



**Charter Review Commission
May 3, 2021
Council Chambers
6:00 PM**



- I. Call to Order
- II. Pledge of Allegiance
- III. Approval of Minutes of Previous Meetings
 1. Approve the CRC meeting minutes of March 29, 2021
- IV. Old Business
- V. Public Period
- VI. Decisions
- VII. Recommendations
- VIII. Staff Presentations or Work Sessions
 1. Draft Final Report
- IX. Any Other Business the Board Deems Advisable
- 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
May 3, 2021		Section: Approval of Minutes of Previous Meetings
Department/Office : Administration	AGENDA REPORT	Item #: 1.
Subject: Approve the CRC meeting minutes of March 29, 2021		
Requested Action or Motion:		
Summary Explanation & Background:		
Fiscal Impact:		
Exhibits: 1. CRC Meeting Minutes 32921		
Commission/Board: Other		
Contact Person: Kathy Sotero, Deputy City Clerk 407-539-2307		
Reviewed by City Attorney		



**Charter Review
Commission Minutes
March 29, 2021
Council Chambers
6:00 PM**



I. CALL TO ORDER

Chairman Randolph called the meeting to order at 6:05 PM. Present were Commission Members Lowndes, McIver, and Simasek; City Manager Anselmo, Assistant City Manager Reggentin, and City Clerk Waldrop. Also present were Mayor McDonald and Councilmember Guthrie. Commission member Grafton was unavoidably absent.

II. PLEDGE OF ALLEGIANCE

Chairman Randolph led the Pledge of Allegiance.

III. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

1. APPROVE THE CHARTER REVIEW COMMISSION MEETING MINUTES OF MARCH 15, 2021

A motion was made by Member McIver to approve the minutes as presented from the March 15, 2021 meeting. The motion was seconded by Member Lowndes. Motion passed unanimously.

IV. OLD BUSINESS

The City Manager advised the Commission that after further review by the City Attorney the qualification period for the Presidential Preference Primary is no longer an issue and the question will be on the ballot.

V. PUBLIC PERIOD

Chairman Randolph opened the Public Period. There being no one who wished to be heard, Chairman Randolph closed the Public Period.

VI. DECISIONS

1. CHARTER AMENDMENT - GENDER NEUTRAL LANGUAGE

The City Manager stated at the meeting of October 5, 2020, CRC reviewed Articles I-III of the Charter and recommended adding gender-neutral language to the Charter and that the City Attorney has drafted recommended language along with staff recommendations for your review. The City Manager also answered questions posed by the Commission.

Chairman Randolph requested public comment. Mayor McDonald, 108 Tangelo Court, asked how this question will appear on the ballot. There being no further public comment, Chairman Randolph closed the public comment period.

A motion was made by Member Simasek to recommend the City of Maitland's Charter be amended to replace gender reference with gender-neutral language. The motion was seconded by Member Lowndes. **Motion passed unanimously.**

2. CHARTER AMENDMENT - MAYORAL SUCCESSION

The City Manager stated that at the meeting of October 5, 2020, the Charter Review Commission (CRC) reviewed Articles I - III of the City Charter. During this discussion, the CRC recommended clarifying the effect of a vacancy in the office of the Mayor and succession of the Vice Mayor. Currently, the charter language is inconsistent in Section 2.03, indicating that a Vice Mayor would serve as Mayor for the remainder of the unexpired term, and a new Mayor would be elected at the next regular municipal election. At the meeting of January 19, 2021, the CRC reviewed the City Attorney's draft language for the mayoral succession amendment and asked staff to make some changes to the proposed charter language. The City Manager answered questions posed by the Commission.

Chairman Randolph requested public comment. Mayor McDonald, 108 Tangelo Court, and Councilmember Guthrie, 1504 Druid Isle Road, addressed their concerns and requested clarification. There being no one else who wished to be heard, Chairman Randolph closed the public comment period.

After discussion, a motion was made by Member Simasek to table this item to the next meeting. The motion was seconded by Member Lowndes. **Motion passed unanimously.**

3. CHARTER AMENDMENT - CLARIFICATION OF TERM LIMITS

The City Manager stated that at the meeting of October 5, 2020, the Charter Review Commission (CRC) reviewed Articles I - III of the City Charter. During this discussion, the CRC recommended clarifying the waiting period for the Mayor and Councilmembers who have served two consecutive terms. The City Attorney provided the attached memorandum outlining how the current language would impact a Mayor or Councilmember who was termed out. On February 15, 2020, the CRC reviewed draft language provided by Commissioner Lowndes. The Commission provided direction to staff to revise the language so that the term limits applied to a termed out Mayor or Councilmember are the same (one year after the end of that person's last term). The City Manager answered questions posed by the Commission.

Chairman Randolph requested public comment. Mayor McDonald, 108 Tangelo Court, supports the revised language clarifying the waiting period for Mayor and Councilmember (one year after end of that person's last term). There being no one else who wished to be heard, Chairman Randolph

closed the public comment period.

After discussion, a motion was made by Member Lowndes to recommend the City of Maitland's Charter be amended to clarify the waiting period for Mayor and Councilmember who has served two consecutive terms. The motion was seconded by Member McIver. **Motion passed unanimously.**

4. CHARTER AMENDMENT - ELECTED OFFICIALS COMPENSATION

The City Manager stated that at the meeting of October 5, 2020, the Charter Review Commission (CRC) reviewed Articles I - III of the City Charter. During this discussion, the CRC recommended that the compensation of elected officials be updated to the current salaries as adjusted for changes in the Consumer Price Index (CPI). The language was drafted by the City Attorney and reviewed at the March 15, 2021 CRC meeting. At that time the CRC provided direction to staff to remove the provision for decreases to the elected officials' salaries based on decreases in the CPI, either by amending the question or drafting another question. Based upon discussion with the City Attorney, these items are separate decision items - as one simply updates the dollar values with no actual change to how salaries are calculated or set and the other question will impact how future salaries are calculated. Attached are staff's recommended changes, including the City Attorney's recommendations along with some additional administrative clean up.

Chairman Randolph requested public comment. There being no one who wished to be heard, Chairman Randolph closed the public comment period.

After discussion, a motion was made by Member Simasek that question #1 Update Elected Officials Salaries to reflect Consumer Price Index changes be removed and to recommend the City of Maitland's Charter be amended to eliminate the provision for decreases to future elected officials salaries for decreases in the Consumer Price Index. The motion was seconded by member McIver. **Motion passed unanimously.**

5. CHARTER AMENDMENT - APPOINTMENTS AND REMOVALS

The City Manager stated that at the meeting of October 5, 2020, the Charter Review Commission (CRC) reviewed Articles I - III of the City Charter. During this discussion, the CRC expressed concerns that Section 2.05 (b) Appointments and removals, could prohibit a member of Council from discussing the appointment or removal of an officer or employee with anyone other than the City Manager. Potentially, this could lead to a Charter violation for a member of Council who might discuss the appointment or removal of an officer or employee with a resident or other members of the public. This question was posed to the City Attorney's office via memorandum and was addressed in the City Attorney's response discussed at the CRC meeting of March 15, 2021. The City Manager answered

questions posed by the Commission.

Chairman Randolph requested public comment. There being no one who wished to be heard, Chairman Randolph closed the public comment period.

A motion was made by Member Lowndes to recommend the City of Maitland's Charter be amended to clarify that councilmembers are not prohibited from discussing the appointment or removal of city administrative officers and employees with persons other than the City Manager. The motion was seconded by Member Simasek. **Motion passed unanimously.**

6. CHARTER AMENDMENT - PUBLIC NOTICE FOR HEARING REGARDING FORFEITURE OF OFFICE

The City Manager stated that at the meeting of October 5, 2020, the Charter Review Commission (CRC) reviewed Articles I - III of the City Charter. During this discussion, staff brought up the concern that due to the reduction in newspaper circulation and the increasing cost of ads, posting the notice prominently on the City's website may be more cost-effective. The City Attorney provided the attached question and amended language in his memorandum presented to the CRC at the meeting of February 15, 2021. The City Manager stated that after further research, she recommends the proposed question not be considered.

Chairman Randolph requested public comment. There being no one who wished to be heard, Chairman Randolph closed the public comment period.

After discussion, a motion was made by Member Simasek to disregard this question. The motion was seconded by Member Lowndes. Motion passed unanimously.

7. CHARTER AMENDMENT - RUN OFF ELECTIONS

At the meeting of November 16, 2020, the Charter Review Commission (CRC) reviewed Articles IV - VIII of the City Charter. During this discussion, City Clerk Maria Waldrop brought up the concern with a potential run-off election if no candidates receive the majority of the votes. The additional cost of a run-off election would be approximately \$25,000. The alternative method is to establish that the candidate receiving the highest number of votes for an office is elected. While reviewing this section it was also noted there is no method for determining the winner of an election when two or more candidates receive an equal number of votes. The State of Florida authorizes the drawing of lots. The City Manager answered questions posed by the Commission.

Chairman Randolph requested public comment. Mayor McDonald, 108 Tangelo Court, and Councilman Guthrie, 1504 Druid Isle Road, addressed

run-off elections. There being no one else who wished to be heard, Chairman Randolph closed the public comment period.

After discussion, a motion was made by Member Simasek to disregard this question. The motion was seconded by Member McIver. **Motion passed unanimously**

VII. RECOMMENDATIONS

There were no recommendations.

VIII. ANY OTHER BUSINESS THE BOARD DEEMS ADVISABLE

After discussion, upon consensus, the next meeting of the Charter Review Commission will be on Monday, April 5, 2021.

IX. ADJOURNMENT

There being no further business to come before the Commission, the meeting adjourned at 7:33 PM.

CITY OF MAITLAND

Signature

Title

ATTEST:

Signature

Title

MEETING DATE		AGENDA
May 3, 2021		Section: Staff Presentations or Work Sessions
Department/Office : Administration	AGENDA REPORT	Item #: 1.
Subject: Draft Final Report		
Requested Action or Motion: Provide feedback to staff on format of Draft Final Report.		
Summary Explanation & Background: Attached is a draft final report. Areas in gray or yellow will be updated once the Commission has provided staff with feedback regarding the format and content of the report. Question No. 2 has been tabled and staff is still working with the City Attorney to provided updated language.		
Fiscal Impact: None.		
Exhibits: 1. Final Report V1		
Commission/Board: Other		
Contact Person: Sharon Anselmo, City Manager 407-539-6221		
Reviewed by City Attorney Once the tabled item is finalized, the report will be provided to the City Attorney for review before Commission adoption.		



MAITLAND
F L O R I D A

CITY OF MAITLAND CHARTER REVIEW COMMISSION

2020 FINAL REPORT & RECOMMENDATIONS

Submitted to the
Maitland City Council
May XX, 2021

Commission Members

- Bill Randolph, Chair
- John P. Lowndes, Vice Chair
- Sarah Grafton
- Kathleen McIver
- Karen Simasek



CITY OF MAITLAND CHARTER REVIEW COMMISSION

May XX, 2021

The Honorable Mayor John P. Lowndes and
City Councilmembers
City of Maitland, Florida

Dear Mayor and Councilmembers,

Enclosed please find the report of the City of Maitland Charter Review Commission, as authorized by City of Maitland Ordinance No. 1371, adopted by the City Council on June 8, 2020.

The City of Maitland Charter Review Commission held XX public meetings between September of 2020 and May of 2021 to ensure that the City of Maitland's Charter is clear in meaning, addressed the needs of contemporary government, and remains a functional working document that effectively outlines the frame for the efficient operations of city government. We completed a thorough review of each section of the Charter. The Commission hereby submits the enclosed recommendations for review and consideration. These recommendations present thoughtful proposed changes to the Charter that are a result of a collaborative process of the Commission, with careful consideration of input from the City staff and from the public.

I would like to thank the members of the Commission who gave freely of their time and worked to create this document. Throughout the process, the Commission members remained thoughtful of our purpose, respectful to each other and genuinely striving to improve the efficiency and operation of the City of Maitland government. It was an honor for us to serve the City Council and the citizens of Maitland.

Sincerely,

Bill Randolph
Chair, City of Maitland Charter Review Commission



CITY OF MAITLAND CHARTER REVIEW COMMISSION

FINAL REPORT & RECOMMENDATIONS

Executive Summary

On June 8, 2020, the Maitland City Council adopted Ordinance No. 1371 to establish a Charter Review Commission to study Maitland's Charter and make recommendations for amendments to the Council by December 31, 2020. As a result of COVID, the Commission did not meet in person until September of 2020 and the deadline was amended by Ordinance No. 1388 to revise the date to December 31, 2021.

At its first organizational meeting in September, the Commission began a review of the entire Charter and considered issues that were submitted by staff. The issues that were reviewed and resolved are located in Appendix F. A page on the City's website outlines the Charter Review process and provided guidance to residents wishing to participate in the process. The final public meeting was held on XX, 2021 to approve this final report and recommendations.

After XX public meetings, public input, extensive research, and deliberation, the Commission makes five specific recommendations for amendments to the Charter (presented in the order of appearance in which the relevant provisions currently appear in the Charter):

1. Replace gendered reference with gender neutral language;
2. Clarify that upon vacancy of the mayor's office, the vice mayor shall serve as mayor only until the next regularly scheduled election;
3. Clarify the waiting period for a mayor or councilmember who has served two terms will be one year ;
4. Eliminate the provision for decreases to future elected officials' salaries for decreases in the Consumer Price Index; and
5. Clarify that councilmembers are not prohibited from discussing the appointment or removal of city administrative officer and employees with persons other than the city manager.

The following section outlines the above questions and the language changes can be found in the appendices.



RECOMMENDATIONS

Amendment No. 1

GENDER NEUTRAL LANGUAGE

Approved March 29, 2021	Vote: 4 – 0 (1 Absent)
-------------------------	------------------------

Ballot Question:

Shall the City of Maitland’s Charter be amended to replace gendered references with gender-neutral language?

YES _____

NO _____

The Charter Review Commission recommends replacing gendered references with gender-neutral language. The 1998 Charter Review Commission through Ordinance 957, added a sentence to Section 1.02 of the Charter stating “Whenever words used in this charter refer to the masculine gender, they shall include the feminine and neuter gender and vice versa.” The Model City Charter (developed by the National Civic League) eliminates reference to gender. Instead the charter language uses they, their or refers to the title of the position being referenced.

The proposed language is included in the report as Appendix A.

Amendment No. 2

MAYORAL SUCCESSION

Approved	Vote: TABLED
----------	---------------------

Ballot Question:

Shall the City of Maitland’s Charter be amended to provide that in the event of a vacancy in office of the Mayor, the Vice Mayor shall assume the Mayor’s duties until a replacement Mayor is elected and that the voters shall elect a replacement Mayor at the next scheduled municipal election where there is sufficient time for candidates to qualify?

YES _____

NO _____

The language of Section 2.03 of the Charter was not consistent with the intent of the Charter Amendment No. 9 in 2012. The ballot question was:

FILLING MAYOR'S VACATED SEAT.

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?

Ordinance 1232 added a sentence at the end of the section stating “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.” This conflicts with the previous sentence stating that the the Vice Mayor “shall become mayor for the remainder of the unexpired term.” Also not addressed is how a Vice Mayor would return back to the serve the remainder of their term, since the vacancy created and being filled by a resident appointed by the Council also would serve only until the next election.

The proposed language is included in the report as Appendix B.

Amendment No. 3

CLARIFICATION OF TERM LIMITS

Approved March 29, 2021	Vote: 4 – 0 (1 Absent)
-------------------------	------------------------

Ballot Question:

Shall Section 2.01 of the Maitland Charter be amended to clarify that a mayor or councilmember who has served two consecutive terms may not again hold office of mayor or councilmember until one year after the end of that person's last term?

YES

NO

The 2012 Charter Review Commission Report reflects the following:

“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.”

Four ballot questions in 2012 passed related to Section 2.01 of the Charter. The result created confusion between “one full election cycle” and “next election.” The Charter Review Commission recommends clarifying how long a mayor or councilmember must

sit out and also recommends making these consistent, with the exception of a termed out councilperson who may run for the office of mayor without a waiting period.

The proposed language is included in the report as Appendix C.

DRAFT

Amendment No. 4

ELECTED OFFICIALS SALARIES

Approved March 29, 2021	Vote: 4 – 0 (1 Absent)
-------------------------	------------------------

Ballot Question:

Shall the City of Maitland’s Charter be amended to eliminate the provision to decrease the salaries of the mayor and councilmembers for future decreases in the consumer price index?

YES _____

NO _____

The Charter Review Commission recommends eliminating the provision for decreasing mayor and councilmember’s salaries when the consumer price index declines. The CRC felt this is consistent with how salaries are typically treated and in the year that the consumer price index declines, the mayor and councilmembers would receive no increase. The CRC also discussed updating the actual salaries (to reflect the changes over the years), but ultimately decided not to include an update to the amounts. The amount of 250 for the mayor’s salary is currently \$538.45 per month and the amount for a councilmember’s salary is \$358.98 per month.

The proposed language is included in the report as Appendix D.

Amendment No. 5

APPOINTMENT AND REMOVAL OF CITY OFFICERS AND EMPLOYEES

Approved March 29, 2021	Vote: 4 – 0 (1 Absent)
-------------------------	------------------------

Ballot Question:

Shall the City of Maitland’s Charter be amended to clarify that councilmembers are not prohibited from discussing the appointment and removal of city administrative officers and employees with persons other than the City Manager?

YES _____

NO _____

The Charter Review Commission recommends clarifying that members of council are not prohibited from discussing appointments and removals of officers and employees with persons other than the City Manager. The CRC was concerned that as currently written in the Charter, a member of Council who discusses an officer or employees with a resident or anyone other than the city manager, could face a potential charter violation if they mention appointment or removal.

The proposed language is included in the report as Appendix E.

APPENDIX A

GENDER NEUTRAL LANGUAGE

DRAFT

PLACE HOLDER

GENDER NEUTRAL LANGUAGE

DRAFT

APPENDIX B

MAYORAL SUCCESSION

DRAFT

PLACE HOLDER

MAYORAL SUCCESSION LANGUAGE

DRAFT

APPENDIX C

CLARIFICATION OF TERM LIMITS

DRAFT

1 **Question 3: Clarification of Term Limits**

2 Shall Section 2.01 of the Maitland Charter be amended to clarify that a mayor or councilmember who
3 has served two consecutive terms may not again hold office of mayor or councilmember until one year
4 after the end of that person's last term?

5 Sec. 2.01. - Composition, eligibility, election and terms.

6 (a) *Composition.* There shall be a city council of five (5) members ~~that~~^{which} includes the mayor elected
7 by the qualified voters of the city at large.

8 (b) *Eligibility.* Only qualified voters of the city residing within the city limits of Maitland, Florida for a
9 minimum of six (6) months prior to qualifying to run for office, shall be eligible to hold the office of
10 mayor or city council.

11 (c) *Term of office, limits.* The term of office of mayor or councilmember ~~any person elected to the city~~
12 ~~council or mayor at any general election held in the city~~ shall be for a period of approximately three (3)
13 years and shall commence ~~and begin~~ at the second ~~2nd~~ council meeting after the certification of the
14 election. Consecutive terms of a mayor or councilmember ~~any member of the city council and the~~
15 ~~mayor~~ shall be limited to two ~~(2) consecutive terms in office, either as mayor or council or any~~
16 ~~combination thereof. Additionally, if the mayor has served two (2) consecutive terms in office as mayor,~~
17 ~~the mayor shall be ineligible to run for the office of city council member in the next regular city election.~~
18 ~~The time served by a person appointed, or elected to fill a vacancy on city council shall not constitute~~
19 ~~a full term of office if such time served does not exceed two (2) years.~~

20 (d) *Waiting periods after serving two (2) consecutive terms in office.* ~~If a candidate is not eligible to hold~~
21 ~~an office because the candidate has served two (2) consecutive terms in office, one regular city~~
22 ~~election of either mayor or city council (approximately one (1) year), shall have been held before the~~
23 ~~candidate shall be eligible to hold such office either by appointment or election.~~ A person who has
24 served two consecutive terms as a mayor or councilmember may not again hold the office of mayor or
25 councilmember until one year after the end of that person's last term.

26 ~~(e) *Effect of resigned office or vacated office on calculation of mayoral candidate waiting period.* For the~~
27 ~~purpose of determining whether a candidate for mayor has served two (2) consecutive terms, any~~
28 ~~candidate for mayor who has resigned or otherwise vacated the mayor's office during the immediately~~
29 ~~prior term shall be deemed to have completed the full term of such office through the last day of the~~
30 ~~three (3) year term of such office regardless of the time served.~~

31 ~~(f)~~ *Interpretation.* For purposes of determining term limits and waiting periods:

32 (i) One who vacates the office of mayor is deemed to have served to the end of the term
33 vacated;

34 (ii) The time a person serves in a council term vacated by another shall not constitute a term
35 unless the time served exceeds two years;

36 (iii) A year between the end of a term served and the beginning of the term sought will be
37 deemed complete if more than 350 days;

38 (iv) No waiting period applies to a sitting or former councilmember who runs for the office of
39 mayor.

40 ~~It is the intention of this subsection that a candidate seeking the office of mayor, who has served two (2)~~
41 ~~consecutive terms in office as a member of council, but not as mayor, is eligible to seek the office of~~
42 ~~mayor, and, if elected, serve two (2) consecutive terms as mayor. It is the further intention of this~~
43 ~~subsection that a mayor who has served two (2) consecutive terms in office as mayor shall not be~~
44 ~~eligible to be a candidate for a position as a member of the city council without waiting one city election~~
45 ~~cycle.~~

APPENDIX D

ELECTED OFFICIALS COMPENSATION

DRAFT

Question 4: Eliminate Provision to Decrease Elected Officials Salaries Based on Decreases in the Consumer Price Index

Shall the City of Maitland's Charter be amended to eliminate the provision to decrease the salaries of the mayor and councilmembers for future decreases in the consumer price index?

YES _____

NO _____

Sec. 2.02. - Compensation; expenses.

The annual salary of city councilmembers shall be two hundred fifty dollars (\$250.00) per month. The annual salary of the mayor shall be three hundred seventy-five dollars (\$375.00) per month. The annual salaries of city council and mayor shall increase ~~or decrease~~ annually based on the ~~increase~~change in the consumer price index (all urban consumers CPI), not to exceed five (5) percent of the annual salary. Councilmenbers shall receive their actual and necessary expenses incurred in the performance of their duties of office.

DRAFT

APPENDIX E

APPOINTMENTS AND REMOVALS

DRAFT

Question 5: Council Allowed to Discuss Appointment and Removal of City Officers and Employees

Shall the City of Maitland's Charter be amended to clarify that councilmembers are not prohibited from discussing the appointment or removal of city administrative officers and employees with persons other than the City Manager?

YES _____

NO _____

Sec. 2.05. - Prohibitions.

* * *

(b) *Appointments and removals.* Neither the council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the manager or any of his subordinates are empowered to appoint; ~~but the council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees~~ This prohibition does not prohibit councilmembers from fully and freely discussing matters pertaining to the appointment or removal of such officers and employees when not stated as a direction to the city manager or any of the manager's subordinates to appoint or remove one or more officers or employees.

APPENDIX F

MATRIX OF RESOLVED ISSUES

DRAFT

Item	Comment
Sec 1.03 Intergovernmental Relations	Issue: Staff brought up concerns about the term “civil divisions.” Specifically, whether that term would serve as the equivalent of other local governmental agencies (county/city). Resolution: The City Attorney’s office determined that “civil division” provision most likely does not meaningfully limit the City, but the definition is vague and creates some ambiguity. The best reading is that it means “subdivision.” He determined it may be beneficial to change the term to clarify that it applies to all sorts of governmental subdivisions. After discussion, the CRC determined that since Florida Statutes empower the City to enter into interlocal agreements with other political subdivisions, no action is necessary.
Article II – City Council	Issue: A member of City Council inquired if Council could be changed to commission to avoid having to distinguish between the gender of a councilwoman or councilman. Resolution: After discussion, the CRC felt the term Council was preferable to Commission. Instead of Councilman or Councilwoman, the City Council could individually be referred to as “Councilmembers.” This could be handled administratively by staff as opposed to being placed on the ballot.
Sec. 2.01. - Composition, eligibility, election and terms. (b)	Issue: Is a 6 month residency requirement still appropriate for qualifying to run for office? Resolution: Staff prepared a survey of surrounding jurisdictions, where the range of residency requirements are between 0 and 12 months. The CRC felt that 6 months is still appropriate.
Sec. 2.01. - Composition, eligibility, election and terms. (a)	Issue: As the City grows, it may be necessary to move from an at large representation at the Council level to a district model. Resolution: After discussion, CRC determined that the City is not large enough at this time to consider district elections. The CRC recommended that as the City grows, district seats should be

	considered to ensure geographic diversity of representation on the Council.
Sec. 2.01. - Composition, eligibility, election and terms.(c)	Issue: By lengthening terms, overall election costs could be reduced (moving from 3 year to 4 year terms). Resolution: Although overall election costs may be reduced, changing from 3 year to 4 year terms would create the need to have a transitional period of adjusted terms before taking effect. The CRC determined the additional year would probably not have a significant budget impact.
Sec. 2.01 – Composition, eligibility, election and terms. (c)	Issue: Consider whether two consecutive terms of Council or Mayor is still appropriate. Resolution: After discussion, the CRC determined that there was no compelling reason to change term limits at this time.
2.06 – Filling of vacancies (c)	Issue: If a council vacancy is not filled within 30 days, the Charter requires a special election to be held within 90 to 120 days. If we are mid-cycle or in another presidential election cycle, does it make sense to hold off to the next regular election cycle? Resolution: The City Clerk checked with the supervisor of elections who said he did not have a problem with the language, however it would likely be a problem in a Presidential election year. With a vacancy there is a potential for a 2-2 tie to occur and potentially leave a council unable to appoint someone within the allotted time-frame. This has not been an issue in the past and the CRC did not feel there was a compelling reason to place this on the referendum.
2.07 – Judge of qualifications	Issue: Due to decline in newspaper circulation and cost of ad, can the City’s website be specified as the method to announce the public hearing for removal of an elected official. Status: After discussion, on March 29, 2021 the Commission voted to disregard this issue due to the unlikelihood of the event that would cause the ad to be required.
4.04- Powers and Duties of the City Manager	Issue:

	The model city charter includes additional duties for the city manager, specifically relating to strategic goals and performance measures. Resolution: The CRC concluded that the City Council can manage the expectations of the manager through the job description and annual evaluation process.
5.02 – Human Resource Rules	Issue: The Council does not review the administrative human resource issues listed in this section. Resolution: The prior CRC had put the removal of this section on the ballot, however it did not pass in 2012. Upon researching, staff has concluded that compliance was reached with this section when Chapter 2, Article III of the City Code was created (Personnel System). The article was amended by Ordinance No. 760, § 1, 9-10-90, in which the City Council delegated the responsibility to the City Manager to administer personnel policies and rules. As such, although the Charter section is obsolete, it does not conflict with how the City currently administers those items.
5.06 - Length of term for positions appointed by city council.	Issue: Often times boards and committees have vacancies that cannot be filled due to lack of applicants. Does it make sense to term limit board and committee positions? Resolution: This term limit imposition was approved by the voters in 2012, the Commission did not believe there is a compelling reason to amend this section.
Sec. 8.03. - Elections. (c)	Issue: The City Clerk brought up concerns about the impact of a run off election. Consider whether it is necessary to have a runoff or allow a plurality to determine winner. Status: The Commission reviewed language drafted by staff and reviewed by the City Attorney. At their meeting of March 29, 2021, the CRC determined that due to recent events related to elections determined by plurality, the runoff process may be more appropriate. There would be a cost for the runoff election, however the City has not had one since the 90's. The Commission voted to disregard this issue.
Sec. 8.04. - Qualifications of candidate; form of oath.	Issue: The Oath notary language is outdated.

	Resolution: The Clerk has modified the language on the forms currently used when candidates qualify. Because this section states it should be in “substantially the following form,” there does not appear to be a need to update the Charter language since the Clerk can modify the language as needed.
Sec. 8.04. - Qualifications of candidate; form of oath.	Issue: This became an issue in the last election during the FPPP. The City’s qualifying period could not sync with the SOE’s deadlines. Status: It was ultimately determined that the City can amend these dates by ordinance, no action is necessary by the voters.
Sec. 8.09. - Qualifications of electors; prescribing method and manner of elections.	Issue: Obsolete statutes are referenced. Status: Since the references are obsolete, they do not impact elections and the Commission deemed it unnecessary to remove these references.
Rights of Nature / Right to Clean Water	Issue: The State has preempted giving rights to non-corporations or individuals that will invalidate the Orange County Charter Question. Is there language that may accomplish the same outcome without crossing the preemption language? Status: The Commission determined not to take action on this item. The Sustainability Advisory Board has decided to look further into what can be done based on the City Attorney’s memo.