, (iii) approved by ordinance and included on a ballot without change, or (iv) subject to other action. Any such amendment may be included on the ballot as a single question, individual questions or any combination of either submitted to the *Electors* of the City as proposed amendment to its Charter.

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Section 27. - Effective date.

This Charter or any amendments hereto shall take effect only upon approval of a majority of electors *Electors* voting on the Charter and the certification of the election results.

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