

23718 W US HWY 27
High Springs, Florida 32643



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**CHARTER REVIEW BOARD MEETING
AGENDA
City Hall
23718 W US HWY 27**

APRIL 1, 2024

6:00 PM

CALL TO ORDER:

SUE WELLER, CHAIR

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANGELA STONE, CITY CLERK

BUSINESS ITEMS.

- 1. APPROVAL OF MARCH 25, 2024 MINUTES**
- 2. DISCUSS POSSIBLE RECOMMENDATIONS FOR CHARTER AMENDMENTS**
- 3. CITIZEN COMMENTS**

MOTION TO ADJOURN

PLEASE NOTE. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, A PERSON WITH DISABILITIES NEEDING ANY SPECIAL ACCOMMODATIONS TO PARTICIPATE IN CHARTER REVIEW COMMITTEE MEETINGS, SHOULD CONTACT THE OFFICE OF THE CITY CLERK, 23718 W US HWY 27, HIGH SPRINGS, FLORIDA 32643, TELEPHONE (386)454-1416.

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CHARTER REVIEW BOARD
MINUTES
March 25, 2024

Chair Weller called the meeting to order at 6:05 p.m.

Pledge of Allegiance.

Roll Call: Member Julie Tapia-Ruano -Present
 Member Sue Weller - Present
 Member Jacob Newton - Present
 Member Lynn Jamison- Present (via Phone)
 Member Christy Swilley - Present

Staff Present: Angela Stone, City Clerk
 Clay Martin, City Attorney

BUSINESS ITEMS

1. APPROVAL OF MARCH 4, 2024, MINUTES

Motion Member Tapia-Ruano to approve the minutes of the March 4, 2024, Charter Review Meeting Minutes.
Second Member Newton.
Motion carried 4-0.

2. ATTORNEY TO GIVE INFORMATION ON FLORIDA SUNSHINE LAW.

Attorney Martin gave an overview of the Florida Sunshine Law and how it pertains to the Charter Review Board.

He spoke of Public Records and the rules as it pertains to the Charter Review Board.

Member Jamison clarified that they are allowed to speak to commissioners individually.

Attorney Martin gave their office number for the Charter Review to have for any questions they may have.

3. DISCUSS POSSIBLE RECOMMENDATIONS FOR CHARTER AMENDMENTS

Chair Weller stated that Ms. Jamison did submit changes for sections one and two. She asked how they would proceed, section by section.

Chair Weller section 1.01 no change.

Chair Weller section 1.02 how does the comprehensive plan change?

City Clerk Stone believes that they are in the process of changing it.

Attorney Martin suggests going to growth management for an updated map.

Chair Weller 1.03 no change.

Chair Weller 1.04 no change.

Section 2.01

Chair Weller wants the names of the commissioners to be removed.

Attorney Martin offers suggestions from the City Attorney's office. That there be a baseline date for when elections occur and how they would stagger. Mr. Martin explained that there could be a problem in the future with no specificity.

Chair Weller members should send the Attorneys some suggestions on how section 2.01 would read.

Member Newton suggested that there be a change in the qualified electors for the city, with the one-year residency, and the Attorney suggested and the serve under the constitution of the State of Florida. Attorney Martin will look at section 2.01 and section 4.03 and reconcile.

Section 2.02

Chair Weller proposes a change of swearing in the new commissioner to the day of the election instead of waiting for the next Commission meeting. Would like to see the wording in the section to say to flip the coin. If it doesn't conflict with State Law.

Attorney Martin discusses State Law requirements.

Chair Weller would like the candidate with the majority votes to be declared the elected official. For example three people are running and one person gets 30 votes, another gets 40 votes, and the last gets 50 votes. The person with 50 votes should be the winner.

Member Newton would like to add a section, 4.08 adding a run-off. (A) Election shall be by majority vote in the event a candidate receives majority for any one seat a run-off shall be held between the two candidates receiving the largest number of votes. (B) If required a run-off election shall be held on

Tuesday two weeks after the election. Rationality electors will have spoken clearly if the city commission seat is filled by a majority, if someone is elected by plurality but not a majority run-off will ensure the seat is filled by the elector's favorite candidate.

Discussion on Run-Off Election.

Chair Weller requested how many times since 2016 have there has been more than two people running at a time.

City Clerk Angela will get the information, but informs the Chair and Members that yes, the city can run their own election, but the city still must go through the Supervisor of Elections for multiple things.

Section 2.03

Chair Weller asks how the Compensation of the Commission is determined.

City Clerk Angela responds that it is voted on by the Commission.

Member Newton asks Attorney Martin how many city charters list the compensation of the city commissioners in their charter? Attorney Martin responds that what he is aware of, he does not think any of them actually list within the charter the actual amount of compensation. They usually provide the mechanism by which it sets compensation.

Attorney Martin suggests adding that in the event the commission should not act their salary from the following year shall be continued to the next year.

Members agree to return to section 2.03 with savings language.

Section 2.04

Member Jamison suggests adding that the Mayor/Vice Mayor should not serve two consecutive terms unless the commissioners refuse the appointment. Two consecutive terms gives too much power to one person on the commission.

Member Newton believes that if the commissioners vote for the mayor for two consecutive terms, then he doesn't see the issue behind it. Is not in favor of limiting the language.

Discussion on Mayor/Vice Mayor Seat and term.

Attorney Martin suggests unanimous voting for second term Mayor/Vice Mayor.

Section 2.05 no change.

Section 2.06

Chair Weller wants to add language (changes in parentheses). Neither the city commission nor any of its members shall in any manner dictate the appointment or removal of any city employee except the

charter officer nor shall the commission or any of its member give orders (either publicly or privately directly or indirectly) to any employee other than commission orders to a charter officer. The commission or its members shall deal on all matters through the appropriate charter officer. (Commissioners may discuss with the manager any matter of city business however no individual city commission shall give orders to the manager).

Members discuss communication issues between commission and manager.

Attorney Martin taking language and bringing it back for review.

Members in agreement.

Will pick up on Section 2.07 at the next meeting.

4. CITIZEN COMMENTS

Linda Jones spoke about the importance of having a majority win of an election. Thinks that the city should hold a run-off election.

Attorney Martin discusses different run-off election scenarios.

Ross Ambrose spoke about partisan contributions and finding better language to limit the involvement of parties.

Attorney Martin spoke of first amendment issues.

Chair Weller adjourned at 8 pm.

Proposed Revisions to City Charter (Summary) – S. Weller

Preamble - PREAMBLE – No Change

Article I - CORPORATE EXISTENCE, FORM OF GOVERNMENT, BOUNDARY AND CHARTER
Sec. 1.01 – No Change (Corporate Existence, Form of Government, Boundary, and Charter)
Sec. 1.02 – **Review** (Description of Corporate Boundary)
Sec. 1.03 – No Change (General Powers of City)
Sec. 1.04 – No Change (Construction)

Article II - CITY COMMISSION
Sec. 2.01 – **Review** (Composition of City Commission)
Sec. 2.02 – **Change** (Election and Terms)
Sec. 2.03 – No Change (Compensation of Commission)
Sec. 2.04 – No Change (Mayor)
Sec. 2.05 – No Change (General Powers of City Commission)
Sec. 2.06 – **Change** (Commission-Employee Relationship)
Sec. 2.07 – No Change (Vacancies, Filling of Vacancies)
Sec. 2.08 – No Change (City Commission Meetings)
Sec. 2.09 – **New** (Forfeiture of Office)

Article III - CHARTER OFFICERS
Sec. 3.01 – No Change (Designation)
Sec. 3.02 – No Change (Appointment)
Sec. 3.03 – No Change (Removal)
Sec. 3.04 – **Change** (City Manager-Powers and Duties)
Sec. 3.05 – No Change (City Clerk-Powers and Duties)
Sec. 3.06 – No Change (City Attorney-Powers and Duties)

Article IV - ELECTIONS
Sec. 4.01 – No Change (Electors)
Sec. 4.02 – No Change (Nonpartisan Elections)
Sec. 4.03 – **Change** (Qualifying)
Sec. 4.04 – No Change (Form of Ballots)
Sec. 4.05 – **Change** (Schedule and Notice of Elections)
Sec. 4.06 – No Change (Canvassing Board)
Sec. 4.07 – No Change (Recall)

Article V - GENERAL PROVISIONS
Sec. 5.01 – No Change (Charter Amendments and Charter Review)
Sec. 5.02 – No Change (Oath of Officers)
Sec. 5.03 – No Change (Limitation and Employment of Commissioners)
Sec. 5.04 – **Change** (Budget Adoption)
Sec. 5.05 – **Review** (Limitation on Alienation of City-Owned Real Property)
Sec. 5.06 – No Change (Citizens' Petition Initiative – Ordinances)

Article VI - TRANSITION SCHEDULE
Sec. 6.01 – No Change (Repeal of Former Charter Provisions)
Sec. 6.02 – No Change (Ordinance Preserved)
Sec. 6.03 – No Change (Continuation in Office)
Sec. 6.04 – No Change (Pending Matters)
Sec. 6.05 – No Change (Effective Date)

Proposed Revisions to City Charter – Sue Weller

Section 1.02 Description of Corporate Boundary

Does Comprehensive Plan date need to be updated?

Section 2.01 Composition of City Commission

Are names of Commissioners needed?

Section 2.02 Election and Terms

The regular election of City Commissioners shall be held on the same date as the regular state and federal general election, or as otherwise permitted by state law, and shall be for a regular term of three (3) years. No election shall be required to be held if the number of vacancies to be filled at the election are equal to or greater than the number of duly qualified candidates for City Commission.

Add:

The candidate running for a particular seat, receiving the greatest number of votes shall be declared the winner. If the vote count results in a tie vote, the winner shall be determined by the flip of a coin by the City Clerk the same day of the election.

Reason: There does not appear to be any language determining the winner of an election or addressing the possibility of a tie vote (receiving the same number of votes). This method would avoid the added expense of a runoff.

Section 2.06 Commission-Employee Relationship

Neither the city commission nor any of its members shall in any manner dictate the appointment or removal of any City employee except the charter officers, nor shall the commission or any of its members give orders to any employee other than commission orders to a charter officer. The commission or its members shall deal on all matters through the appropriate charter officer.

Revise:

Neither the city commission nor any of its members shall in any manner dictate the appointment or removal of any City employee except the charter officers, nor shall the commission or any of its members give orders, *either publicly or privately, directly or indirectly*, to any employee, other than commission orders to a charter officer. The commission or its members shall deal on all matters through the appropriate charter officer. Commissioners may discuss with the Manager any matter of City business; however, no individual Commissioner shall give orders to the Manager.

Reason: Proposed language recognizes we have a Council-Manager form of government and further recognizes the boundaries of commissioners in their interaction with city employees and

Section 2.09 Forfeiture of Office. NEW

A member of the Commission may forfeit the office, if the member:

- (a) Lacks at any time during the term of office any qualification for the office prescribed by this Charter or by law;
- (b) Violates any express prohibition of this Charter;
- (c) Is convicted of a felony or a criminal misdemeanor;
- (d) Misses three (3) consecutive regularly scheduled monthly Commission meetings without being excused by the Commission.

If any of these events should occur, a hearing shall automatically be conducted at the next regularly scheduled Commission meeting, and the member may be declared to have forfeited office by majority vote of the Commission.

Section 3.04 City Manager-Powers and Duties

The City Manager shall:

Add:

(11) use his/her best efforts to gain residency in the City within 12 months of appointment to his/her term of office and maintain residence within the City for the duration of his/her appointment. For good cause shown by a supermajority vote, the City Commission may permit exceptions to the residency requirement.

Reason: Requiring residency in the City provides the City Manager a better understanding of the various issues facing the City and its citizens and emphasizes ownership of the city as his/her city.

Section 4.03 Qualifying

Candidates for the Office of City Commission shall qualify by filing a written notice of candidacy with the City Clerk at such time and in such manner as may be prescribed by ordinance. Each candidate shall designate which seat he or she is qualifying for at the time of qualification.

Add:

Candidates for the Office of City Commission or for appointment to fill a vacancy on the City Commission shall: have maintained a primary, principal, and physical residence within the City of High Springs for more than one (1) year preceding qualification; be a registered voter of Alachua County, Florida; and maintain such residency and voter registration throughout their terms of office.

Reason: Maintaining residency for more than one year in the City, prior to qualification, assures an individual serving on the Commission has gained a greater knowledge of the City and has a vested interest in the future of the city.

Section 4.05 Schedule and Notice of Elections

(d) Public notice. All elections held pursuant to this Charter shall have at least thirty (30) days notice of election or referendum by publication in a local newspaper. The publication shall be made at least twice, once in the fifth week and once in the third week prior to the week in which the election or referendum is to be held.

Revise:

(d) Public notice. All elections held pursuant to this Charter shall have at least thirty (30) days notice of election or referendum by publication in a local High Springs or Alachua newspaper and/or notice on a publicly accessible website. ~~The publication~~ Publication by local newspaper shall be made at least twice, once in the fifth week and once in the third week prior to the week in which the election or referendum is to be held. Notice on a publicly accessible website shall be posted for five weeks prior to the week in which the election or referendum is to be held.

Reason: Florida law now authorizes governmental agencies to publish legal notices on publicly accessible websites, however, newspaper publication should still be maintained until at least a local newspaper is available.

Section 5.04 Budget Adoption

The Commission shall adopt an annual budget for the City by ordinance before October 1 of each year. An ordinance adopting an annual budget shall constitute appropriations of the amounts specified as expenditures from the funds indicated and shall constitute a levy of the property tax proposed.

Add:

Supplemental appropriations. If, during a fiscal year, revenues in excess of those estimated in the budget are available for appropriation, the commission, by ordinance, may make supplemental appropriations for the year up to the amount of such excess.

Reduction of appropriations. If, during a fiscal year it appears probable to the manager that the revenues available will be insufficient to meet the amount appropriated, he/she shall report to the commission without delay, indicating the estimated amount of the deficit, any remedial action taken by him/her and recommendations as to any other steps to be taken. The commission shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

Reason: It is important for the City Commission to be made aware of excess or insufficient funds that affect the city budget as soon as possible so appropriate action may be taken by the commission.

Section 5.05 Limitation on Alienation of City-Owned Real Property

Do properties need to be updated?



Charter Committee 3/25/24 Suggestions from Lynn Jamison

L J <ljam13122@gmail.com>

Mon 3/25/2024 2:36 PM

To: Angela Stone <astone@highsprings.gov>

Hi Angela,

These are my suggestions for the Charter Review Committee.

1.01. I do not propose any changes but would be open to hear the thoughts of the other Committee members.

1.02 No changes except date changes.

1.03. No changes.

1.04. No changes.

2.01. Change Commissioner names.

2.02. No changes.

2.03. No changes.

2.04. Add Mayor/ Vice Mayor should not serve two consecutive terms, unless the other Commissioners refuse the appointment. Two consecutive terms gives too much power to one person on the Commission.

2.05. No changes.

2.06. The last statement needs to be clearly stated. In the past, there have been times when Commissioners spoke directly to a Director or City staff instead of speaking with the City Manager first. This undermines the City Manager and can cause conflicts in the ranks.

2.07. I do not believe there should be any changes made. If there are more than six months left in the term, the citizens should be able to vote for the replacement. I understand the cost to the City but not allowing citizens to choose their representative is a cost to our freedom. The idea of the Commission choosing someone to represent the people gives too much power to the Commission. Power given above what the law requires to any government entity is not a positive idea for the people of High Springs.

2.08. No changes except I would like to hear the perspectives of the other committee members.

It would be helpful if we could decide which sections we will discuss at each meeting.

I apologize for missing the meeting, I didn't want anyone else to get ill.
Thank you.

Section 2.01

Jacob

Add the following: Only qualified electors of the city shall be eligible to be members of the city commission. *Members of the commission of the City of High Springs shall have maintained continuous physical residency and voter registration in the City of High Springs for one (1) year prior to the date of qualification for election, or appointment to fill a vacancy on the city commission as a result of the death, resignation or disqualification of a city commissioner. Once elected or appointed, city commissioners must maintain continuous physical residency and voter registration in the City of High Springs throughout their terms of office.*

RATIONALE: In order to ensure that city commissioners have the continued best interest of the City of High Springs at heart, he/she must maintain physical residence inside the city limits and have been a member of the city for at least one year prior to his/her election.

Section 2.07

Amend the following: *Filling of vacancies.* ~~In the event more than six (6) months remain before the next annual election, there shall be a mandatory special election to fill the remainder of the term of the vacant commission seat as provided for in this Charter and the laws of the State of Florida, which election shall be held not sooner than sixty (60) days, nor more than ninety (90) days following the occurrence of the vacancy. In the event less than six (6) months remain before the next annual election, the remainder of the term of the vacant commission seat shall be filled by an election held pursuant to Section 4.05(b). A vacancy on the commission may be filled temporarily by a majority vote of the remaining members of the commission. Any person appointed by the commission to fill a vacancy shall hold office until the next annual election in the city or until the special election referred to above. If at any time the membership of the commission is reduced to less than a quorum, the remaining member or members may by majority vote appoint additional members in conformity with this section or shall call for a special election to be held within sixty (60) days from the date of the vacancy which reduced the commission to less than a quorum. In the event that all seats on the commission become vacant, the Governor shall appoint an interim commission which shall serve until the next regular election.~~ *Filling of vacancies. Any vacancy in the city commission shall be filled until the next municipal election by vote of the remaining members of the commission; provided, that if such vacancy is not filled within thirty (30) days after it shall have occurred, appointment to fill the existing vacancy shall be made by the Governor.*

RATIONALE: There is a scheduled municipal election every year due to the nature of the three-year term of the city commission. Should a vacancy happen at any point during the year, an interim commissioner may be appointed to fill the seat, with no limitation on duties prescribed, until the next municipal election where a special election will be held in conjunction with the regularly held election to elect a new commissioner to fill the remaining term of office.

Section 3.04

Add the following: *(11) He/she shall establish residence in the City of High Springs within 6 months of appointment to his/her term of office and maintain residence within the City for the duration of his/her appointment. For good cause shown by a vote of at least 4 of 5 commissioners, the City Commission may permit exceptions to the residency requirement.*

RATIONALE: The city manager should reside within the City of High Springs and maintain residency within the city to ensure that the management of the city is held to the highest standard.

Section 3.04

Amend the following: ~~The city manager shall designate a qualified city employee to exercise the powers and perform the duties of city manager during any temporary absence or disability of the city manager. In the event of the failure of the city manager to make such designation, or should the person so designated by the city manager be unable to perform such duties or be unsatisfactory to the commission, the commission may revoke such designation at any time and appoint another employee of the city, other than a currently sitting commissioner, to perform the duties of city manager until he/she shall return, or until his/her disability shall cease. During the absence or disability of the city manager, the city commission may designate some properly qualified person to temporarily execute the functions of the office.~~

RATIONALE: This power should be vested in the city commission as opposed to the city manager in the case that an interim is needed.

Article IV. - ELECTIONS

Add the following:

Section 4.08. - Run-off election.

- (a) Election shall be by majority vote, and in the event no candidate receives a majority for any one seat, a run-off shall be held between the two candidates receiving the largest number of votes.*
- (b) If required, a run-off election shall be held on Tuesday two weeks after the election.*

RATIONALE: The electors will have spoken clearly if a city commission seat is filled by the majority. If someone is elected by a plurality but not a majority, a run-off will ensure the commission seat is filled by the electors' favored candidate.

ENTIRE CHARTER

Amend the following: ~~in a local newspaper~~ (or any variations of this term) *on a publicly accessible website.*

RATIONALE: HB7049, signed into law effective January 1, 2023, states that it is no longer a requirement to post in a local newspaper if a public notice could be posted on a publicly accessible website. This would save the city money and hassle by allowing for notices to only be posted on the city's website.

Section 5.04. - Budget adoption.

Amend the following: The commission shall adopt an annual budget for the city by ordinance before ~~October~~ *September* 1 of each year.

RATIONALE: This will provide the auditors with additional time to complete the required city audit on time each year.