

MINUTES OF A JOINT MEETING BETWEEN
VENICE CITY COUNCIL AND
CHARTER REVIEW COMMITTEE
VENICE, FLORIDA

APRIL 22, 2013

A Joint Meeting of the City Council and Charter Review Committee (CRC) was held this date in Community Hall at City Hall. Mayor Holic called the meeting to order at 1:30 p.m.

I. ROLL CALL

Mr. Boone led the council and committee in the Pledge of Allegiance.

The following elected officials and committee members were present: Mayor John Holic, Vice Mayor Bob Daniels and Council Members Jim Bennett, Emilio Carlesimo, Jeanette Gates, Kit McKeon, and Dave Sherman; CRC members Chair Jeff Boone, Vice Chair Don O'Connell, Mark Paolillo, Greg Shanika, Marshall Happer, and Mary Balducci. Chuck Schmieler resigned.

Also present: City Manager Edward Lavalley, City Clerk Lori Stelzer, City Attorney Dave Persson and Recording Secretary Susan Schult.

Mayor Holic reviewed the order of procedure for this meeting between the two board chairs and passed the gavel to Mr. Boone.

II. APPROVAL OF MINUTES

Mr. Boone queried the board on approval of the minutes

Mr. Happer **moved** that the Minutes of Regular Meetings of the CRC held on September 5 and 19, October 17 and 30, and November 14, 2012, be approved as written. **Seconded** by Mr. O'Connell. MOTION CARRIED ON VOICE VOTE UNANIMOUSLY.

III. REVIEW RECOMMENDATIONS FROM THE CHARTER REVIEW COMMITTEE AND MAKE DECISIONS ON THOSE RECOMMENDATIONS

Mr. Boone explained the CRC's process to evaluate the charter and suggested reviewing the charter from the beginning so council can see sections that had no changes. Mayor Holic recommended reviewing the charter copy with strike throughs to make sure of suggested changes.

Mr. Boone started with page three of 30. Discussion followed on subpart A and B in the existing charter, the deletion of subpart B causing no need for subpart A, the previous revisions to the charter, and the update to the comparative table of ordinances.

Mr. Boone pointed to article II – Corporate Boundaries and there was no discussion. He turned to

article III, section 3.01 stating there were no recommended changes although the committee discussed the number of elected officials, and section 3.04 subsection (d) was added to address term limits.

Mr. Happer explained the committee's discussion on term limits and the discrepancy in the treatment of someone elected to a partial term in relation to a person who is appointed to a partial term.

Discussion followed on the committee's recommendations on partial terms not counting toward total time served, prior council discussion on section 3.02 regarding filling the city manager position being at the mayor's discretion, no time limit on filling the vacancy, changes to section 3.05 being for clarification, how this section relates to article IX, the citizens or council being able to originate a council salary change for referendum, no recommended changes to section 3.06, micromanaging while there was a temporary city manager, mayor and vice mayor duties being clear, section 3.06(b) outlining council purview, and there being no delineation on consequences if council does not adhere to section 3.06(b).

Mr. Persson responded to discussion stating the voters would ultimately make the decision, council can inquire but are not allowed to direct staff, and having a clear line of demarcation in the charter to police this section, and making people aware of deviations because there are automatic consequences.

Discussion took place on the current language being too vague, interpretation from previous City Attorney Robert Anderson, the issue being discussed by the committee, previous councilmembers interference with staff, charter officers policing how to manage employees, the ability of council to make inquiries of staff, balancing council's position with the citizens and city operations, clarifying micromanagement and bringing forward citizen concerns, the line of demarcation being the right to inquire but not direct, prior council members giving direction to staff without council consent, effectiveness of the charter, council interaction with outside entities and consultants, section 3.01 stating council is a governing body, whether the article can be further clarified, it being up to the mayor and council to remedy the situation, and prohibitions in section 3.06(d).

Mr. Happer continued with section 3.07 stating the change added makes the council subject to the state code of ethics standards.

Discussion followed on the term "moral turpitude", no suggested changes to section 3.08, current stipulation that council has to meet once per month, the county commission schedule, changing the charter to state a minimum number of council meetings per year, council having the flexibility to coincide their meeting schedule with the county, county commissioners taking off the month of August, the CRC not previously discussing this issue, CRC members not having an objection to this issue, council making a decision on this, and previous council discussions on this issue.

(2:26) There was city council **consensus** to have the city attorney draft language to change the meeting schedule in the charter to be more consistent with the county.

Mr. Boone stated there were no suggested changes to the city clerk provision - section 3.09 and gave a brief history of past discussions of city clerk provision. Mr. Happer explained the change in numbering sections 3.08 and 3.09, noted half of the city clerks in the state report to the city manager, and talked about the independence of the maintenance of city records being handled by a charter officer.

Mr. Boone continued with the city attorney provision - section 3.10, and pointed to 3.10(b) stating Mr. Anderson provided the new language to broaden the explanation of duties.

Discussion followed concerning the draft charter suggesting the appointment of two city attorneys, whether to add this language in the charter, council input on outsourcing specialized attorneys such as labor relations, committee discussion on this issue, council being the governing body to decide who represents the city, council being included in the process of selecting outside counsel, council setting the parameters with the attorney, the city attorney knowing when a specialty service is needed, the role of the city attorney being the general counsel, the city attorney keeping council informed of any special services, the involvement of the insurance carrier attorney, and the city attorney overseeing outside counsel.

Mr. Boone briefly reviewed the changes to Article IV - City manager, and that section 4.02(c) addresses how long the city manager position can remain vacant.

There was discussion on the role of council in section 4.02(c), appointment of an acting city manager, reorganization of language in section 4.04(b) on the finance director, the operational control of the city manager to discharge a police or fire chief and finance director, whether persons in these positions should be city residents, possibly adding that verbiage to the charter, the importance of having the public safety chiefs close to the city during an emergency situation, having these persons at least living in the same county, essential personnel being a reasonable amount of time from the workplace, city council setting the policy on personnel logistics, the city clerk and city attorney and their staff not reporting to the city manager, and no changes to section 4.05.

Discussion continued regarding article V and VI on financial procedures, concerns with the auditor being controlled by the finance director, an independent auditor being independent from the city, council hiring the independent auditor, the charter not addressing who chooses the auditing firm, financial discrepancies not being caught in the audits such as the \$800,000 missed payments to the firefighter pension fund, advice to council pertaining to the charter, council not being advised over the years of the status of public safety pension funds, the flexibility of the charter, council having the power to modify how the city manages the situation, independent boards to oversee the pension mandated by law, the state mandating the composition of pension boards, footnotes required in an audit stating underfunded situations, pensions being underfunded and still meeting state laws, audits and the finance director's duties, and the auditor being controlled by the finance director in section 5.10(b).

Mr. Boone stated there were no suggested changes to article VI and that clarification verbiage was added to article VII section 7.02.

Discussion ensued on section 7.05(b), whether there should be a provision that candidates have 50% of the vote, whether there should be a runoff election, turnout at previous runoff elections, no resident complaints on the elimination of runoff elections, cost of a runoff election, the City of Sarasota having a primary election before the general election, cost of the last election, gap in service, and how gaps in service are handled.

There was no discussion on articles VII or VIII. Mr. Boone touched on the amount of time the committee spent on article IX and the effort to make this article as user friendly as possible.

Mr. Happer explained the changes in article IX pertaining to the initiative referendum and citizen referendum, and that a citizen referendum can be a repeal of an existing ordinance, a new ordinance, or changing an existing ordinance. He outlined the initiation of a petition, reviewed the process of submitting the petition, city clerk involvement regarding petition submittal, and explained the process of the final petition that includes verification of petition signatures.

Discussion followed on the experience with the most recent referendum petition, the previous petition being denied because of the interpretation of the language in the charter, challenges in going through the process, testing the process, section 9.01, the number of states that do not permit citizen initiatives, making the charter simpler by referring citizens to state law, and adding the word “final” before the word “petition” to section 9.03(d) as was previously discussed by the CRC.

Ms. Balducci **moved** to add the word “final” before the word “petition” to section 9.03(d). **Seconded** by Mr. Paolillo. MOTION CARRIED ON VOICE VOTE UNANIMOUSLY.

There was a brief discussion on articles X and XI.

Mr. Happer emphasized article XII is for city council to go through and update as needed, and that CRC recommended council delete sections 12.04 and 12.07 because they are obsolete provisions and can be removed by resolution.

Discussion followed regarding staff drafting the proper document to remove sections 12.04 and 12.07 from the charter.

Mr. Boone passed the gavel to Mayor Holic.

Mayor Holic queried the council on a possible motion.

Mr. Carlesimo **moved** city council direct staff to remove sections 12.04 and 2.07 from the charter. **Seconded** by Mr. Sherman. MOTION CARRIED ON VOICE VOTE UNANIMOUSLY.

Mayor Holic passed the gavel to Mr. Boone.

Mr. Boone stated subpart B was obsolete and was deleted, section 12.08 addresses deletion of

obsolete schedule items, and noted sub part B is not part of article XII.

Discussion followed regarding retirement pension and insurance plan on page 29, and sub part B being inconsistent with articles in the charter.

Mr. Boone stated this completes the charter with the exception of council compensation and scriveners errors, explained the CRC rationale that scriveners errors could be changed without a referendum, and pointed to the list of errors.

Discussion followed regarding “qualified electors” being a term used in state statute, having Mr. Persson review all the scriveners errors, and the level of scriveners errors.

Mr. Happer distributed a handout on council compensation, explained the committee was looking toward the future and number of hours worked by councilmembers, the committee voted for a 20% increase, stated the inflation increases from 2004 until 2014 was 24.7%, the importance to have an incentive to attract the best and brightest to serve the city, and noted council/commission salaries of other municipalities.

Discussion followed on the philosophy of voters, using the term inflationary effect in the referendum, selective language to increase the compensation, whether to base salaries on population, whether CRC should change the manner of the increase before making a recommendation to council, cost to be a councilmember, justifying the compensation increase, newspaper support of the last increase, the recommendation coming from the CRC, having the committee promote the increase, the increase affecting new council members not sitting councilmembers, expenses to councilmembers outweighing the income, changing the commission recommendation to \$15,000 for councilmembers and \$20,000 for the mayor, and when to start the compensation increase.

Mr. Happer **moved** to amend the recommendation that council salaries be increased to \$15,000 per year for council members and \$20,000 per year for the mayor. **Seconded** by Mr. Shanika.

Discussion ensued regarding councilmembers dealing with this issue, whether the public knows that councilmembers really make \$4 per hour, previous referendum to take away health insurance without a rate increase, whether there is a plan to educate the public on the compensation recommendation, the difference between the mayor and council salaries being too great, using the hourly rates to convince the public, potential lawsuits from previous councilmembers, justifying the hours worked, the true motivation in running for office, citizens on fixed incomes, making the increase a more modest amount, the work and preparation in fulfilling mayoral duties, organizations wanting the mayor to appear at functions, demands on the mayor’s time, \$2,000 being a reasonable increase amount, whether to have the referendum with the county in March, having another group to educate the public on the recommendation, tying the increase in with costs, previous attempts at an increase to council salary compensation, wording for referendum, adding verbiage to the charter pertaining to increases based on the Consumer Price Index, decreasing the motion increase, possibly having a community group supporting the effort, the community group that analyzed the city budget, the press supporting the initiative in 2004,

number of events that council is invited to attend, cost of attending the events, not characterizing attendance as a chore, people not wanting to serve knowing it costs them money to serve, and candidates lending themselves funding for their campaign.

Mr. Boone restated the motion.

ROLL CALL: Mr. O’Connell, NO; Mr. Paolillo, YES; Mr. Boone, NO; Ms. Balducci, NO; Mr. Happer, YES; Mr. Shanika, NO. MOTION FAILED.

Mr. Boone noted recommendation previously made for a 20% increase still stands.

Mr. Boone thanked the committee members for their hard work and participation and commented on the composition of the committee. Mr. Shanika thanked councilmembers for all their participation in meetings and commented on the educational aspect of learning city operations.

Mr. Boone passed the gavel to Mayor Holic.

Mayor Holic and council thanked the entire committee for their hard work and recommendations.

IV. ADJOURNMENT

There being no further business to come before the Council and Committee, the meeting was adjourned at 4:33 p.m.

ATTEST:

Mayor – City of Venice

City Clerk