



**AGENDA
CHARTER REVIEW COMMITTEE
REGULAR MEETING
OCTOBER 22, 2019
3:00 PM
CITY COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034**

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

3.1 The minutes from the October 1, 2019, meeting are presented for approval.

4. OLD BUSINESS

5. NEW BUSINESS

5.1 **PRESENTATION - FLORIDA LEAGUE OF CITIES.** *Lynn Tipton and Shwanda Barnette of the FLC U will give a presentation on municipal charters.*

5.2 **PRESENTATION - 2007 CHARTER REVIEW MEMBERS.** *Members of the 2007 Charter Review Committee will be available to discuss the process and answer questions.*

6. PUBLIC COMMENT

7. NEXT MEETING DATE

7.1 The next meeting of the Charter Review Committee is scheduled for November 26, 2019.

8. ADJOURNMENT

All members of the public are invited to be present and be heard. Persons with disabilities requiring accommodations in order to participate in this program or activity should contact the City Clerk at (904) 310-3115 or TTY/TDD 711 (for the hearing or speech impaired). All interested parties may appear at said meeting and be heard as to the advisability of any action, which may be considered with respect to such matter. For information regarding this matter, please contact the City Attorney.

1. **Call to Order**
2. **Roll Call/Determination of Quorum** – The meeting was called to order at 3:01 pm.

Council Members Present

Bradley Bean	Tammi Kosack
Richard Clark	Jon Lasserre
Margaret Davis	Kevin McCarthy
Arlene Filkoff	

Others Present

Tammi Bach, Board Attorney
Katie Newton, Recording Secretary

City Attorney Bach called the meeting to order.

3. **Approval of Minutes**

There were no minutes to approve.

4. **Old Business**

There was no old business.

5. **New Business**

5.1 Choose Chair and Vice Chair

City Attorney Bach had the Board members briefly introduce themselves and what they wanted to see in the Charter review process.

Member Bean wants to make sure the Charter is fair and applicable to all citizens.

Member Lasserre suggested that parts of the Charter could use modernization and be written in common language.

Member Clark, a fan of good government, wants to make sure the Charter is used to help the government run well. He was interested in a Citizen's Bill of Rights.

Member McCarthy had no major concerns, but wants to ensure the Charter is citizen-focused.

Member Kosack agreed, and wants to hone in on some ambiguities and inconsistencies.

Member Davis agreed with Member Lasserre regarding language, and thought there may be a need to consider provisions such as recall, citizens' initiatives, and petition referenda.

Member Filkoff had attended many of the meetings of the last review committee and thinks that going through the process on a regular basis is important. Many citizens do not know much about the Charter and governing documents. She is interested in an ethics code.

Member Kosack nominated Member Clark to be Chair, but Member Clark wished to defer. Member Bean nominated Member Filkoff.

A motion was made by Member Bean, seconded by Member Clark, to appoint Member Filkoff to the Chair position. The motion passed unanimously.

A motion was made by Member Kosack, seconded by Member Bean, to appoint Member Clark as Vice Chair. The motion passed unanimously.

5.2 Set Meeting Dates

City Attorney Bach explained that the current time and day for meetings did not fit well for the Chambers availability, because many workshops took place at 5:00pm and the Committee would need at least two working hours to conduct business.

The Committee selected the fourth Tuesday of the month at 3:00pm to conduct future meetings.

5.3 Review of Sunshine Law & Public Records

City Attorney Bach presented a PowerPoint on the basics of the Sunshine Law, Public Records, and reminded the members not to accept gifts over \$25. A longer session takes place yearly in March with all members welcome to attend.

5.4 Introduction to the Charter Review Process

City Attorney Bach explained that the Committee should decide how they wanted to tackle the review process. Member Lasserre previously chaired the port charter review, and he said that they had broken down for a certain amount of sections to be discussed each meeting. CA Bach said that 7 meetings would run through April, with a draft report in May.

Member Davis noted that the Florida League of Cities recommends dividing into 10 subject areas. Member Clark wanted to lay out the discussion for all the meetings. Member Davis asked about inviting experts. CA Bach stated that she has contacts who may be able to come speak, or she can distribute written information on trends. Chair Filkoff asked for an overview from the previous committee because she does not want to do this in a vacuum.

Ms. Suanne Thamm, 404 Broome Street, was a previous committee member and Chair Filkoff asked her to speak on her experiences. Ms. Thamm appreciates Member Lasserre's thoughts on modernization. Last time, they brought someone in from the Florida League of Cities to discuss trends. They had talks on a strong mayor form of government, and sessions on the charter officers, city staff, and for the Commission to come in and give feedback. Some areas are more problematic than others, like separating the duties of elected officials from city staff and commission interference in advisory boards. She said the previous committee was focused on ethics and a citizens' bill of rights, but both were denied.

Member Kosack asked if they had been given reasons for why any items were denied. Ms. Thamm stated that she thinks the Commission at the time was interested in keeping the status quo. She thinks election changes might be good options, and gave the examples of removing groups and possibly adding ranked choice.

Member Clark asked about term limits, and Ms. Thamm stated that they tried to get rid of term limits but that when it went to the voters they turned that down.

Chair Filkoff suggested that the first step was for the Committee to hear from the Florida League of Cities and Member Lasserre suggested hearing from members from the 2007 committee. It was decided that those topics would be covered at the next meeting, and that the November meeting should cover the Citizen's Bill of Rights and first eight sections of the Charter.

There was a discussion on setting a time limit for meetings. It was decided that meetings should try to stay within two hours, but the Board could decide to go longer if they felt it was needed.

They also discussed the possibility of some evening workshops, and a joint meeting with the Commission in the next year.

5.5 Introduction to the City of Fernandina Beach Charter

The Board felt they had covered this topic in the discussion previously.

6. Public Comment

There were no public comments.

7. Next Meeting Date

The next meeting date will be October 22, 2019, at 3:00pm.

Vice Chair Clark asked for a place where all Charter Review Agendas and backup materials could be stored and CivicClerk was discussed. Recording Secretary will send out instructions on how Board can access their accounts.

8. Adjournment - There being no further business to come before the Code Enforcement and Appeals Board, the meeting was adjourned at 4:12 p.m.

Katie Newton, Recording Secretary

Arlene Filkoff, Chair

Fernandina Beach: City Charter Review



Florida League of Cities University
October 22, 2019



Municipal Charters in Florida

- All charters are unique; haven't found any two identical
- 412 cities, towns and villages – all have a charter
- Goal for today: discuss charter review roles, municipal characteristics in Florida, and compare Fernandina Beach using statistics



Charters

- Like a Constitution – broad framework
- Explains the vision, mission and structure of the municipality
- Explains how the representatives will be elected; chain of command and fiscal authority
- Details are by ordinance (law) and policies
- Short: 8 to 10 pages in length



Charter Review Committees

- Some are created by charter with specific appointment terms
- Some are created by ordinance, or at the request of a city council; varies widely across Florida's municipalities
- Committee is usually tasked with a time-specific review, assisted by counsel, and to bring back any recommendations to the council
- The council may choose to place items directly on the ballot based upon recommendations of the counsel and committee
- The role of citizens in this process is crucial: representation of the public; ability to weigh issues and to understand the charter's importance as the city's governing foundation



Common Charter Elements

- Preamble
- Boundaries
- Legislative Body
- Form of Government
- Charter Officers (positions described)
- Fiscal and Fiduciary Authorities and Responsibilities
- Amendment Process



Comparable Charter Characteristics: Legislative

- Size of Council or Commission: five (5) members is most common; some seven (7) and some (6) where mayor is non-voting
- Length of term: two- and four- year terms are fairly evenly spread across 412; smaller percentage use three-year term
- Type of election per council seat: at-large; single-member district (SMD); elected seat with at-large voting; true at-large; some councils are mix of at-large and SMD
- Selection of mayor: 3 options: elected at large; elected from within the council; rotational



Forms of Municipal Government in Florida

- **Council-weak mayor:** original form brought over from England; council shares all powers; about 85 Florida cities with populations less than 25,000
- **Council-strong mayor:** an elected executive implements council actions and administers the city; about 45 Florida cities in all populations
- **Commission:** each elected official oversees one or more departments autonomously; come together as legislative body. About 2 Florida cities have this
- **Council-Manager or Commission-Manager:** professional manager appointed by mayor & council to administer city, prepare agenda and recommend actions to council, and present a budget each year; about 280 Florida cities of all populations
- **Hybrid:** elements of the above



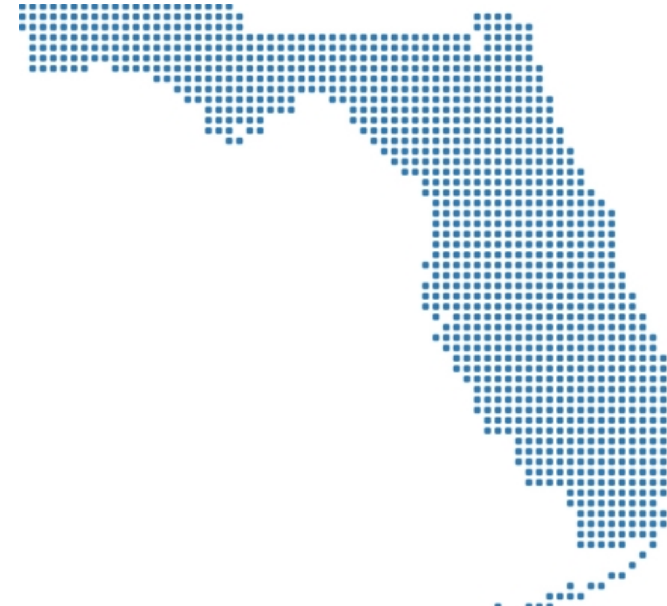
Fernandina Beach: Comparisons

- Using population 11,328 to 14,489: 20 cities meet that factor
- Geography: 11 are coastal; 9 interior. 1 rural; 3 urban; 17 suburban
- 19 are Council-Manager or Commission-Manager; 1 Council-Strong Mayor; 0 Commission; 0 Council-Weak Mayor
- Sizes of council: 18 with 5; 2 with 7; 1 with 8
- *Should also compare scope of services if any charter elements are compared more deeply*



Fernandina Beach: Chart of Comparisons

	A	B	C	D
1	Municipality (County)	Popul. 2018	Notes on Form	
2	Cocoa Beach (Brevard)	11,328	C-M; 5 seats; m direct	
3	Lantana (Palm Beach)	11,397	C-M; 5 seats; m direct	
4	Orange City (Volusia)	11,720	C-M; 7 seats; m direct	
5	Holly Hill (Volusia)	22,958	C-M; 5 seats; m direct	
6	Lake City (Columbia)	12,322	C-M; 5 seats; m direct	
7	Minneola (Lake)	12,348	C-M; 5 seats; m direct	
8	Gulfport (Pinellas)	12,544	C-M; 5 seats; m direct	
9	North Palm Beach (Palm Beach)	12,596	C-M; 5 seats; C elects m	
10	South Miami (Miami-Dade)	12,664	C-M; 5 seats; m direct	
11	South Daytona (Volusia)	12,703	C-M; 5 seats; m direct	
12	Fernandina Beach (Nassau)	12,761	C-M; 5 seats; C elects m	
13	Wilton Manors (Broward)	12,831	C-M; 5 seats; m direct	
14	Key Biscayne (Miami-Dade)	12,887	C-M; 7 seats; m direct	
15	Florida City (Miami-Dade)	13,076	C-M; 5 seats; m direct	
16	Panama City Beach (Bay)	13,099	C-M; 5 seats; m direct	
17	Destin (Okaloosa)	13,289	C-M; 8 st, m no vote; direct	
18	Palmetto (Manatee)	13,307	C-SM; 5 co., m direct EE	
19	Atlantic Beach (Duval)	13,570	C-M; 5 seats; m direct	
20	St. Augustine (St. Johns)	14,021	C-M; 5 seats; m direct	
21	Miami Springs (Miami-Dade)	14,192	C-M; 5 seats; m direct	
22	Oldsmar (Pinellas)	14,489	C-M; 5 seats; m direct	
23	Key:			
24	C-M is Council-Manager			
25	m is mayor - lower case			
26	EE is elected executive mayor			
27	C-SM is council-strong mayor			



Best Practices in Charter Reviews

- Appointing representative citizens
- Holding several public forums for discussion (especially if referendum is scheduled)
- Use of website for agenda, minutes of meetings, display of current and proposed language – can help engage citizens
- If referendum is scheduled, develop “FAQ” for website
- Consider partnering with other civic organizations to help with forums, public discussions – reach out and include these groups



What to Avoid

- Charter powers/authority granted to more than one entity
- Confusing language in elections section – usually in qualifications
- Writing too much: less is better



Charter Trends in Florida

- **Form of government:** trend since 1950s toward the council-manager and commission-manager form of government (including new incorporations)
- **Charter reviews:** 10 to 15 years is widely seen



Charter Review: Questions to Consider

- From the 2008 eighth edition of the *Model City Charter*:
- Is the charter reflective of the city's current population?
- Is the council representative of the population, both resident and business?
- Does the charter address responsible professionalism, and do it adequately?
- Has the city provided opportunities for citizen participation in the process?
- Is the city engaged in civic education about the charter (web site, for example)?



Resources

- The *Model City Charter*- National Civic League
- www.ncl.org – *use their questions, not language*
- Charters in FL: www.municode.com/library select FL and view list of codified city charters
- FLC Research: CMRI tab on FLC website for Peer City information



Questions and Discussion

Thank you for including the
Florida League of Cities
in your process!

