



City of Venice

401 West Venice Avenue
Venice, FL 34285
www.venicegov.com

Meeting Minutes Charter Review Committee

Monday, September 20, 2021

9:00 AM

Council Chambers

[21-5238](#)

Instructions on How to Watch and/or Participate in the Meeting

I. Call to Order

Chair Boone called the meeting to order at 9:00 a.m.

II. Roll Call

Present 7 - Mr. Ernest Booker, Mr. John Holic, Mr. Richard Clapp, Mr. Kit McKeon, Mr. Jeffery Boone, Mr. Jon Preiksats and Mr. Joseph Ferretti

Also Present

City Attorney Kelly Fernandez, City Clerk Lori Stelzer, City Manager Ed Lavalley, Information Technology Director Christophe St. Luce, and Administrative Coordinator Toni Cone.

In-person: Mr. Booker, Mr. Boone, Mr. Ferretti, Mr. Holic, Mr. McKeon, and Mr. Preiksats

Via video-conference: Mr. Clapp

III. Approval of Minutes

[21-5239](#)

Minutes of the August 30, 2021 Meeting

A motion was made by Mr. Preiksats, seconded by Mr. Holic that the Minutes of the August 30, 2021 meeting be approved as written. The motion carried by voice vote unanimously.

IV. Audience Participation

No one signed up to speak.

VI. Unfinished Business

[21-5161](#)

Article III. Legislative

Mr. Holic recommended discussing all of Article III together.

A motion was made by Mr. Holic, seconded by Mr. Preiksats to amend the agenda to include item 21-5241 Revision 1 in discussion with the items in 21- 5161 Article

III Legislative. The motion carried by voice vote unanimously.

Discussion occurred regarding Ms. Fernandez's language regarding the mayor presiding at meetings, specifically in 3.02(a) requiring the mayor to preside in-person if there is a physical quorum is required.

Mr. Holic stated that the mayor should preside at meetings only if physically present, should not preside virtually if there is a quorum in chambers, and noted a recent council meeting where a point of order was called multiple times.

Discussion continued regarding leadership, planning commission chair, lack of leadership, whether this should be addressed in the charter, difference between planning commission and city council, reasons to have the chair in-person, and reasons that remote attendance could be appropriate.

Mr. Lavallee stated the mission of the charter review is to make recommendations updating the charter, but there is no prohibition to make other recommendations. He noted the charter must survive over time and an ordinance could be adopted to address this issue.

Discussion took place regarding remote attendance, physical attendance, importance of public meetings, and changing technology.

Mr. Holic noted that the purpose of the charter review committee (CRC) is to make recommendations for the charter and city council would decide if they want something in the charter or in an ordinance, and it is not the CRC's purview to create an ordinance.

Discussion took place regarding ordinance language not being in conflict with the charter.

Mr. Holic noted a change from "he" to "the mayor" to keep the language gender neutral.

Ms. Fernandez requested clarification on the language she provided and the language Mr. Holic provided, requiring the mayor to be present for every meeting or just those with an in-person quorum.

Mr. Holic withdrew his proposed language in red to have mayor preside at meetings of the city council, provided he is seated physically present at the meeting language and keep the attorney's proposed language.

A motion was made by Mr. Booker, seconded by Mr. McKeon to accept city attorney's language that the mayor shall preside in-person when a physical quorum is required.

Discussion took place to accept Mr. Holic's proposed language in section 3.02(a) regarding the mayor's signature, proposing the mayor may only withhold a signature on a properly submitted document with consent of a five person majority vote of city council and also proposed a line of succession procedure, should the mayor be unwilling or unable to sign a properly submitted document within three business days, the document may be signed first by the vice-mayor and then by any duly elected council member in order of seat number.

A motion was made by Mr. Holic, seconded by Mr. McKeon to accept Mr. Holic's proposed language regarding mayor's signature and line of succession of signature. The motion carried by voice vote unanimously.

Discussion took place regarding section 3.02(b) Vice Mayor and what would take place in the event the vice mayor cannot preside in the absence of the mayor. The proposed language states: Should both the mayor and vice mayor not be physically present at a meeting where a physical quorum is required, a chairperson for the meeting shall be elected to serve from one of the council members in physical attendance.

A motion was made by Mr. McKeon, seconded by Mr. Ferretti that should both the mayor and vice mayor not be physically present at a meeting where a physical quorum is required, a chairperson for the meeting shall be elected to serve from one of the council members in physical attendance. The motion carried by voice vote unanimously.

Discussion took place regarding Section 3.05, Compensation and expenses, that the salary of city council members shall be equal to 20% of the salary of Sarasota County commissioners, which is determined by the State legislature. The salary of the mayor shall be equal to the salary of a city council member plus \$1,200.00.

A motion was made by Mr. Ferretti, seconded by Mr. Holic to accept the language in Section 3.05 proposed by the city attorney, stating that the salary of city councilmembers shall be equal to 20% of the salary of Sarasota County Commissioners, which is determined by the State legislature. The salary of the mayor shall be equal to the salary of a city councilmember plus \$1,200.00. The motion carried by voice vote unanimously.

Ms. Fernandez noted there were two options for Section 3.07(b)(4) with proposed language for each, forfeiture of office for any council member that failed to attend in-person three consecutive meetings or leave Section 3.07 language and add to Section 3.08 that all council members shall attend in-person when a physical quorum is required for a meeting absent good cause shown.

Ms. Stelzer reviewed the standards for excused absences, which include city business, sickness, family emergency/death in the family, and acts of God and terrorism that started January 1, 2016.

Discussion took place regarding the options for forfeiture of office.

Ms. Fernandez recommended putting the language in the forfeiture section.

Ms. Stelzer provided Resolution No. 2020-43 which stipulates what is good cause, lists reasons for remote attendance, and good cause for excused absence in general.

Discussion took place with the option of not being allowed to miss a meeting being too stringent.

A motion was made by Mr. Holic, seconded by Mr. McKeon to accept language for Section 3.07(b)(4) if a council member fails to attend in-person three consecutive regular meetings of the city council without being excused by the city council. The motion carried by voice vote unanimously.

Discussion followed regarding Section 2-161(f) defense and indemnity regarding payment of legal counsel and it was noted that an individual always has the option of having counsel represent them.

There was consensus to leave language as it currently is in the charter regarding Section 2-161(f) defense and indemnity and payment of counsel.

21-5195

Article IV. City Manager

Discussion took place regarding Section 4.04(a) the option of deleting both advice and consent from hiring the finance director, police chief and fire chief, keeping advice and consent for hiring those positions, and reviewing removal or suspension with the city attorney.

Mr. Lavallee reviewed the process for hiring and firing.

A motion was made by Mr. Clapp, seconded by Mr. Holic to retain that in Section 4.04(a) the city manager shall appoint the finance director, fire chief, and police chief with advice and consent of the city council. The motion carried by the following vote:

Yes: 7 - Booker, Holic, Mr. Clapp, Mr. McKeon, Boone, Mr. Preiksats and Ferretti

Discussion continued regarding the option of adding language requiring the city manager to consult with city attorney prior to suspension or removal of any city employee.

Ms. Fernandez was asked to propose language regarding suspension or removal.

Discussion occurred regarding adding "for cause" and "for the good of the city" to suspension and removal of all employees, or to finance director, police chief and fire chief.

Mr. Lavallee discussed the process for removal of an employee.

Discussion took place regarding consulting the employment law firm, legal fees, and issues.

Ms. Fernandez stated that contentious removals could be consulted on, but it does not need to be stipulated in the charter.

Discussion continued regarding removal of employees, good cause, and the impact on at-will employment.

Mr. Boone passed the gavel to Mr. Booker.

A motion was made by Mr. Boone, seconded by Mr. Holic to retain the last sentence of Section 4.04(a). The motion carried by voice vote unanimously.

[21-5196](#)

Article V. Financial Procedures

Ms. Fernandez stated the addition of "initial proposed" to Section 5.02 was completed and approved at the last meeting.

Discussion took place on Section 5.09 and input from Alan Bullock, Human Resources Director that there is no need to change charter regarding surety bonding and the city's current insurance covers against employee criminal acts.

Discussion took place regarding Section 5.09 on surety bonding and the need for something in writing, which employees should be bonded, and possible removal of the section completely.

Ms. Fernandez agreed that Section 5.09 could be removed from the charter.

A motion was made by Mr. McKeon, seconded by Mr. Holic that Section 5.09, Surety Bonding, be removed from the charter. The motion carried by voice vote unanimously.

[21-5197](#)

Article VI. General Obligation and Revenue Bonds

Discussion took place regarding the first sentence and that it had been confirmed with the finance director that the word "or" should be the word "of".

A motion was made by Mr. McKeon, seconded by Mr. Booker to change the word "or" to the word "of" in Section 6.01, Power to issue. The motion carried by voice vote unanimously.

[21-5198](#)

Article VII. Nominations and Elections

This was discussed under Vacancy in Candidacy Provision.

[21-5240](#)

Vacancy in Candidacy Provision

Discussion took place regarding the memo from Ms. Stelzer regarding filling vacancies, the example from Cocoa Beach subject to city attorney's input for review at the next meeting.

"If only one candidate qualifies for a seat within the time limit for qualification, or if a vacancy in candidacy caused by death, withdrawal or removal from the ballot of qualified candidates, following the end of the qualifying period, which leaves fewer than two candidates for the office, that candidate shall be declared elected to that seat. If no candidate qualifies for a seat, or if all candidates for a seat either withdraw, are removed from the ballot or die, after the close of the qualifying period, but before the election, the term of the commissioner holding that seat shall be extended until the next regular election."

A motion was made by Mr. Holic, seconded by Mr. Preiksats to use the example from Cocoa Beach in Ms. Stelzer's memorandum, subject to city attorney's input, for review at the next meeting. The motion carried by voice vote unanimously.

V. New Business

[21-5241](#)

Sec. 3.02. Mayor and Vice-Mayor (Holic)

These items were discussed in Article III, Legislative.

[21-5242](#)

Article VIII. Charter Amendments

Discussion took place regarding Section 8.01 and city council's recommendations to change the time period in (b).

Discussion took place regarding the lack of city council attendance to present their ideas to the charter review committee (CRC).

There was no change by the CRC to Section 8.01(b).

There were no council proposed changes to discuss in Sections 8.02, 8.03, or 8.04.

Ms. Fernandez commented on Section 8.04 and whether the Charter should define how often a Charter Review Committee would be convened.

Discussion continued regarding how often the review has taken place in the past, it is currently up to city council, and not putting a time restriction in the charter.

[21-5243](#)

Article IX. Initiative and Citizen Referendum

There were no suggested changes to Section 9.01.

There was a suggestion from city council in Section 9.02(a) to extend the time for filing citizen referendum from 30 days to 60 days and no changes were recommended by the CRC.

Discussion occurred regarding the number of registered voters required for a voter referendum, should it be considered to make it more than five voters, and it was decided not to propose any changes.

Discussion took place regarding the language for signatures and that they should be dated within six months of submission in Section 9.03(d).

There was consensus to have Ms. Fernandez bring back language regarding a time limit for signatures.

There was discussion about Section 9.04 regarding the council suggestion in terms of restrictive deadlines and no changes were recommended.

There were no changes for Sections 9.05, 9.06, or 9.07.

A motion was made by Mr. McKeon, seconded by Mr. Holic to have Ms. Fernandez bring back language on Section 9.03 to require the petition signatures are dated and where this stipulation should be placed. The motion carried by voice vote unanimously.

[21-5244](#)

Article X. Recall

There were no proposed changes to Article X.

[21-5245](#)

Article XI. General Provisions

There were no changes discussed in Section 11.01.

Discussion took place regarding Section 11.02 and Ms. Stelzer noted the oath of office was kept on file with the city human resources office and not in the office of the city clerk.

There were no changes to discuss in Section 11.03.

A motion was made by Mr. McKeon, seconded by Mr. Booker to accept the modification in Section 11.02, Oath of Office, to keep oath on file with the city, not the city clerk. The motion carried by voice vote unanimously.

[21-5246](#)

Article XII. Transitional Provisions

Discussion took place regarding Section 12.01 regarding council member question, it was noted that home rule applies unless the state preempts, and there is nothing that could prevent this.

Ms. Fernandez will discuss with the council member.

There were no changes to Sections 12.02, 12.03, 12.04, 12.05, 12.06, 12.07, and 12.08.

VII. Reference Documents

[21-5163](#) Reference Documents Requested by Committee and Council Members

[21-5162](#) Meeting Schedule through December 31, 2021

VIII. Future Agenda Items

The next meeting will be held on October 4, 2021, the committee will review Ms. Fernandez's proposed language and this will likely be the final meeting.

Discussion took place regarding a joint meeting with city council, CRC will make a decision about this at the next meeting, and it was noted the previous CRC was requested by city council to have a joint meeting.

There was consensus to request a joint meeting with city council.

IX. Adjournment

There being no further business to come before this Committee, the meeting was adjourned at 11:58 a.m.

Chair

Administrative Coordinator