

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 8, 2024

6:00 PM

**CHAIR SUE WELLER
MEMBER LYNN JAMISON
MEMBER JACOB NEWTON
MEMBER CHRISTY SWILLEY
MEMBER JULIE TAPIA-RUANO**

CALL TO ORDER:

SUE WELLER, CHAIR

PLEDGE OF ALLEGIANCE:

ROLL CALL:

JAMI ECHEVERRI, ASST. CITY CLERK

BUSINESS ITEMS.

- 1. APPROVAL OF APRIL 1, 2024, MINUTES**
- 2. DISCUSS POSSIBLE RECOMMENDATIONS FOR CHARTER AMENDMENTS
(CONTINUE STARTING WITH SECTION 5)**
- 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
April 1, 2024

Chair Weller called the meeting to order at 6:00 p.m.

Pledge of Allegiance.

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

Staff Present: Angela Stone, City Clerk
 Ashley Mauldin, Executive Assistant
 Clay Martin, City Attorney

BUSINESS ITEMS

1. APPROVAL OF MARCH 25, 2024, MINUTES

Motion Member Tapia-Ruano to approve the minutes of the March 25, 2024, Charter Review Meeting Minutes.

Second Member Newton.

Motion carried 4-0.

2. DISCUSS POSSIBLE RECOMMENDATIONS FOR CHARTER
AMENDMENTS

Chair Weller mentions the Attorney's sections that will be brought back. Sections 2.01, 2.04, and 2.06. Sections 2.02 and 2.03 will also be further discussed.

Member Tapio-Ruano wants to discuss 2.04 again.

Discussion on the second term being the majority vote for Mayor and Vice Mayor seats. A new Commissioner is not recommended for the mayor seat.

Member Jamison believes that everyone should have the opportunity to be Mayor at some point.

Attorney Walker discusses his recommendation that a commissioner should be in his/her seat for at least a year before getting the option of being voted in as a mayor.

Section 2.07

Member Newton proposes removing the entire Filling of Vacancies basically striking the entire paragraph so then it would read 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 30 days after it shall have occurred appointment to fill the existing vacancy shall be made by the Governor rational there is a scheduled municipal election every year due to the nature of the three year term of the commission should a vacancy happen at any point during the year an interim city commissioner may be appointed to fill the seat with no limitations on duties prescribed until the next municipal election or special election will be held in conjunction with the regularly held election to elect a new commissioner to fill the remaining term of office.

Chair Weller doesn't have a problem with the commission filling the vacancy but does not agree with the Governor coming in to appoint commissioners unless something catastrophic occurs such as losing the entire commission.

Member Jamison wants the language to stay the same.
Members Tapia-Ruano and Swilley agree with Jamison.

Section 2.08

City Clerk Angela Stone discusses the posting time needing to be changed for special meetings from 12 hours to 72 hours. Only emergency meetings should be 12 hours' notice.

Attorney Walker will be changing and presenting the new language at a later date.

Chair Weller proposes section 2.09 be added to the charter. Forfeiture of office – A member of the commission may forfeit the office. If the member:

- (a) lacks at anytime 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.

Members discuss previous occurrences.

Members agree to move forward and get better language.

Section 3.01

Member Swilley proposes to amend/remove the City Clerk taking over as the city manager.

Members agree it is not practical with the amount of work the City Clerk already has.

Members discuss.

Attorney Walker plans to remove the last sentence in section 3.01 (The office of the City Manager and the City Clerk may be combined in the same appointee).

Members agree.

Section 3.04

Chair Weller would like to add additional language: (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.

Member Newton agrees with the 12 months. Discusses how difficult finding housing can be.

Members discuss adding exceptions.

Member Newton is proposing to remove the entire paragraph at the end of section 3.04. (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.

Member Newton would rather the language be: 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.

Members do not agree, believe that the City Manager is more aware of who can handle the office until his/her return. Discuss what "temporary" absence really means.

Members agree to leave section 3.04 as is at this time.

Section 4.02

No changes

Section 4.03

Attorney's will be bringing back language.

Section 4.04

No changes

Section 4.05

Chair Weller and member Newton both propose revisions on (d) Public notice.

Chair Weller revision:

(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.

Member Newton revision:

Remove *in a local newspaper* (or any variations of this term) *on a publicly accessible website*.

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.

Members discuss the amount of people who prefer the paper over a website.

Section 4.06

No changes.

Section 4.07

No changes.

Section 4.08

Discussed at the last meeting, Attorney's to bring back proposed language.

3. CITIZEN COMMENTS

None

Chair Weller adjourned at 7:54 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.