



**Charter Review Commission
February 15, 2021
Council Chambers
6:00 PM**



- I. Call to Order
- II. Pledge of Allegiance
- III. Approval of Minutes
 1. Approve the CRC Minutes of January 19, 2021
- IV. Old Business
 1. Recap of Issues
 2. Memorandum to City Attorney - Outstanding Issues
- V. Public Period
- VI. Decisions
 1. Mayoral Succession Amendment
 2. Term Limit Impact on Mayor and Councilmembers
- VII. Recommendations
- VIII. Staff Presentations or Work Sessions
- IX. Discussion or Other Items Board Deems Appropriate
- X. Adjournment

More than one member of the City Council may be present and speak at this meeting.

Notice: Any person who desires to appeal any decision made at this meeting or hearing will need a record of the proceedings and, for this purpose, may need to ensure that a verbatim record of the proceedings is made which includes testimony and evidence upon which the appeal is to be based. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's office (407-539-6219) 48 hours in advance of the meeting.

MEETING DATE		AGENDA
February 15, 2021		Section: Old Business
Department/Office : Administration	AGENDA REPORT	Item #: 1.
Subject: Recap of Issues		
Requested Action or Motion: Review of Resolved and Outstanding Issues		
Summary Explanation & Background: Attached are two documents, one is the outstanding issues still under consideration and the other is issues the CRC has decided not to pursue and are considered resolved. The table of resolved issues will be included as an exhibit to the final report.		
Fiscal Impact: None		
Exhibits: 1. Resolved Issues 2. Charter Review Tracking 2020 021521		
Commission/Board: City Council		
Contact Person: Sharon Anselmo, City Manager 407-539-6221		
Reviewed by City Attorney N/A		

MEETING DATE		AGENDA
February 15, 2021		Section: Old Business
Department/Office : Administration	AGENDA REPORT	Item #: 2.
Subject: Memorandum to City Attorney - Outstanding Issues		
Requested Action or Motion: Review of memorandum from City Manager to City Attorney.		
Summary Explanation & Background: Attached are six questions the Commission are still considering. The City Manager drafted a memorandum, to include draft amendment question and change in strike through and underline when possible.		
Fiscal Impact: None.		
Exhibits: 1. CM to CA CRC Questions 020221		
Commission/Board: City Council		
Contact Person: Sharon Anselmo, City Manager 407-539-6221		
Reviewed by City Attorney N/A		

MEETING DATE		AGENDA
February 15, 2021		Section: Decisions
Department/Office : Administration	AGENDA REPORT	Item #: 1.
Subject: Mayoral Succession Amendment		
Requested Action or Motion: Provide direction on the Mayoral Succession Amendment.		
Summary Explanation & Background: Attached is an amendment drafted by the City Attorney to resolve the conflict in the mayoral succession process outlined in Section 2.03 - <i>Mayor</i>. The conflict was within the aforementioned section, where the paragraph initially states the Vice Mayor will serve the unexpired term, but at the end of the section states a new Mayor would be selected at the next regular election. A review of the 2012 Charter Review Commission report and ordinance 1232 indicates the intent was for the Vice Mayor to only serve until the next election: City Charter Amendment 9: FILLING MAYOR'S VACATED SEAT. <i>Shall the Maitland Charter be amended to require that in the event that a Mayor's seat is vacated, election of a new Mayor shall take place at the next scheduled municipal election?</i> The ordinance language which was drafted to implement the question failed to remove the conflicting language and simply added the underlined language: <i>Sec. 2.03 - Mayor.</i> <i>At each regular election, a mayor shall be elected for a term of three (3) years. The mayor shall be a member of the council. In addition, he shall preside at meetings of the council, shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties. The council shall select from among its members a vice mayor who shall act as mayor during the absence or disability of the mayor and, if a vacancy occurs, shall become mayor for the remainder of the unexpired term. <u>If the Mayor's seat is vacated during his/her term of office, then a new Mayor shall be elected at the next scheduled municipal election.</u></i> The attached amendment removes the conflicting language, and also addresses the following: 1. The Vice Mayor's term cannot be extended by serving as Mayor. For example, if the Vice Mayor's term ends on 4/11/21 because he/she is termed out, and the vacancy occurs after qualifying (meaning the next regular election is in 2022), the Vice Mayor's term still ends on 4/11/21 and a different member of Council would need to be selected to fill the Mayor's seat until the 2022 election. 2. If the vacant term expires before a replacement is selected, a mayoral term will commence and at the		

next regular election and the elected Mayor serves the balance of the remaining term. For example, if the Mayor's term ends on 4/11/21 but the vacancy occurred after qualifying for the 2021 election, the new Mayoral term would commence on 4/12/21 and the Vice Mayor would serve as Mayor until the next regular election in 2022. The new Mayor would be seated in 4/2022, and would only serve the balance of the term (two years would be left).

3. Clarifies in Section 2.06 that it is only addressing a City Council member's vacancy.

Staff is requesting Commission input and direction on the draft amendment language.

Fiscal Impact:

None.

Exhibits:

1. Vice Mayor Succession Amendment (JJS ^M CBS)

Commission/Board: City Council

Contact Person: Sharon Anselmo, City Manager 407-539-6221

Reviewed by City Attorney

N/A

MEETING DATE		AGENDA
February 15, 2021		Section: Decisions
Department/Office : Administration	AGENDA REPORT	Item #: 2.

Subject:

Term Limit Impact on Mayor and Councilmembers

Requested Action or Motion:

Provide Direction on Term Limit Impact on Mayor and Councilmembers.

Summary Explanation & Background:

Attached is the City Attorney's opinion on how the Charter impacts a Mayor and Councilmembers ability to run for future office after terming out. The final conclusions are that based on section 2.06 below is how they are impacted:

An Outgoing Councilperson:

1. May immediately run for mayor regardless of the date of election. (Sec. 2.01(f)).
2. May not run for or be appointed to the council, other than the mayor's seat, until one regular election has passed since vacating their council seat. (Sec. 2.01(d)).
3. Can reduce the waiting period by resigning prior to the final regular election held during their second term. (Sec. 2.01(d)). For example, a termed-out councilmember may resign on March 1, prior to a regular election on March 2, and then be eligible to be appointed to or run for council.

An Outgoing Mayor:

1. May not run for or be appointed to any seat on the council until at least one regular election has passed since leaving the council. (Sec. 2.01(c)).
2. May reduce the waiting period to run for council by resigning prior to a regular election qualification period. (Sec. 2.01(d)). For example, a termed-out mayor may resign on December 10, prior to the beginning of qualification for a March election, and be eligible to run for council following the March election.
3. Cannot reduce the waiting period to be eligible to run for mayor by resigning before the end of his/her term because a mayoral candidate is deemed to have completed the entirety of any second consecutive term regardless of how much of that term is actually served. (Sec. 2.01(f)).

In reviewing both the report prepared by the 2012 CRC in reference to changes to this section, it was the intent of the CRC that their intent was not accomplished by the Charter changes drafted by the City Attorney based on his interpretation above. Below is the relevant section of the report (attached see pages 2 and 3 for full summary of section 2.01 discussions):

"The second set of issues identified by the Commission related to the interpretation of the term limit provisions of the Charter. This issue was discussed throughout the process. Commissioners identified concerns related to (1) the impact of a resignation on a

person's ability to run for future office; (2) the interpretation of existing charter provisions; (3) the required waiting period between elections for purposes of interpreting or clarifying the term limit provisions; and (4) whether or not it was appropriate to distinguish between the positions of Council member and Mayor in term limit restrictions. Some of these discussions involved Commissioners' concerns about the City Attorney's recent interpretation of Section 2.01 relative to eligibility for a candidate for the position of Mayor to stand for election. There was unanimity among the Commission in terms of the appropriateness of distinguishing between Mayor and Council Member positions when addressing eligibility and term limit matters. The Commission recommends that the two-term limit requirement for Mayor be retained. The Commission recommends, however, that Council members running for election for Mayor not be prohibited from running for Mayor due to their prior service on Council. This change eliminates what has been perceived to be a distinguishing characteristic between certain of the Council seats - a characteristic that some members of the Commission perceived to be fundamentally unfair. The proposed language clarifies that once a Mayor has served two terms, the Mayor must sit out one full election cycle before standing for election.

To further clarify the Commission's intentions, the Commission recommends clarifying that a Mayor that resigns or vacates the office shall be deemed to have completed the full term of such office through the last day of the three (3) year term regardless of the time served."

It appears the 2012 CRC wanted to accomplish the following:

1. A councilmember who is termed out has no waiting period to run for the office of Mayor.
2. A mayor who is termed out must wait one full election cycle before standing for election. It does not make sense that this would be referring to the Mayoral election cycle, since a termed out Mayor is ineligible by term limits to run in that election. It makes more sense that the "election cycle" they were referring to was the next election for City Council (not Mayoral) seats.
3. In the event that a termed out Mayor would try to skirt term limits by resigning and sitting out the Mayoral election to count as the one election cycle they have to sit out, a Mayor who resigns is deemed to have completed the full term through the last day.

The language on the ballot reads as follows:

City Charter Amendment 3: CLARIFICATION OF MAYORAL TERM LIMITS.

Shall the Maitland Charter be amended to provide clarification that the City's two (2) consecutive term limit in office renders a Mayor who has served two (2) consecutive terms as Mayor ineligible to run for office of City Council Member at the next City election?

The questions posed to the voters and which they approved, related to running for office of City Council Member at the next City election (item No. 2 above). The amending language drafted by the City Attorney appears to be consistent and is outlined below (the added language is underlined).

(c) Term of office. The term of office of any person elected to the city council or mayor at any general election held in the city shall be for a period of approximately three (3) years and shall commence and begin on the fourth Monday in April of the year elected. Consecutive terms of any member of the city council and the mayor shall be limited to two (2) consecutive terms in office, either as mayor or council or any combination thereof. Additionally, if the mayor has served two (2) consecutive terms in office as mayor, the mayor shall be ineligible to run for the office of city council member in the next regular city election. The time served by a person appointed, or elected to fill a vacancy on city council shall not constitute a full term of office if such time served does not exceed two (2) years. For the purpose of determining whether a candidate qualifies for office, office the time served by a member

of city council or mayor who resigns or otherwise vacates office shall constitute a complete term in office regardless of the time served.

The next question posed to the voters and which they approved, related to a Mayor who resigned early (item No. 3 above). The amending language does not appear to be consistent with the intent outlined in the report, however this is the section that the City Attorney is basing his opinion on for an outgoing Mayor being able to reduce the waiting period by resigning early (specifically the language highlighted).

City Charter Amendment 6: EFFECT OF MAYOR'S RESIGNATION REGARDING ABILITY TO RUN FOR OFFICE IN TERM AFTER RESIGNATION.

*Shall the Maitland Charter be amended to provide interpretation and clarification that for the purpose of determining whether a candidate for mayor has served two (2) consecutive terms, **any candidate for mayor** who has resigned or otherwise vacated the mayor's office during the immediately prior term shall be deemed to have completed the full term of such office through the last day of the three (3) year term of such office regardless of the time served?*

The question applied only to a "candidate for mayor" who resigns the mayor's office early, not a candidate for a City Council seat (which is the election that follows the mayor's election" and therefore the effect does not apply to a Mayor who resigns early to run for the next City Council seat.

It appears that the City Attorney's interpretation allows scenarios that the prior CRC was trying to correct and that the language and intent need to be clarified and an amendment drafted to accomplish that intent. Attached is proposed language drafted by Commissioner Lowndes for review and direction.

Fiscal Impact:

N/A

Exhibits:

1. City Attorney Memo - Mayoral Term Limits
2. JPL proposed Charter revision 2
3. Charter Review Report 2012

Commission/Board: City Council

Contact Person: Sharon Anselmo, City Manager 407-539-6221

Reviewed by City Attorney
Attached memorandum from City Attorney's Office.