

# CHARTER REVIEW COMMITTEE MINUTES

February 13, 2013

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The meeting started at 3:40 p.m.

## **Present**

Committee Members Gail Funk, Peg Brooks, Wayne Harper, Bob Wyatt, City Attorney Thomas Cloud, City Manager Jackson and Linda Walker.

Absent: Cathy Gabany

Attorney Cloud asked the Committee Members to please introduce themselves.

## **Overview of Responsibilities of the Charter Review Committee**

Attorney Cloud gave background information of the Florida Constitution, Home Rule and Municipal Charters. Attorney Cloud also discussed Section 166.031 of the State Statute concerning charter amendments; he advised not to give away special powers the City may have. He then gave background information on charter amendments.

Wayne Harper discussed Polk City – the old section of town as well as new subdivisions. Mr. Harper feels each division deserves representation; he doesn't feel it is good to have representation from just one area.

Peg Brooks asked when the Charter was last amended; she was advised in 2005. Bob Wyatt asked if there was a requirement as to when the Charter had to be reviewed. The Committee was referred to Section C-42 of the City Charter; it is recommended to review the Charter every five years, but not less than ten – it is only a recommendation. Gail Funk commented if you read it, there are things that need to be cleaned up; she also commented there was no note of when the first one was done – it would be good to start with the first charger and work up to present to see what took place. Attorney Cloud suggested getting copies of the Charter from 1925 and 1945 to review.

Wayne Harper brought up the purchase of the water system from the City of Lakeland and the Mt. Olive System obtained from the County; Attorney Cloud suggested guidelines could be established based on State Statute when purchasing these types of systems. Discussion then took place regarding what is required by State Statute when something like this happens (Section 180.031 of the State Statutes). The situation in Davenport regarding their system was discussed as an example; Attorney Cloud commented he had no trouble recommending the Charter be amended to mirror the State Statute. Wayne Harper commented he would like to make sure things don't happen again as they did in the past with Polk City. Wayne Harper mentioned again he would like to see fair representation all over town. Attorney Cloud commented the Charter could mirror the State Statute (regarding the water and wastewater systems).

Gail Funk asked Attorney Cloud if he has seen an outstanding Charter; Attorney Cloud responded some were for the wrong reasons – there are remarkable examples of bad Charters. Gail asked if there was one in the Attorney's mind that would be a good example; Attorney Cloud responded he can probably find three or five examples of different kinds of Charters that are super detailed. Wayne Harper feels if people live inside the city limits, they should play by the same rules – there should be a level playing field and equal obligations. Brief discussion took place regarding things that had

happened in the past that reflected bad on Polk City. Gail Funk commented that Marilyn Crotty advised Council that the Florida League of Cities had a model charter.

While Attorney Cloud was searching the Florida League of Cities website, City Manager Jackson asked the Charter Review Committee when they would like to meet and at what time. City Manager Jackson advised Cathy Gabany could not meet until 6:00 p.m. It was consensus of the Charter Review Committee to meet the second Thursday of each month at 6:00 p.m.

Attorney Cloud went over the legal process of putting the charter amendments on the ballot (after Council approval), it would be about a three month process once the decision is made on what amendments would go on a referendum. The draft would need to be made during the summer. Brief discussion took place regarding giving suggestions for any amendments.

#### **Overview of “Government in the Sunshine Law”**

Attorney Cloud advised the law pertaining to “Government in the Sunshine” is unclear for the Charter Review Committee; however, he advises to act like it does pertain to them. Gail Funk asked for clarification – does it mean the Charter Review Committee can’t speak to each other (regarding Charter), and asked if it also pertains to speaking with City Council. Attorney Cloud responded if it was him, he would steer clear and avoid any appearance of impropriety.

#### **Discussion of meeting dates and time of meetings**

The meeting dates and times were discussed earlier in the meeting. Bob Wyatt wanted to confirm the meetings were taking place the second Thursday of the month, and asked if it would begin in March; he was advised yes. Peg Brooks advised she would be out of town during the months of June and July.

Attorney Cloud suggested the Committee may want to highlight sections of the Charter they want to address (he offered to create a document before the next meeting if they sent the information, but not to respond to it).

The meeting adjourned.

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Patricia R. Jackson, City Clerk