



**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

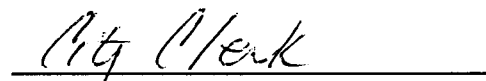


Title

ATTEST:



Signature



Title

1 **Question__ : 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 (fe) *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.

Question __: Update Elected Official Salaries to Reflect Consumer Price Index Changes

Shall the City of Maitland's Charter be amended to reflect the current salary for the mayor and councilmembers as adjusted for changes in the consumer price index since the salaries were initially set?

YES _____

NO _____

Sec. 2.02. - Compensation; expenses.

The annual salary of city council-members shall be ~~two hundred fifty dollars (\$250.00)~~^{358.98} per month. The annual salary of the mayor shall be ~~three hundred seventy-five dollars (\$375.00)~~^{538.45} per month. The annual salaries of city council and mayor shall increase or decrease annually based on the change in the consumer price index (all urban consumers CPI), not to exceed five (5) percent of the annual salary. Councilmenmembers shall receive their actual and necessary expenses incurred in the performance of their duties of office.

Question __: 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 council members 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. Councilmen shall receive their actual and necessary expenses incurred in the performance of their duties of office.