

The Charter Review Committee met on Thursday, August 16, 2007, at 6:00 PM in the Rail road Depot Room, 2nd Floor, Sanford City Hall, 300 North Park Avenue, Sanford, Florida, continued from Thursday, August 9, 2007.

Present: Stephen H. Coover, Chairman
Ed Blacksheare
Dorothea Fogle
Otto Garrett
Robert J. Kinney
Dennis Stewart

Attorney: Kenneth W. McIntosh, Assistant City Attorney

Janet R. Dougherty, City Clerk

Absent: James L. Davis, Vice Chairman
Jason Brodeur
Chris McLeod

Call to Order

Mr. Coover called the meeting to order at 6:11 PM.

Approval of the partial Minutes of August 16, 2007

Mr. Coover stated on page 16, first full paragraph in dark print should read seconded by "Mr. Stewart" not "Mr. McLeod."

Ms. Fogle moved to approve the Minutes as amended. Seconded by Mr. Stewart and carried by a vote of the Committee as follows:

Stephen H. Coover	Aye
Ed Blacksheare	Aye
Dorothea Fogle	Aye
Otto Garrett	Aye
Robert Kinney	Aye
Dennis Stewart	Aye

Discussion of remaining tabled items, if any.

CRC 8/16/07

There was discussion of proposed language as presented by City Attorney, Mr. McIntosh, for Section 6.02(d) as follows:

(d) It is understood that emergency exigent circumstances may arise from time to time. Elected commissioners and candidates for the commission shall normally physically reside in the district they are elected to represent or reside in the district they seek to represent from the date of assumption of office as a commissioner or from the date of their qualification as a candidate for the commission.

Should an exigent circumstance cause their physical place of abode to be uninhabitable or destroyed and they are forced to take up temporary abode elsewhere within the City, then and in that event:

(1) The commissioner/candidate shall make reasonable efforts to relocate within their elective district.

(2) Failing such effort, the commissioner/candidate must seek the approval of the City Commission to temporarily reside outside their elected district.

(3) Commission authority for commissioner/candidate to reside out of district shall be granted for such reasonable period as a valid exigent temporary relocation requirement exists as determined by the Commission.

(4) Requests for extension shall be heard and acted upon by the Commission giving attendant to all exigent circumstances.

(e) Any person who is a resident of the city and has qualified as an elector therein may become a candidate for the office of mayor or commissioner by qualifying as described above and taking and subscribing to an oath or affirmation in substantially the form as required by the general laws of Florida.

Mr. Stewart moved to adopt Section 6.02(d) as presented by the City Attorney. Seconded by Mr. Blacksheare and carried by a vote of the Committee as follows:

Stephen H. Coover	Aye
Ed Blacksheare	Aye
Dorothea Fogle	Aye
Otto Garrett	Aye

There was discussion of proposed language for Section 10.2(b) as follows:

(b) The reason(s) for an emergency ordinance or resolution must be clearly delineated in the preamble of the proposed document. Such emergency documents shall contain an enabling clause, a declaration that an emergency state exists, clear language as to how the document will serve the emergency needs and an expiration date for the ordinance or resolution.

Mr. Kinney moved for the adoption of Section 10.2(b). Seconded by Mr. Stewart and carried by a vote of the Committee as follows:

Stephen H. Coover	Nay
Ed Blacksheare	Aye
Dorothea Fogle	Aye
Otto Garrett	Aye
Robert Kinney	Aye
Dennis Stewart	Aye

There was discussion of proposed language for Section 10.2(a) as follows:

(a) ~~The commission may adopt one or more emergency ordinances and resolutions to meet exigent public emergency needs at an open public meeting where public input on the emergency action(s) may be received. The city shall give the public as much notice of pending emergency legislation possible through the available media outlets but normal notice times of public hearings shall be waived due to the public necessity. All emergency ordinances and resolutions shall be narrowly constructed to meet a public emergency affecting life, health, property or public peace. All emergency ordinances and resolutions shall be in a format as prescribed by section 2.11 and shall be in compliance with statutory provisions.~~ Emergency ordinances and resolutions shall require a simple majority for initial passage and a super majority for passages of ordinances or resolutions involving the same emergency condition.

Mr. Stewart moved to adopt Section 10.2(a) as amended. Seconded by Mr. Garrett and carried by a vote of the Committee as follows:

Stephen H. Coover	Nay
Ed Blacksheare	Aye
Dorothea Fogle	Aye

Otto Garrett	Aye
Robert Kinney	Aye
Dennis Stewart	Aye

There was discussion of proposed language for Section 5.06(b) as follows:

(b) *Emergency appropriations.* To meet a public emergency affecting life, health, property or the public peace, the commission may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with provisions of section 2.11 and 10.2. To the extent that there are no available inappropriate revenues to meet such appropriations, the commission may, by such emergency ordinance, authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

Mr. Stewart moved to adopt Section 5.06(b) as amended. Seconded by Mr. Kinney and carried by a vote of the Committee as follows:

Stephen H. Coover	Aye
Ed Blacksheare	Aye
Dorothea Fogle	Aye
Otto Garrett	Aye
Robert Kinney	Aye
Dennis Stewart	Aye

There was discussion of a proposed new Section 6.08 as follows:

Section 6.08. Campaign material bonds or fees.

The city shall not require that any candidate for elective office post an advance bond, fee or charge for the posting or distribution of campaign signs and materials as a part of the qualification process nor shall the city prohibit the distributing or posting of campaign signs and materials until an advance performance bond or fee is posted.

Mr. Stewart moved to adopt the proposed new Section 6.08. The motion failed for lack of a second.

There was discussion of proposed language for Section 10.1 as follows:

Section 10.1. Succession of office in times of disaster.

(a) It is recognized that that man-made or natural disasters may kill or incapacitate one or more public officials. In such an event, the following order of succession shall be implemented to provide a continuity of legal authority and responsibility to prevent a vacancy in the city's elective and appointive leadership.

(b) The order of succession in an emergency shall be: Mayor, Vice-Mayor, the senior commissioner as designated by time of service in office, the city manager, fire chief, police chief, public works director, finance director, personnel director and then the secondary management of the above departments in successive order.

(c) The primary duty of an officer holding authority under an emergency succession shall be to reestablish public order and provide for a legal succession of elected and appointed

Mr. Stewart moved to substitute proposed language for Section 10.1 which is succession to include that all the City Commissioners will be used in the line of succession before we go to appointed officials. Seconded by Mr. Blacksheare and failed by a vote of the Committee as follows:

Stephen H. Coover	Nay
Ed Blacksheare	Aye
Dorothea Fogle	Nay
Otto Garrett	Nay
Robert Kinney	Nay
Dennis Stewart	Aye

Discussion of Resolution 2007-01 to City Commission for review and execution.

Mr. Stewart moved to approve the Resolution 2007-01. Seconded by Ms. Fogle and carried by a vote of the Committee as follows:

Stephen H. Coover	Aye
Ed Blacksheare	Aye
Dorothea Fogle	Aye
Otto Garrett	Aye
Robert Kinney	Aye
Dennis Stewart	Aye

Discussion of Civil Service Memo dated August 22, 2007 - Final Format.

Mr. Coover approved the prepared final format of the Civil Service Memo dated August 22, 2007 for his transmittal to the City Commission on August 27, 2007.

Review of Time Calculation.

Mr. McIntosh stated exclusive of the time invested in this project by the City Clerk and City Attorney, the Committee spent 416.45 hours with conjunction with the project that includes all committee and subcommittee meetings, public hearings, staff support and topics handled.

Adjournment

This meeting was adjourned at 7:24 PM.

CHAIRMAN

Attest:

Secretary

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