



# The CITY OF DAYTONA BEACH

"THE WORLD'S MOST FAMOUS BEACH"

## 2014 Charter Review Commission

### REPORT AND RECOMMENDATIONS

#### PRESENTED TO

#### DAYTONA BEACH CITY COMMISSION

Mayor	Derrick L. Henry
Zone 1 Commissioner	Carl W. Lentz IV
Zone 2 Commissioner	Pam Woods
Zone 3 Commissioner	Kelly White
Zone 4 Commissioner	Robert A. Gilliland
Zone 5 Commissioner	Patrick Henry
Zone 6 Commissioner	Paula R. Reed

June 18, 2014

by

#### CHARTER REVIEW COMMISSION

<u>APPOINTEE</u>	<u>ALTERNATE</u>	<u>REPRESENTING</u>
Mr. Glenn Ritchey, Chairman	Mr. Dan Bollerjack	Zone 2
Dr. Willie Kimmons, Vice Chairman	Mr. Tony Barhoo	Zone 5
Mr. Gary Libby	Mrs. Ruth Trager	At Large
Mrs. Blaine Lansberry	Mr. Ed Savard	Zone 1
Ms. Kelly Kwiatek	Ms. Jill Pennington	Zone 3
Mr. Thomas Leek	Ms. Christ McGee	Zone 4
Attorney L. Roland Blossom	Mr. John Huger	Zone 6



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## 2014 Charter Review Commission

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# The CITY OF DAYTONA BEACH

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## 2014 Charter Review Commission

Honorable Mayor and City Commissioners:

It is a privilege for me to transmit to you the report of your 2014 Charter Review Commission for your review and consideration.

On behalf of the members of the Charter Review Commission, I want to thank you for giving us the opportunity to serve you and the citizens of Daytona Beach in this most important function of democracy and local governance.

I also want to thank all the members of the Charter Review Committee and their alternates for their time, hard work and serious focus on the fulfillment of their Charter review responsibilities. I want to commend City Attorney, Marie Hartman, City Clerk, Jennifer L. Thomas, Assistant City Clerk, Letitia LaMagna, and Deputy City Manager, Ron McLemore, for their timely and expert assistance that made it possible for the Committee to complete its work on time. Most importantly, I want to thank the many citizens and representatives of City organization who took time out of their busy schedules to offer their thoughts and ideas to the Commission.

Although there were spirited debates over the merits of the many proposals, the remarkable civility and respect given to all participants sends a resounding message about the quality and character of our citizenship in Daytona Beach.

It is with a great sense of pride and confidence that I can acknowledge to you that through the due diligence of the entire Charter Review Commission, that your Commission has accomplished its goal of providing positive Charter amendments that will fulfill the goal of continuous improvements in the governance of Daytona Beach, while maintaining the flexibility City elected officials and staff must have to provide for the ongoing needs of our citizens.

Great care has been taken to provide you with an easy, readable, and understandable report. To accomplish this goal, this report format provides a brief Executive Summary outlining proposals adopted by the Committee. The Executive Summary is followed by a revised City Charter as recommended by the Charter Review Commission. The remainder of the report contains appendices including a listing of Charter proposals that were considered and not adopted, a list of proposals the Charter Review Commission concluded to be policy matters and forwarded to the City Commission for review, minutes, correspondence and background materials.

In closing, on behalf of the Commission, let me offer to invite you to contact us if there is any additional assistance that the Commission can provide you in your consideration of the report.

Sincerely,

Glenn Ritchey, Chairman  
Daytona Beach 2014 Charter Review Commission



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## 2014 Charter Review Commission

### EXECUTIVE SUMMARY

#### INTRODUCTION

Consistent with Section 46 of the City Charter, and City Commission Ordinance number 96-403 of the City Code, the Daytona Beach 2014 Charter Review Commission was appointed by the City Commission on December 18, 2013. The Committee held its initial organizational meeting at various locations in the City, three Town Hall meetings, and seven Workshop meetings. All meetings and workshops were publically noticed, and conducted in accordance with Florida Public Hearing and Florida Public Records laws.

The Charter Review Commission is charged with the responsibilities of reviewing and analyzing the City Charter and making recommendations to the City Commission for amendments, additions to or deletions from the City Charter as it would best serve the citizens in the proper organization of City government. As charged, the Charter Review Commission may review any part of the City Charter and may consider any specific recommendation for review by the City Commission.

The Charter Review Commission is required to report its recommendation to the City Commission at least 90 days before the next general election scheduled for November 4, 2014. To accomplish this requirement the Charter Review Commission's report must be provided to the City Commission by August 4, 2014. The ballot question as approved by the City Commission must be submitted to the Supervisor of Elections no later than August 25, 2014. In consideration of these time constraints the Charter Review Commission decided to make every effort to transmit its report to the City Commission in time for its June 18, 2014, meeting. This transmittal date would provide the City Commission sufficient time to review and take final action on the Charter Review Commission's recommendations.

#### Recommended Charter Amendments

Below is a listing of Charter Amendments recommended by the Charter Review Commission.

#### **Throughout**

CHANGE the designation and maximum penalty for violation of a City Charter provision to be consistent with state law – the City cannot declare a charter or ordinance violation to be a “misdemeanor” and the maximum penalty authorized by state law for municipal law violations is a \$500 fine and 60 days imprisonment.

CHANGE obsolete references from “act” to “charter” (the charter was formerly enacted by the state legislature as a “Special Act”).



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### §§ 4-5. General Powers of City.

DELETE the listing of certain specific powers of City as obsolete. In 1968, the state constitution was revised and granted cities all powers necessary to govern. State general laws provide the same.

### § 6. Planning and Zoning Powers.

CHANGE the Planning Board from 11 members to 7 members, with at least one member from each commission zone.

### § 9. Vacancies on commission or in office of mayor.

CLARIFY method for filling a vacancy on the commission to provide that if the vacancy occurs “12 months or more” before a general election, a special election will be called.

ADD that a vacancy due to the state “resign-to-run” law will be filled in the general election.

### § 12 City Commission meetings.

Correct typographical error.

ADD: “The city commission shall adopt a resolution setting out the rules and procedures by which its meeting agenda will be administered.”

### § 15 Powers of City Commission.

ADD: “nor shall any member of the city commission interfere in the competitive selection process for city purchases or contracts.”

ADD: “During preparation of the annual city budget, each member of the city commission, including the mayor, shall meet with the city manager for the purpose of discussing the commissioner’s funding priorities for his or her zone. In addition to funding for city-wide service and project needs, the city manager shall include the zone funding priorities in the budget submitted to the city commission to the extent possible within available revenues, and the city commission shall consider the zone priorities prior to adoption of the budget.”

### § 16 Powers and duties of mayor, vice mayor.

ADD: The mayor shall present an annual “State of the City” address in the month of November.”

ADD: to provision concerning vice mayor rotation, “however, if the commissioner of zone 1 has not previously held office, the rotation shall start with the commissioner of zone 2 and end with the commissioner of zone 1.”



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### § 28. Powers and duties of City Manager.

CLARIFY that City Manager supervises all “administrative” departments of the City (and police and fire in accordance with § 31).

ADD to manager’s duties:

“(h) Administer the city commission meeting agenda in accordance with policies established by the city commission.”

“(i) Submit to the city commission a quarterly financial report describing budget versus actual expenditures, including capital expenditures.”

### Article VII. City Attorney.

Create a new article entitled “City Attorney” to parallel provisions for City Manager, and move all City Attorney provisions to the new article. Subsequent articles and sections are renumbered accordingly.

### § 29. City attorney, initial appointment and annual evaluation, etc.; absence or disability.

CLARIFY and provide for the City Attorney in format and substance similar to the City Manager; clarify that the City Attorney works directly for the City Commission and acts as head of the Legal Department.

ADD: prohibition against a member of the city commission being appointed to the position of City Attorney within one year after serving on commission; and a provision relating to absence or disability of the City Attorney

### 30. Powers and duties of the City Attorney.

CLARIFY that contract approval is as to “form, authority, and proper execution.”

CLARIFY that outside counsel may be retained as authorized by the city commission.

### § 31. Administrative Offices and departments generally.

ADD “Administrative” to the section title and body for clarification and consistency with the title of the Article. (“Article VIII. Administrative Departments and Procedures.”).

### § 32. City Clerk.

ADD to (c) for clarification and consistency: “Custodian of city seal and records.”

ADD to duties of City Clerk:

“(d) *Background check.* The city clerk will obtain and retain on file a code violation and criminal history background check for any person applying for appointive or elective city office.”



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### § 38. Public Records relating to budget.

ADD that budget and capital program records be available “and as required by general law.” (State law requires that the budget be available on the internet).

### § 39. Independent Audit.

DELETE provisions regarding auditor selection because they conflict with current state law.

ADD that the commission “shall select an auditor in a manner consistent with state law.”

### §§ 41-42. Initiative and referendum.

DELETE all references to charter amendments (move charter amendment to § 46). With this revision, the sections apply only to proposals for adoption or repeal of ordinances by citizen petition and referendum.

ADD references to Supervisor of Elections because current state laws shift all responsibility for voter registration and maintenance of voter rolls to SOE.

CHANGE the number of signatures required on a petition from 20% to 10%.

CHANGE the responsibility for preparation of the ballot title from the petitioners to the city commission (consistent with Florida case law).

### § 43. Beach.

DELETE the entire section. The County has jurisdiction over the beach.

### § 45. Codification.

DELETE obsolete text.

### § 46. Charter amendment; Citizen Charter review commission.

ADD “Charter amendment” to the section title and a new paragraph (a) providing for amendment of the charter in accordance with state law (Ch. 166, Florida Statutes, authorizes amendment by city commission proposal or citizen petition of 10% of voters, approved by referendum); requiring petition form, content, certification, and verification to comply with the Florida Election Code and administrative rules for verification of signatures by the Supervisor of Elections; and requiring petitions to include the name and address of one or more registered City voters who will be officially regarded as filing the petition.

CHANGE the frequency of CRC appointment from at least every 10 years to at least every 5 years, and clarify that the CRC will conduct a “complete” review of the charter.

### § 47.5 Transition provisions.

DELETE entire section (obsolete).

### § 49. Existing officers, etc.

DELETE obsolete reference to “debt service commission”.

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**ARTICLE I. CREATION OF MUNICIPALITY**

**Sec. 1. Municipality created; territorial boundaries.**

A municipality to be known and designated as the City of Daytona Beach is hereby created, established, organized and constituted in the county of Volusia, and State of Florida, the boundaries of which are set forth in Appendix 1.

**ARTICLE II. ZONES**

**Sec. 2. Designation and boundaries of zones.**

- (a) The City of Daytona Beach shall be divided, for the purposes hereinafter named, into six (6) zones.
- (b) The zone boundaries existing on the effective date of this act shall continue in effect until changed by the city commission.
- (c) The city commission shall, by ordinance passed by three-fifths (3/5) affirmative vote, redesignate the boundaries of each zone after each annexation and each decennial census conducted by the United States government. The city commission may, by ordinance passed by three-fifths (3/5) vote, redesignate zone boundaries whenever it is deemed proper.
- (d) All such redesignation of boundaries shall be in accordance with the Constitutions and laws of the State of Florida and of the United States of America including but not limited to the Voting Rights Act. However, zone boundaries shall not be changed less than two (2) months prior to a regular municipal election except to include properties annexed to contiguous zones.

**ARTICLE III. POWERS**

**Sec. 3. Form of government.**

The municipal government provided by this Charter shall be known as the commission-manager form of government. Pursuant to its provisions and subject only to the limitations imposed by the state constitution and by this Charter, all powers of the city shall be vested in an elective commission, which shall enact ordinances, adopt

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budgets, determine policies and appoint the city manager who shall execute the laws and administer the government of the city.

**Sec. 4. General powers.**

The City of Daytona Beach hereby created and established shall have perpetual succession; may sue and be sued; plead and be impleaded; shall have and may exercise all of the powers, privileges and functions of municipalities prescribed, authorized, and provided in the home rule powers granted by the Constitution and the General Laws of the State of Florida; ~~and in addition thereto, shall have the power, by and through its city commission herein created.~~

~~To purchase, lease, acquire by eminent domain, receive and hold property, real and personal, within or without the limits or territorial boundaries of said municipality; and to sell, alienate, convey, lease or otherwise dispose of the same for the benefit and advantage of said municipality; acquire by eminent domain, lease, receive and hold property, real and personal, within or without the limits or territorial boundaries of said municipality to be used for the erection, construction and maintenance of waterworks, storm and sanitary sewer systems, and lighting plants, for the establishment of hospitals and houses of detention and correction, for the establishment of docks, wharves, bulkheads, breakwaters and boat basins, public parks, playgrounds, golf grounds, fair grounds, airports, seaplane bases, and for such other public purposes as the city commission may, by ordinance or otherwise, deem necessary and proper; and may sell, lease or otherwise dispose of said property for the benefit of said municipality to the same extent that natural persons might or could do; to lease space for the maintaining of advertising on all parking meter standards, benches or other property owned and operated by the city; to pass and enforce ordinances for the preservation of the property of said municipality and to preserve order on the same, either within or without its limits.~~

~~The commission may make such other and further ordinances, not inconsistent with the constitution and the laws of the State of Florida as shall be deemed necessary for the exercise of its powers and the performance of its duties. The enumeration of particular powers herein shall not be held or deemed to be exclusive or limiting.~~

**Sec. 5. Reserved. Operate utilities and grant franchises.**

~~(a) — *Lights, heat and power.* The city commission shall have power to provide for lighting the streets, parks, public buildings and public places of the city; and to purchase or otherwise acquire, establish, maintain and operate plants either within or without the corporate limits of the city for lighting and heating by~~

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~~electricity, gas or any other method; and to supply the inhabitants of said city with artificial light, heat, and power, for domestic, business and other purposes, and to charge and collect reasonable rates, prices and compensation for furnishing and supplying the same.~~

~~(b) — *Service of utilities to consumers outside city.* The City of Daytona Beach shall have power to supply water and electricity, sanitary sewer service, garbage and trash collections, and gas for domestic and other purposes, to individuals, firms and corporations outside the said city, and to charge and collect rates, prices and compensation therefor.~~

~~The City of Daytona Beach is also authorized to furnish fire protection and fire hydrant service outside the City of Daytona Beach to individuals, firms and corporations outside said city, and when such service is rendered the commission shall make reasonable charges therefor. Charges for water, sanitary sewer service, fire protection and fire hydrant service, shall be included in one bill to any individual, firm or corporation user outside the said city who contracts for such services, and upon failure of any individual, firm or corporation user to pay any charge for water, sanitary sewer service, fire protection and fire hydrant service or such of them as contracted for, the city is authorized to withhold all of such services from such user.~~

**Sec. 6. Planning and zoning powers.**

~~(a) *Planning board and board of adjustment.*~~

There shall be a planning board consisting of ~~eleven (11)~~ seven members appointed by the commission for terms of four ~~(4)~~ years from among the qualified electors of the city. At least one member ~~but no more than two (2) members~~ shall reside in ~~any one each~~ zone as defined in section 2 hereof. The commission may provide for staggered terms for the members of the board. Members of the board shall hold no other city office. The board shall advise the city manager and the commission on all planning and zoning matters and shall exercise all other responsibilities as may be provided by law.

The commission shall by ordinance establish a board of adjustment and shall provide standards and procedures for such board to hear and determine appeals from

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administrative decisions, applications for variances in cases involving hardship and such other matters as may be required by the commission or by law.

**ARTICLE IV. CITY COMMISSION**

**Sec. 7. Regular and first meetings of commission.**

At 6:00 p.m. on the second Wednesday after the first Monday in November following each regular municipal election, the city commission shall meet at the usual place of holding the meetings of the commission, at which time the newly elected mayor and commission members shall assume the duties of office. Thereafter the city commission shall meet at such time, day, and place as may be prescribed by ordinance or resolution, except that it shall meet regularly not less than twice each month.

(Ord. No. 98-285, § 1, 7-1-1998; Ord. No. 00-551, § 1, 12-4-2000)

**Sec. 8. Election, term, qualifications, etc., of commissioners; mayor.**

The elective officers of the city shall be six (6) commissioners and a mayor. The mayor elected in 2007 shall serve a term ending in 2012. Commissioners from zones 1, 3, and 5, elected in 2005 shall serve terms ending in 2010. Commissioners from zones 2, 4, and 6, elected in 2007 shall serve terms ending in 2012. Thereafter, the mayor and commissioners shall be elected to terms of four (4) years. One commissioner shall reside in each of the zones of said city as said zones are designated in Section 2 of this charter. No person may qualify to run for the office of commissioner except from the zone in which he is a bona fide resident continuously for at least six (6) months immediately prior to the first day of the qualification period for office and be a qualified elector. Candidates for the office of mayor shall be bona fide residents of the city for at least six (6) months immediately prior to the first day of the qualification period and be qualified electors in any of said zones. If the mayor or any commissioner ceases to possess any one of the qualifications set forth herein, the office shall thereupon become immediately vacant. Each qualified elector of said city shall have the right to vote for one candidate for mayor, and shall further have the right to vote for one candidate for the city commission from the zone in which the elector is qualified to vote. No person may qualify for both the office of commissioner and the office of mayor in the same election. The mayor and commissioners elected under this section shall take office on the second Wednesday after the first Monday in November after their election as provided under this charter and shall hold office to the expiration of their terms as

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provided above or until their successors are elected and qualified under the provision of this charter if that be later.

(Ord. No. 98-285, § 1, 7-1-1998; Ord. No. 02-367, § 1, 7-17-2002; Ord. No. 03-601, § 1, 12-17-2003; Ord. No. 04-266, § 1, 6-16-2004/8-31-2004; Ord. No. 08-276, § 2, 10-24-2008)

**Sec. 9. Vacancies on commission or in office of mayor.**

In the event any vacancy in the city commission, including the office of mayor, occurs less than twelve (12) months prior to a regular election, by reason of death, resignation, failure to possess the requisite qualifications as described in this act, absence from four (4) consecutive regular meetings of the commission, unless such absence is excused by the commission, the conviction of a felony in any court of competent jurisdiction, or for any other cause, it shall be the duty by a majority vote, of the remaining qualified members of the city commission to declare such office vacant and, in the case of a vacancy in the office of mayor, to fill the same by appointing a resident of the city who shall possess the qualifications of being a bona fide resident continuously for at least six (6) months immediately prior to the appointment and being a qualified elector; and in the case of a vacancy in the office of city commissioners, to fill the same by appointing a resident of the zone in which the vacancy occurs who shall possess the qualifications of being a bona fide resident for at least six (6) months immediately prior to the appointment and being a qualified elector therein, all within ten (10) days after the vacancy occurs; and in the event of the failure, neglect or refusal of said city commission to fill said vacancy, then same may be filled by the governor of the State of Florida, which said appointee shall serve until 6:00 p.m. on the second Wednesday after the first Monday in November after the next regular municipal election, and a successor shall be elected to serve for a term ending in accordance with the schedule in Section 8, Sub-Pt. A, City Charter.

In the event a vacancy in any such office occurs twelve (12) months or more than twelve (12) months prior to any regular election to be held in The City of Daytona Beach, the city commission shall call a special election in accordance with the election laws of The City of Daytona Beach, for the purpose of filling said vacancy for a term ending in accordance with the schedule in Section 8, Sub-Pt. A, City Charter. The candidates for such vacant office shall possess the requisite qualifications for said office as set forth in this Charter.

In the event a vacancy in any such office occurs due to the resignation of a member of the city commission, including the mayor, pursuant to the state law requirement that a municipal officer resign prior to qualifying for a different elective office with a concurrent or partially concurrent term, the vacancy for the remainder of the unexpired term shall

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be filled by special election held in conjunction with the scheduled general election for the office for which the resigning member is running.

(Ord. No. 04-266, § 1, 6-16-2004/8-31-2004)

**Sec. 10. Commission judge of own elections; mayor and commissioners ceasing to possess qualifications.**

The commission shall be the judge of the election and qualification of its own members, or may delegate such duties to a canvassing board utilized in conjunction with county uniform municipal elections, subject to review by the courts. Any mayor or member of the commission who shall cease to possess the qualifications enumerated in this Charter (including any city commissioner who, while in office, removes his or her residence from the zone from which elected), or who shall be convicted of a felony while in office, shall cease to possess the requisite qualifications of a member of the city commission as described in this act, and the office so held by said mayor or city commissioner shall, upon the happening of such event, be considered vacant and shall be filled as other vacancies hereinafter provided.

**Sec. 11. Quorum of commission; compelling attendance; voting on ordinances and resolutions.**

A majority of all members elected to the city commission shall constitute a quorum, but a lesser number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. No official action shall be taken by the commission unless a quorum is present at the time the action is taken.

**Sec. 12. Special meetings of commission; open to public; exercise of powers; rules and order of business; adjournment for lack of quorum.**

The mayor, or any four (4) members of the commission, or the city manager may call special meetings of the city commission upon at least twelve (12) hours' written notice to each member, served personally or left at the member's usual place of residence. At such special meetings the commission shall have and may exercise all of the powers vested in it to be exercised at regular meetings unless the notice of call ~~[call]~~ of such special meeting limits the matters to be considered at such meeting. Any regular, special or adjourned meeting may be adjourned for lack of a quorum by any one or more members of the commission and in the absence of any commissioner, by the city manager or the city clerk, provided that after the adjournment each member of

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the commission is served with a written notice of the time of such adjourned meeting in the manner provided for the call of special meetings. All meetings of the city commission and of the committees thereof shall be public and any citizen shall have access to the minutes and records thereof at all reasonable times. The city commission shall determine its own rules and order of business and shall keep a journal of its proceedings. The city commission shall adopt a resolution setting out the rules and procedures by which its meeting agenda will be administered.

**Sec. 13. Absence of members from meetings of commission.**

Absence from four (4) consecutive meetings of the commission shall operate to vacate the seat of the member, unless such absence is excused by the commission by resolution duly entered upon the journal; provided however, that the commission may by resolution grant leaves of absence to its members for such periods as it sees fit, such grants to be by resolution duly entered upon the journal.

**Sec. 14. Mayor and commissioners; salaries and expenses.**

The commission may determine the annual salary of the mayor and commissioners by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of commissioners elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six (6) months.

Commissioners shall receive their actual and necessary expenses incurred in the performance of their duties of office, in accordance with city policy.

**Sec. 15. Powers vested in commission; to deal with administrative service solely through city manager; interference by members of commission.**

(a) All powers of the city except as otherwise provided by this Charter or by the constitution of this state, are hereby vested in the commission, and except as otherwise provided by this Charter or by the constitution of this state, the city commission may, by ordinance or resolution, prescribe the manner in which any power of the city shall be exercised.

(b) The commission and its members shall deal with the administrative service through the city manager; provided however, that this provision shall not be construed as prohibiting the commission from advising and consulting with the city manager and other officers and employees of the city whenever in the judgment of the commission it may be necessary, or from making suggestions to the city manager; but no member of

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the city commission shall directly interfere with the conduct of any officer or employee in the discharge of prescribed duties, except at the express direction of the commission; nor shall any member of the city commission interfere in the competitive selection process for city purchases or contracts. Any violation of the provisions of this subsection by any member of the city commission shall be punishable by a fine constitute a misdemeanor and, upon conviction thereof before any court of competent jurisdiction, [the violator] shall be fined not exceeding five hundred dollars (\$500.00), or bey imprisonment not exceeding sixty (60)-months days, or both, at the discretion of the court.

(c) During preparation of the annual city budget, each member of the city commission, including the mayor, shall meet with the city manager for the purpose of discussing the commissioner's funding priorities for his or her zone. In addition to funding for city-wide service and project needs, the city manager shall include the zone funding priorities in the budget submitted to the city commission to the extent possible within available revenues, and the city commission shall consider the zone priorities prior to adoption of the budget.

**Sec. 16. Powers and duties of mayor, vice mayor; absence or disability of mayor.**

(a) The mayor shall preside at all meetings of the commission and perform such other duties consistent with the office as may be imposed by it; and shall have a voice and a vote in the proceedings of the commission. The mayor shall present an annual "State of the City" address in the month of November. The mayor shall use the title of mayor in any case in which the execution of legal instruments of writing or other necessity arising from the general laws of the state so require. The mayor shall be recognized as the official head of the city by the courts for the purpose of serving civil process; by the government in the exercise of military law, and for all ceremonial purposes. In time of public danger or emergency the mayor may, with the consent of the commission, take command of all departments of the city and maintain order and enforce law. The powers and duties of the mayor shall be such as are conferred by the city commission in pursuance of the provisions of this Charter.

(b) In the absence or disability of the mayor, the vice mayor shall perform the duties of mayor. The vice mayor shall be one of the members of the city commission. On the date that the commission takes office following the general election, the commissioner of zone 1 shall automatically become the vice mayor and shall retain the office for a period of four (4) months; and thereafter the office shall be rotated according to consecutive zone members each four (4) months; however, if the commissioner of zone 1 has not previously held office, the rotation shall start with the commissioner of zone 2 and end with the commissioner of zone 1.

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**Sec. 17. Review or investigation of officers, employees or departments.**

The city commission shall have power at any time to cause a review of the affairs of any department. The city commission shall have the authority to conduct investigations of any officer, employee, or department. For investigative purposes the commission shall have power to compel the attendance of witnesses and the production of books, papers and other evidence; and for that purpose may issue subpoenas or attachments which shall be signed by the mayor and shall be served by an officer authorized by law to serve such process. For investigative purposes the commission shall have power to cause the testimony to be given under oath, such oath to be administered by some officer having authority under the law of the state to administer oaths; and shall also have power to punish as for contempt any person refusing to testify to any fact within the person's knowledge, or produce any books or papers under his or her control relating to the matter under investigation.

**ARTICLE V. NOMINATION AND ELECTION OF COMMISSION**

**Sec. 18. Election of mayor and commission; taking office.**

The regular municipal election shall be held every two (2) years, in even-numbered years, in conjunction with the elections held pursuant to the Florida Election Code or as uniform filing and election dates for even-numbered year municipal elections in Volusia County may be established. Members of the city commission elected at the regular municipal elections shall assume the duties of office at six o'clock p.m. on the second Wednesday after the first Monday in November, immediately following such regular municipal election.

(Ord. No. 98-285, § 1, 7-1-1998; Ord. No. 08-276, § 2, 10-24-2008)

**Sec. 19. Candidates nominated by petition; required number of signatures.**

The mode of nomination of all elective officers provided for by this Charter shall be by petition. The name of any elector of the city shall be printed upon the ballot as a candidate for either mayor or commissioner, whenever a petition, as hereinafter prescribed, shall have been filed in his or her behalf with the city clerk. For candidates for the office of city commissioner, such petition shall be signed by at least twenty-five (25) of the qualified electors residing in the zone in which said candidate resides, and from which said candidates seek election. For candidates for office of mayor, such petition shall be signed by at least ten (10) of the qualified electors from each of the zones of the city.

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**Sec. 20. Signatures to nomination papers; affidavit of circulation.**

Nominating petitions for the office of mayor or city commissioner shall be filed only upon forms provided for and supplied by the city clerk, which said forms shall be provided without charge; provided however, that such nominating forms will be given by the city clerk only to a bona fide candidate who shall first have signed and filed with said clerk an affidavit indicating a bona fide intention to become a candidate. The signatures to a nominating petition need not all be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulation thereof, stating the number of signers of such paper, and that each signature appended thereto was made in the presence of the affiant and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number, or other description sufficient to identify the same.

**Sec. 21. Filing nomination papers; acceptance of nomination; qualification fee; primary elections.**

All nomination papers comprising a petition shall be assembled and filed with the city clerk, as one instrument, not later than twelve noon on the last day of the qualifying period preceding the general election. Any person nominated under this Charter shall pay to the city clerk a qualifying fee of twenty-five dollars (\$25.00) or use the alternative method of qualifying as established by the city commission and file with the city clerk a written acceptance of said nomination, not later than five o'clock p.m. of the fifth day after the last day of the qualifying period preceding the general election. In the absence of said acceptance and payment of fee or use of the alternative method of qualifying, the person's name shall not be submitted as a candidate in any general, special, or primary election held in the City of Daytona Beach. Upon receipt of the nominating petition or alternative method petition of any candidate, the city clerk shall file the petition and shall keep the same on file in accordance with State records retention requirements.

- (a) When more than two (2) candidates are nominated for any elective office in the City of Daytona Beach, then it shall be the duty of the city commission to call a primary election, to be participated in by the qualified electors of the city. In such primary election, only those offices shall appear on the ballot for which there have been nominated more than two (2) candidates. Electors shall have the right to vote for a candidate for each office upon the ballot. The city commission shall publish a call for such election in a newspaper of general circulation published in Daytona Beach, on at least three (3) consecutive days preceding the Sunday in the week immediately prior to the date of such primary election.

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- (b) The two (2) candidates for each office who receive the greatest number of votes cast for such office in such primary election shall have their names submitted to the voters for election at the next regular municipal election.
- (c) Whenever a candidate in any primary election shall receive a majority of all the votes cast for a particular office, then the candidate shall be declared elected to the office, and no regular election to elect such an officer need then be held.

(Ord. No. 98-293, § 1, 7-15-1998)

**Sec. 22. Elections; matters submitted to electors.**

Any matter which, by the terms of the Charter, may be submitted to the electors of the city at any special election, may be submitted and voted upon at a regular municipal election.

**Sec. 23. Qualifications of electors.**

Any person who shall possess the qualifications of an elector in general state elections and shall be residing in the City of Daytona Beach shall be deemed a qualified elector authorized to vote at such municipal election. On all propositions relating to the issuing of city bonds, only such qualified electors as are freeholders shall be eligible to vote.

**Sec. 24. Arrangements for holding; appointment of inspectors and clerks; districts and polling places.**

The city clerk shall in conjunction with the county supervisor of elections make all necessary arrangements for holding all municipal elections, and the city commission shall declare the results thereof or can delegate such duties to a canvassing body utilized in conjunction with the county uniform municipal elections. Inspectors and clerks of elections shall be appointed by the city commission unless handled pursuant to county uniform municipal elections, except that if the county supervisor of elections shall fail to appoint them at least two (2) days before the date of any election, the city clerk shall appoint them. The city commission shall, by resolution, designate as many polling places as are necessary for the use of the voters at each election.

**Sec. 25. Ascertaining and declaring results.**

The results of the voting at each polling place, when ascertained, shall be provided by the supervisor of elections in duplicate, one copy being delivered to the mayor and

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one copy to the city clerk, both of whom shall transmit such returns to the commission at a meeting to be held not later than twelve o'clock noon on the second day following the election. At such meeting the commission shall certify the election returns, and the candidate for office who shall have received the greatest number of votes cast shall be by the commission declared elected. The city clerk shall, not later than five o'clock p.m. of the second day after the election, furnish a certificate of election to each person shown to have been elected.

**Sec. 26. State election laws applicable.**

All general laws of the State of Florida relating to elections and the registration of persons qualified to vote therein, which are not inconsistent or in conflict with the provisions of this ~~act~~ charter shall be and the same are hereby adopted as parts hereof. Elections of mayor and city commissioners shall be nonpartisan and references in general law to political parties and party primaries shall not be applicable to city elections.

**ARTICLE VI. CITY MANAGER**

**Sec. 27. City manager, initial appointment and annual evaluation, etc.; absence or disability.**

The city commission shall appoint a city manager who shall be the administrative head of the municipal government under the direction and supervision of the city commission, and shall hold office from the date of appointment until discharged by the commission and shall at all times serve at the pleasure of the city commission and receive such compensation as the city commission may determine. The city manager shall be chosen solely on the basis of executive and administrative qualifications without regard to political belief, and need not be a resident of the city or state at the time of appointment. During the absence or disability of the city manager, the city commission may by resolution appoint an officer of the city to perform the duties of the city manager until such absence or disability shall cease. The compensation to be paid the officer appointed to perform the duties of the city manager during such absence or disability shall be established by the city commission in the resolution of appointment. The city manager shall be subject to an annual evaluation by the city commission. No member of the commission or former member of the commission may be eligible for appointment to the position of city manager during the term for which elected or appointed as city commissioner, nor within one (1) year after the expiration of such term. The commission may require the city manager to reside within the city, but in the absence of a specific

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requirement, the city manager need not reside within the city while serving in that capacity.

**Sec. 28. Powers and duties generally.**

Except in times of emergency as described in section 16 hereof, the city manager shall be the chief executive officer and head of the administrative branch of the city government. The city manager shall be responsible to the commission for the proper administration of all affairs and administrative departments of the city government, including the police and fire departments, and shall carry out the ordinances, policies and regulations adopted by the commission.

The city manager shall have such power and authority as shall be necessary to permit performance of the duties as set forth herein or as may be required by ordinance or resolution of the city commission.

In case of riot or other grave emergency and during elections or similar occasions, except those described in section 16 hereof, the city manager may appoint special firefighters, police officers and officers for temporary service. Except under the provisions of section 16 hereof, no person shall act as a special firefighter, police officer, special detective, or other special police officer for any purpose whatsoever, except on written authority of the city manager.

In addition to the general authority and other responsibilities assigned to him by the commission, the city manager is required to:

- (a) Enforce all laws and ordinances.
- (b) Except as hereinafter specifically provided, appoint, suspend and remove all subordinate officers and employees of the city.
- (c) Exercise, control and direct supervision over all administrative departments and divisions of the municipal government under this Charter, or which may hereafter be created by the city commission, including police and fire reserve forces.
- (d) See that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed; and upon knowledge of any violation thereof, to call the same to the attention of the city attorney, whose duty it is hereby made to take such legal steps as may be necessary to enforce the same.
- (e) Attend meetings of the city commission, and of its committees, with right to take part in the discussion, but without a vote.

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- (f) Recommend to the commission for adoption measures deemed necessary or expedient in the interests of the city.
- (g) Submit to the city commission for its consideration an annual budget and capital program.
- (h) Administer the city commission meeting agenda in accordance with policies established by the city commission.
- (i) Submit to the city commission a quarterly financial report describing budget versus actual expenditures, including capital expenditures.

**ARTICLE VII. CITY ATTORNEY**

**Sec. 29. City attorney, initial appointment and annual evaluation, etc.; absence or disability.**

The city commission shall appoint a city attorney who shall serve at the pleasure of the commission and act as legal advisor for the city and all its officers in matters relating to their official duties. The city attorney shall act as the head of the legal department and shall be responsible for administration of the department, including the appointment, supervision, and removal of all personnel employed in the department. The compensation of the city attorney shall be fixed by the commission in sums commensurate with the duties imposed; provided, that all special or unusual services required may be specially compensated as the commission may see fit to provide. The city attorney shall be a duly admitted member of The Florida Bar and shall have been a practicing attorney for at least five years. The city attorney shall not be a member of the Florida legislature nor serve as attorney for any other municipality or taxing agency. No member of the commission or former member of the commission may be eligible for appointment to the position of city attorney during the term for which elected or appointed as a city commissioner, nor within one year after the expiration of such term. The city commission may require the city attorney to reside within the city, but in the absence of a specific requirement, the city attorney need not reside within the city while serving in that capacity. The city attorney shall be subject to an annual evaluation by the city commission.

During the absence or disability of the city attorney, the city commission may by resolution appoint an attorney to perform the duties of the city attorney until such absence or disability shall cease. The compensation to be paid the attorney appointed to perform the duties of the city attorney during such absence or disability shall be established by the city commission in the resolution of appointment.

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**Sec. 30. Powers and duties generally.**

(a) The city attorney shall perform such professional duties as shall be required of him or her, including:

(1) Approve all contracts of the municipality as to form, authority, and proper execution before the same shall become effective.

(2) Act as attorney of record for the city in any and all cases before and tried in the court unless other representation is directed, requested, or authorized by the city commission.

(3) Attend regular meetings of the commission, and such other meetings as may be required, upon reasonable notice given.

(b) The city attorney may delegate to any duly appointed assistant city attorney any of the duties and responsibilities imposed by the provisions hereof or by the city commission; and may retain private counsel for certain purposes or to perform certain duties or responsibilities prescribed herein upon authorization of the city commission.

**VIII. ADMINISTRATIVE DEPARTMENTS AND PROCEDURES**

***DIVISION A. GENERAL***

**Sec. 31. Administrative Officers and departments generally.**

The city commission by ordinance may create, change, and abolish administrative offices, departments, or agencies of the city as it may deem advisable. The city commission by ordinance may assign, change, or reassign titles and may assign or reassign functions to offices, departments, or agencies from time to time as it may see fit upon the recommendation of the city manager. The police and fire department of the city shall be administered as are other departments except as otherwise provided herein.

**Sec. 320. Oaths of officers.**

Every officer of the city shall, before entering upon the duties of office, take and subscribe to an oath or affirmation to be filed and kept in the office of the city clerk; which oath shall be in the form prescribed for state officers by the constitution of the state.

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***DIVISION B. LEGAL DEPARTMENT***

**Sec. 31. City attorney.**

- ~~(a) The commission shall appoint a city attorney who shall serve at the pleasure of the commission and act as legal advisor for the city and all its officers in matters relating to their official duties. The city attorney shall be a duly admitted member of The Florida Bar and shall have been a practicing attorney for at least five (5) years. The city attorney shall not be a member of the Florida legislature nor serve as attorney for any other municipality or taxing agency.~~
- ~~(b) The city attorney shall perform such professional duties as shall be required of them; shall approve all contracts of the municipality before the same shall become effective; and shall act as prosecuting attorney in any and all cases before and tried in the court.~~
- ~~(c) The city attorney shall attend regular meetings of the commission, and such other meetings as may be required, upon reasonable notice given.~~
- ~~(d) The city attorney shall be subject to an annual evaluation by the city commission.~~
- ~~(e) The compensation of the city attorney shall be fixed by the commission in sums commensurate with the duties imposed; provided, that all special or unusual services required may be specially compensated as the commission may see fit to provide.~~
- ~~(f) The city attorney may delegate to any duly appointed assistant city attorney any of the duties and responsibilities imposed by the provisions hereof or by the city commission~~
- ~~(g) In the absence or during the disability of the city attorney, or when specifically authorized by the city attorney, an assistant city attorney may approve contracts of the municipality.~~

***DIVISION BC. CITY CLERK***

**Sec. 332. Appointment, etc.; powers and duties generally.**

- (a) *Appointment; general duties.* There shall be a city clerk who shall be appointed by and serve during the pleasure of the city manager, and who shall perform the duties specified in this Charter as well as those required by the city manager and the city commission.

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- (b) *Countersigning contracts.* No contract made in behalf of the city or to which the city is a party shall be valid unless attested to and signed by the city clerk.
- (c) [*Custodian of city seal and records.*] The city clerk shall be the custodian of the seal of the city and of all records and papers of a general character pertaining to the affairs of the municipality.
- (d) *Background check.* The city clerk will obtain and retain on file a code violation and criminal history background check for any person applying for appointive or elective city office.

***DIVISION CD. OTHER PROCEDURES***

**Sec. 343. Official bonds of officers and employees.**

The city manager, and all other officers and employees having control, custody or charge of any money or properties of the city and such other officers and employees that the city commission may designate shall enter into a good and sufficient honesty bond in an amount to be determined by the city commission. All bonds shall be written in favor of the City of Daytona Beach by a surety company authorized to do business in the State of Florida. Such bonds may provide coverage with deductible amounts as determined by the city commission. The premium on such bonds shall be paid by the City of Daytona Beach.

**Sec. 354. Officers and employees not to hold other office; not to be interested in contracts, etc.; franks, free tickets, passes or service.**

Officers and employees of the City of Daytona Beach may hold not more than one office in the said government of the City of Daytona Beach, Florida, except as provided otherwise in this Charter; nor shall any officer or employee elected or appointed to hold an office or position in the government of said city be interested, directly or indirectly, in any contract or job for work or materials, or the profits thereof, or to be furnished or performed for the city; and no such office[r] or employee shall be interested, directly or indirectly in any contract or job for work or material, or the profits thereof, or services to be furnished or performed for any person, firm or corporation operating interurban railways, street railways, gasworks, waterworks, electric light or power plants, heating plants, telegraph lines, telephone exchange or other public utilities within the territorial limits of said city. No such officer or employee shall accept or receive directly or indirectly, from any person, firm or corporation operating within the territorial limits of said city, any interurban railway, street railway, gasworks, waterworks, electric light or

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power plant, heating plant, telegraph or telephone exchange, or other business operating under public franchise, any frank, free ticket, or free service or accept or receive, directly or indirectly, from any such person, firm, or corporation, any other service upon terms more favorable than is granted to the public generally. Any person violating any of the provisions of this section shall ~~be deemed guilty of a misdemeanor, and upon conviction, thereof shall~~ be punished by a fine not exceeding five hundred dollars (\$500.00), or by imprisonment in the county jail not exceeding ~~ninety-sixty (690)~~ days; and every such contract or agreement shall be void. Nothing herein contained shall prevent any officer or employee of any of the aforesaid persons, firms or corporations from holding any elective office of the City of Daytona Beach if and when the said elective officer was, at the time of their election, so employed and said employment was open and well known to the public in general. Neither shall anything herein contained prevent any of said officers or employees from accepting or receiving any free pass or frank to which their employment entitled them.

**Sec. 365. Officers and employees not to receive compensation other than salary; paying over fees, etc., to chief financial officer.**

No officer or employee of said city shall retain any fees or costs for any services they may perform, nor shall they receive any compensation, other than the salary or expenses allowed and fixed by law, or as authorized by this chapter or any ordinances or resolutions which the city commission may lawfully adopt. All fees and costs which may be provided by law, ordinance or resolution to be paid shall be received by the officers and employees for and on account of the municipality, and shall be paid to the chief financial officer under such regulations as the city commission may prescribe for such officers and employees and shall make monthly reports thereof, or more often, as required by the city commission, to the chief financial officer, showing in detail from whom and on what account such fees and costs were received, and shall accompany such reports with receipts for the money paid over to the chief financial officer.

**Sec. 376. Violation of preceding section; creating liability exceeding budget.**

Any mayor, member of the commission, ~~city~~ officer or employee ~~of said municipality,~~ or other person entrusted with the collection or disbursement of municipal funds, who shall knowingly violate any of the provisions of section 35 of this ~~act~~ charter, or aid in such violation, or who shall create, or aid in creating any liability of the municipality beyond the expenses as fixed by the budget in the method hereinafter designated, shall be civilly liable to the municipality for the excess and any loss to the municipality, and shall also be guilty of a ~~misdemeanor,~~ violation of this charter for which such person or persons shall, upon conviction, be fined not less than five hundred dollars (\$500.00), or

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be imprisoned in the county jail ~~not less than ninety~~ for up to sixty (60) days, or may be both fined and imprisoned in the discretion of the court.

**ARTICLE IX VIII. FINANCIAL PROCEDURES**

**Sec. 387. Public records.**

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the city consistent with the availability of other public records and as required by general law.

**Sec. 398. Independent audit.**

The commission shall provide for an independent annual audit of all city accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. The commission shall select an auditor in a manner consistent with state law ~~may, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding three (3) years, provided that the designation for any particular fiscal year shall be made no later than thirty (30) days after the beginning of such fiscal year.~~

**Sec. 4039. Closing and auditing accounts of officials and employees.**

Upon the death, resignation, removal or expiration of the term of any officer or employee, the city auditor shall audit any accounts of the officer or employee, and if such officer or employee shall be found to be indebted to the municipality, the city auditor shall at once give notice thereof through the city manager to the city commission and to the city attorney, and the latter shall forthwith proceed to collect the sum of such indebtedness, as well as give notice of the violation on the part of said officer or employee of any of the criminal laws of the state to the proper law enforcement officer of the state.

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**ARTICLE IX. INITIATIVE AND REFERENDUM**

**Sec. 410. The initiative.**

- (1) *Power to initiate ordinances ~~and acts~~.* The qualified electors of the city shall have the power at their option to propose ordinances, including ordinances granting franchises or privileges, but not including the budget or capital program or any ordinance relating to appropriation of money, levy of taxes, or salaries of city officers or employees, and to adopt the same at the polls, such power being known as the initiative. ~~The people shall also have similar power to propose Charter changes and such other municipal legislation as would ordinarily be proper for enactment by the state legislature as a special or local law pertaining to the City of Daytona Beach, in the event the constitution of the State of Florida shall be amended to provide for such procedure by granting home rule for Volusia County and its municipalities.~~ A petition meeting the requirements hereinafter provided, and requesting the commission to pass an ordinance or other legislation, therein set forth or designated, shall be termed an initiative petition and shall be acted upon as hereinafter provided.
- (2) *Preparation of initiative petitions.* Signatures to initiative petitions need not all be on one paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be, which affidavit shall be substantially in the following form:

COUNTY OF VOLUSIA	)	
STATE OF FLORIDA	)	SS

\_\_\_\_\_ being duly sworn, deposes and says that he/she is the circulator of the foregoing petition paper containing \_\_\_\_\_ signatures, and that the signatures appended thereto, were made in his/her presence and are the signatures of the persons whose names they purport to be.

(Signed) \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_, A. D., \_\_\_\_\_.

\_\_\_\_\_  
 Notary Public

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With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the place and any other information required by the Supervisor of Elections for verification of signatures. All such papers pertaining to any one measure shall have written or printed thereon the names and addresses of at least five (5) registered voters who shall be officially regarded as filing the petition, and shall constitute a committee of the petitioners for the purposes hereinafter named. All such papers shall be filed in the office of the city clerk as one instrument.

- (3) *Filing of Petitions.* Within five (5) business days after the filing of the initiative petition, the clerk shall submit the petition to the Supervisor of Elections to ascertain by examination the number of registered voters whose signatures are appended thereto and whether this number is at least ~~twenty (20)~~ ten (10) percent of the total number of registered voters of the city and at least five (5) percent of the total number of registered voters of each zone of the city, as shown by the registration books, and shall attach to said petition a certificate showing the result of the examination. If, by the clerk's certificate, of which notice in writing shall be given to one or more of the persons designated, the petition is shown to be insufficient it may be amended once within ten (10) days from the date of said certificate by filing supplementary petition papers with additional signatures. The clerk shall within five (5) business days after the amendment make examination of the amended petition, and if the certificate shall show the same to be insufficient the clerk shall file the petition and shall notify each member of the committee of that fact. The final finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.
- (4) *Submission of petition to commission.* If the petition shall be found to be sufficient, the clerk shall so certify and submit the proposed measure to the commission at its next meeting. Upon receiving the proposed measure the commission shall at once proceed to consider it and shall take final action thereon within thirty (30) days from the date it is filed with it.
- (5) *Election of initiated measures.* If the commission shall fail to pass the proposed measure, or shall pass it in a form different from that set forth in the petition, then the measure shall be submitted by the commission to the vote of the electors at the next city election occurring not less than forty (40) days after the date of the final action by the commission, and if no election is to be held within six (6) months from such date, then the commission shall call a special election to be held not less than forty (40) days nor more than fifty (50) days from such date. When submitted, the measure shall be in its original form.
- (6) *Initiative ballots.* The ballots used when voting upon a proposed measure shall state the substance thereof, and below it the two (2) propositions "for the measure" and

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"against the measure", or such other descriptive words as the commission shall direct, so arranged upon the voting machines that the voter may vote for or against the proposed measure. When a measure proposed by initiative petition is passed by the commission, but not in its original form, and is to be submitted to a vote of the electors, the measure as passed by the commission shall not take effect until after such vote and, if the measure so submitted be approved by a majority of electors voting thereon, it shall thereupon become an ordinance or law of the city and the measure as passed by the commission shall be deemed repealed. If a majority of the electors voting on any such measure shall vote in favor thereof, it shall thereupon become an ordinance or law of the city. The following title shall be substantially the form of the ballot:

**TITLE OF MEASURE WITH GENERAL STATEMENT OF SUBSTANCE THEREOF.**

For the measure (or other appropriate words)

Against the measure (or other appropriate words)

- (7) *Number of measures to be initiated.* Any number of proposed measures may be voted upon at the same election in accordance with the provisions of this Charter.
- (8) *Conflict on referred measures.* If two (2) or more measures adopted or approved at the same election conflict in respect to any of their provisions, they shall go into effect in respect of such of their provisions as are not in conflict and the one receiving the highest affirmative vote shall prevail insofar as their provisions conflict.

**Sec. 421. Referendum.**

- (1) *Power of referendum.* The qualified electors of the city shall have power at their option to approve or reject at the polls any measure passed by the commission except ordinances involving the budget, capital program, appropriations of money, levy of taxes and salaries of city officers or employees, or submitted by the commission to a vote of the electors, such power being known as the referendum, which power shall be invoked and exercised as herein provided. Measures submitted to the commission by initiative petition and passed by the commission without change, or passed in an amendment form shall be subject to the referendum in the same manner as other measures. ~~In the event that the constitution of the State of Florida shall be amended to provide for home rule for the City of Daytona Beach, the procedure set forth in this section shall be followed where not in conflict with the provisions of said amendment, for any measure which must by the terms of such home rule amendment, be submitted to the people.~~

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- (2) *Referendum petition.* If within ten (10) days after the final passage of any measure by the commission a petition signed by the registered voters of the city to the number of at least twenty (20) percent of the total number of registered voters of the city and at least five (5) percent of the total number of registered voters of each zone of the city, as shown by the registration books, be filed with the city clerk requesting that any such measure, or any section thereof, be repealed or be submitted to a vote of the electors, it shall not, except in the case of an emergency measure, become operative until the steps indicated herein have been taken.
- (3) *Signature to petition.* The signatures thereto need not all be on one paper, but the circulator of every such paper shall make an affidavit that each signature appended thereto is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the place and any other information required by the Supervisor of Elections for verification of signatures. All such papers shall be filed in the office of the city clerk as one instrument. A referendum petition need not contain the text of the measure designated therein and of which the repeal is sought, but shall briefly describe the ordinance or part thereof sought to be repealed.
- (4) *Certificate of petition.* Within five (5) business days after the filing of the petition, the clerk shall submit the petition to the Supervisor of Elections to ascertain whether or not the petition is signed by registered voters of the city to the number of at least twenty (20) percent, and signed by registered voters of each zone of the city to the number of at least five (5) percent, as shown by the registration books and shall attach to such petition a certificate showing the result of such examination. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten (10) days from the date of said certificate by the filing of supplementary petition papers with additional signatures. The clerk shall within ten (10) days after such amendment make like examination of the amended petition and certify the result thereof.
- (5) *Reconsideration; election.* If the petition be found sufficient, the commission shall proceed to reconsider the measure or such section thereof as the petition shall specify. If upon reconsideration the measure, or part thereof, be not repealed or amended as demanded in the petition, the commission shall provide for submitting the same, by the method herein provided, to a vote of the electors, and the measure, or part thereof, shall thereupon be suspended from going into effect until the election and shall then be deemed repealed unless approved by a majority of the qualified electors who participate in the election. Or the commission by a five-sevenths (5/7) vote of the commissioners elected may submit the measure or part thereof with like effect to the electors at a special election to be called by the

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commission not less than forty (40) days after the receipt of the clerk's certificate. No special election of the City of Daytona Beach shall be held on a legal holiday which is named and fixed as such by the laws of Florida.

- (6) *Title ballot.* The proposed measure shall be submitted by ballot title which may be distinct from the legal title of any such proposed measure and which shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such measure. The ballot title shall be prepared by ~~the committee of the petitioners if for an initiative<sup>[2]</sup> or a referendum measure or by a committee of the commission when submitted by the commission.~~
- (7) *Form of ballot.* The ballot used when voting upon a proposed measure shall designate the same, and below it the two (2) propositions, "for the measure" and "against the measure."
- (8) *Emergency measures.* Measures passed as emergency measures shall be subject to referendum like other measures, except that they shall not be suspended from going into effect while referendum proceedings are pending. If, when submitted to a vote of the electors, an emergency measure be not approved by a majority of those voting thereon, it shall be considered repealed, as regards any further action thereunder, and all rights and privileges conferred by it shall be null and void; provided however, that such measure so repealed shall be deemed sufficient authority for any payment made or expense incurred in accordance with the measure previous to the referendum vote thereon.
- (9) *Conflict on referred measures.* If two (2) or more measures adopted or approved at the same election conflict in respect to any of their provisions, they shall go into effect in respect of such of their provisions as are not in conflict and the one receiving the highest affirmative vote shall prevail insofar as their provisions conflict.

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FOOTNOTE(S):

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—(2)—

~~**Note**— Except for use of the term "initiative" in subsection (6), § 41 deals exclusively with referendum, although subsection (1) refers to measures submitted by initiative petition being subject to referendum. (Back)~~

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**ARTICLE XI. GENERAL PROVISIONS**

**Sec. 432. Advisory boards.**

The city commission may at any time appoint an advisory board or boards, composed of citizens qualified to act in any advisory capacity to the city commission, the city manager, or to any department of the city government, with respect to the conduct and management of any property or institution, or the exercise of any public functions of the city. The members of any such board shall serve without compensation for the time fixed in their appointment, or at the pleasure of the commission, and their duties shall be to consult and advise with such municipal officers and make written recommendations which shall become a part of the records of the city.

~~Sec. 43. Beach.~~

~~The public has a right of access to the beaches, and a right to use the beaches for recreation purposes, as defined by ordinance.~~

**Sec. 44. Other Charter subparts.**

The police and fire department employee pension fund shall be organized, and all amendments thereto, heretofore and hereafter enacted by the legislature of the State of Florida. Subparts B [repealed], C, D, E [repealed], and F [designated as subpart E in the Code of 2001] of the Charter shall remain in effect.

**Sec. 45. Codification and publication of Charter and ordinances.**

The commission shall have the power and shall cause to be prepared and published ~~within one (1) year after the passage of this act and once within each five (5) years thereafter,~~ a code ~~or digest~~ of this Charter and all ordinances ~~then in force~~ and shall provide a sufficient fund for the cost of the ~~first codification and digest~~ of the Charter and ordinances in its budget.

**Sec. 46. Charter amendment; Citizen Charter review commission.**

(a) This Charter may be amended in accordance with the provisions of the Municipal Home Rule Powers Act, ch. 166, Florida Statutes, as the same may be amended from time to time, or as may otherwise be provided by general law. The form, content, certification, and verification of any petition to amend shall be in

**The CITY OF DAYTONA BEACH**  
**2014 Charter Review Commission**  
**RECOMMENDED REVISED CHARTER**

accordance with applicable provisions of the Florida Election Code and administrative rules for verification of signatures by the Supervisor of Elections. In addition, any petition to amend shall have written or printed thereon the name(s) and address(es) of one or more registered voters of the city or a registered political committee who shall be officially regarded as filing the petition.

- (b) The A Charter Review Commission (CRC) shall be appointed at least once every five years to conduct a complete review of the Charter of the city. The CRC shall consist of at least seven people and shall be appointed in accordance with the ordinance implementing the establishment of the CRC. The CRC shall be appointed at least once every ten (10) years to review the Charter of the city. At least three months prior to the municipal election subsequent to its appointment, the CRC shall report its findings to the city commission.

**Sec. 47. Nondiscrimination.**

The commission shall enact no ordinance, adopt no resolution nor take any official action, nor shall any officer or employee of the city, in the performance of an official duty, take any action that discriminates against any person because of the race, color, religion, creed, national origin, age, gender, handicap, disability, veteran or marital status of such person. Any act taken in violation of this section shall be null and void. Any commissioner, officer or employee of the city who knowingly and wilfully violates the prohibitions contained in this section shall be guilty of a misdemeanor violation of this Charter punishable by a fine of up to \$500 or 60 days in jail or both and upon conviction thereof punished accordingly.

**ARTICLE XII. PERSONNEL ADMINISTRATION**

**Sec. 47.1. Employment policy.**

All employment actions of the city shall be taken on the basis of merit and bona fide occupational qualifications. No employee shall be subject to illegal discrimination.

(Ord. No. 98-225, § 1, 5-20-1998)

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**Sec. 47.2. Merit system.**

There shall be a merit system for the employees of the city. The city commission shall enact ordinances as may be necessary to prescribe terms and conditions of employment. The city manager shall be appointing authority except as otherwise provided in the Charter and may delegate this authority. The city manager shall provide administrative processes for the implementation of the personnel system and for the adjustment of employee grievances.

(Ord. No. 98-225, § 1, 5-20-1998)

**Sec. 47.3. Personnel board.**

- (a) *[Appointment.]* There shall be a personnel board consisting of five (5) members who shall be appointed by the city commission.
- (b) *Terms.* The members shall serve four (4) year staggered terms ending June 16. They shall be removable for cause after notice and hearing by a majority vote of the city commission.
- (c) *Qualifications.* Each member shall be a qualified elector of the city and shall not hold or be a candidate for any office of profit or trust or employment of any governmental agency.
- (d) *Jurisdiction.* The board shall hear appeals of classified service employees from final administrative action resulting in termination, demotion or suspension with loss of pay and shall affirm, modify, or reverse the final administrative action.
- (e) *Rules of procedure.* The board shall adopt rules of procedure for the processing of appeals and conduct of hearings.

(Ord. No. 98-225, § 1, 5-20-1998)

**Sec. 47.4. Classification of employees.**

Each employee of the city shall be included in one of the following groups as determined by the city commission:

- (a) *Collective bargaining unit employees.* Employees within a collective bargaining unit. The terms and conditions of employment shall be governed by a collective bargaining agreement.
- (b) *Classified service employees.* Permanent full time employees in budgeted positions who are subject to competitive appointment and promotion provisions.

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- (c) *Exempt service employees.* Employees serving in positions designated by the city commission as meeting the following criteria:
- (1) Elected officials.
  - (2) City commission appointees.
  - (3) Directors of departments.
  - (4) Advisory board members and volunteers.
  - (5) Confidential assistants, aides and secretaries.
  - (6) Employees exercising significant management discretion.
  - (7) Employees exercising independent judgment of a profession.
  - (8) Part time, temporary, casual, contract and leased employees.

**~~Sec. 47.5. Transition provisions.~~**

~~The present civil service provisions, Subpart B, sections 11—18, 22, 24 and 26—33, shall become an ordinance subject to amendment as any other ordinance. Any responsibilities of the civil service board and civil service director under Subpart B, City Charter, shall become the responsibility of the city manager. The present members of the civil service board shall become the initial members on the personnel [board] for the terms to which they were appointed.~~

(Ord. No. 98-225, § 1, 5-20-1998)

**ARTICLE XIII. TRANSITIONAL PROVISIONS <sup>[3]</sup>**

**Sec. 48. Passage of title, rights, etc., under Charter.**

The title, rights, ownership of property, including the official seal of the City of Daytona Beach, and the uncollected taxes, dues, claims, judgments, decrees and choses ~~[choices]~~ in action held and owned by the municipality of the City of Daytona Beach, County of Volusia, State of Florida, shall be unaffected by the adoption of this Charter.

(Ord. No. 98-225, § 2, 5-20-1998)

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**Sec. 49. Existing officers, existing resolutions, existing ordinances, etc.**

All the officers and commission members heretofore elected or appointed and holding office under the City of Daytona Beach, Volusia County, State of Florida, ~~except the debt service commission,~~ shall serve the term for which they were elected or appointed and shall continue to discharge the duties thereof until their successors are elected and qualified under the provisions of this ~~act charter~~; and all existing laws, resolutions, contracts and ordinances of the ~~said~~ municipality not in conflict with the provisions of this ~~act charter~~ shall continue unimpaired and of binding effect until repealed, amended or modified by the municipality ~~hereby created and organized~~; and ~~that~~ all such existing laws, resolutions and ordinances are hereby ratified, validated and confirmed.

(Ord. No. 98-225, § 2, 5-20-1998)

**Sec. 50. Unconstitutionality of part of Charter.**

If any section or part of this ~~act charter~~ is held to be invalid or unconstitutional by any court of competent jurisdiction, the same shall not be held to invalidate or impair the validity, force or effect of any other section or part ~~of section of this act~~.

(Ord. No. 98-225, § 2, 5-20-1998)

**Sec. 51. Effective date of Charter.**

This ~~act charter~~ shall take effect immediately upon adoption by the voters.

(Ord. No. 98-225, § 2, 5-20-1998)



# The CITY OF DAYTONA BEACH

— "THE WORLD'S MOST FAMOUS BEACH" —

## 2014 Charter Review Commission

### APPENDICES

1. Charter Review Commission Mission Statement
2. Proposals Rejected
3. Proposals Judged Policy Matters
4. Correspondence
5. Minutes



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2014 Charter Review Commission

# CHARTER REVIEW COMMISSION MISSION STATEMENT



# The CITY OF DAYTONA BEACH

"THE WORLD'S MOST FAMOUS BEACH"

## **CHARTER REVIEW COMMISSION**

### **MISSION STATEMENT**

The Daytona Beach Charter Review Commission has been convened to determine what changes, if any, can be made to the City Charter to make it consistent with current law. The Charter Review Commission may also provide recommendations for amendments to the Charter that the Commission believes could enhance the integrity and performance of our city government in its pursuit of the quality of life that our Citizens desire.

**WHAT IS A CITY CHARTER?** Of all levels of Government, Local Government is by far the most common point of contact for normal citizens. A lot is expected of local government. Local governments provide a vast array of services to residents from public safety to utilities, solid waste management, recreation, transportation, storm water management and much more as determined by the local citizenry. A charter is the foundation of a local government and functions as the municipal equivalent of a State or Federal Constitution setting out guiding principles for governance and the basic rules of governmental operations.

One of the most interesting things about local government charters is each one is a distinct reflection of its community. Because a charter is the document that allows citizens to determine their own structure of government within State-Prescribed legal limits, a charter is, in many ways, a manifestation of a community's values, and one important way that a local government controls its own destiny.

**WHY REVIEW THE CHARTER?** Charters need to be reviewed from time to time because things change. Periodic review of a charter can be a useful exercise in bringing the charter into alignment with new laws or to reflect changing values and changing demands on local government. When performed properly, charter reviews provide for a continuous refinement in the successful governance of local governments.

**WHAT SHOULD BE CHANGED?** Not every local government issue is a charter issue. Most problems local governments face has nothing to do with the quality of their Charter. Many, if not most, concerns about the workings of local government can and should be handled in other ways. According to the National Civic League, as a general rule, charter amendments should be utilized to address issues that cannot be successfully addressed by: 1) The passage of ordinances, 2) By the reorganization of Municipal Departments, 3) By changes to municipal funding, 4) By new officials in office, and 5) By State, Regional, or Federal Initiatives.

**LEGAL BASIS FOR CHARTERS:** The creation, modification and dissolution of municipal charters are regulated by state constitutions, state statutes and local ordinances. Generally speaking, state constitutions and state statutes require that cities have charters establishing geographical boundaries, form of government, departments, services rendered, the exercise of powers provided in the charter and the

process by which the charter may be amended. Local ordinances provide policy direction through which the powers of the charter can be implemented on a daily basis as desired by the municipal elected body.

**CHANGING FORMS OF GOVERNMENT:** The most important decision a Charter Review Commissions will ever undertake is the question of changing its city's form of government. A city's form of government provides for its basic frame work of local governance by assigning authority and functions to government officials

The two predominant forms of governments operating today is the council-manager form in which policy making power is vested equally in the elected body composed of the mayor and council members. Born out of the local government reform movement of the 1900's council-manager government is today the predominant form of government of cities over 10,000 in population in the United States. The council-manager form of government is the corporate model of local government patterned after the private sector. In the council-manager form of government, powers are vested in an appointed executive chosen for his executive skill, education, and experience. On the other hand, the mayor-council form of government reflects the federal model of local government patterned after the division of powers in the federal government in which policy making powers are vested in an elected council, and administrative powers in an elected executive.

As in many other middle and larger size cities, Daytona Beach has adopted a hybrid form of government blending characteristics of the council-manager and mayor-council forms of government. The Daytona Beach Charter provides for a separately elected mayor to be the political and policy leader of the city while retaining all administrative functions and powers in a City Manager. The Charter also allows, but does not demand, that the mayor can serve full time, and be compensated for his full time commitment as approved by the City Commission. Although a large departure from the pure council-manager form of government which mandates a part-time Mayor with largely ceremonial duties, this arrangement incorporates qualities of both forms of government organizing an effective sharing of responsibilities that have proved to work successfully.

**WHY CHANGE FORMS OF GOVERNMENT?** Changing the form of local government is a huge decision for a Charter Review Commission to address with many short and long range implications potentially affecting every facet of local governance.

Although charters have been changed for many reasons, reviews of local government literature on the subject suggest that changes in forms of government are commonly caused by one or more of 5 factors: A loss of trust in the integrity of the local government due to a pattern of unlawful and or scandalous behaviors on the part of local officials; Unmanageable conflict between local officials that hinders the performance of government; The inability of local government to successfully address unanticipated crisis; The failure of the local government to provide consistency in the delivery of services that the citizens deem to be essential; Interest groups seeking to increase their influence in city decision making.

**Charter Review Commission Members**

<b><u>Appointee</u></b>	<b><u>Alternate</u></b>	<b><u>Representing</u></b>
Mr. Gary Libby	Mrs. Ruth Trager	At Large
Mrs. Blaine Lansberry	Mr. Ed Savard	Zone 1
Mr. Glenn Ritchey	Mr. Dan Bollerjack	Zone 2
Ms. Kelly Kwiatek	Ms. Jill Pennington	Zone 3
Mr. Thomas Leek	Ms. Christi McGee	Zone 4
Dr. Willie Kimmons	Mr. Tony Barhoo	Zone 5
Attorney L. Roland Blossom	Mr. Leland Huger	Zone 6

For additional information please contact Charter Review Commission Liaison Ron McLemore at 386-671-8607, or email at [mclemor@codb.us](mailto:mclemor@codb.us).



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**PROPOSALS REJECTED  
&  
PROPOSALS JUDGED POLICY  
MATTERS**

**Rejected Charter amendment proposals:**

Below is a listing of Charter amendment proposals which were but failed to get sufficient support for recommendation as a Charter Amendment.

1. Change in form of government from the Commission Manager (Council Manager) form to the Strong Mayor (Mayor-Council) form
2. Require the Mayor to be full time.
3. Reducing number of election zones from six to four.
4. Term limits for Mayor and Commission.
5. Residency requirement for City Managers and Department heads.
6. Simple majority to hire and fire the City Manager.
7. Ethic provision prohibiting officials and employees from receiving gifts.
8. Third party election financial disclosure.
9. Commission confirmation of Department Heads hired by City Manager.
10. Residency requirements for City Board Members.

### **Non-Charter Proposals:**

Below is a listing of proposals not acted upon by the Charter Review Commission (CRC), and which the CRC judged to be policy matters the City Commission may desire to review.

1. Require all bond issues to be voted on by Electorate.
2. Except for CRA bond issues, require referendums for debt which is paid by City property taxes.
3. Require City to follow maintenance code requirements on City property.
4. Clarify and define emergencies, and emergency powers of the City Manager.
5. Require quarterly finance reports of each zone.
6. Require separate quarterly finance reports for CRAs.
7. Require department heads to attend regular commission meetings.
8. Consider reducing the amount of transfers from the utility fund to the general funds.



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# CORRESPONDENCE

Thomas, Jennifer

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**From:** Gary R. Libby [GrLibby@cfl.rr.com]  
**Sent:** Wednesday, February 05, 2014 9:56 AM  
**To:** Thomas, Jennifer  
**Subject:** Fw: Charter Review

Would you kindly circulate this email to my colleagues.....Thanks GRL

**From:** shiela mckay  
**Sent:** Wednesday, February 05, 2014 9:22 AM  
**To:** Gary Libby  
**Subject:** Charter Review

Some great issues seem to have been brought up last night especially by you and Glenn. Now the work of sloshing through all of them will begin. Got about half way through on my review of the Charter. Sent you some ideas and will send more as I think of them. Thanks for doing this.

Shiela McKay-Vaughan  
386-299-5838

Thomas, Jennifer

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**From:** Gary R. Libby [GrLibby@cfl.rr.com]  
**Sent:** Tuesday, February 04, 2014 11:39 AM  
**To:** Thomas, Jennifer  
**Subject:** Fw: cHARTER REVIEW

Please share with Charter Review Commissioners...

**From:** [shiela mckay](#)  
**Sent:** Tuesday, February 04, 2014 10:49 AM  
**To:** [Gary Libby](#)  
**Subject:** cHARTER REVIEW

After our conversation this morning, I just wanted to reemphasize the issue of requiring the city manager to make yearly reports of issues done and money spent. I worked on that a great deal and did get some info disclosed from him on a couple of occasions re the money he spent on things that did not come before the commission. Quite revealing.

Will get back later.

Shiela McKay-Vaughan  
386-299-5838

Thomas, Jennifer

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**From:** Gary R. Libby [GrLibby@cfl.rr.com]  
**Sent:** Sunday, February 09, 2014 11:44 AM  
**To:** Thomas, Jennifer  
**Subject:** Fw: Charter Review

Please circulate as agreed...thanks GRL

**From:** Chris Daun  
**Sent:** Sunday, February 09, 2014 10:28 AM  
**To:** 'Greg Gimbert'; <mailto:dkuendig@aol.com>  
**Cc:** 'Paul Zimmerman'; 'Steve Koenig'; 'Johnnie ponder'; 'Gary Libby'  
**Subject:** RE: Charter Review

Excellent work Greg!

What about transparency for RFP's, staff management hires, consultants, vendors and "preference" for those who reside or operate out of DB? I'm confused on the prescribed method staff uses to post these announcements (other than the NJ).

---

**From:** Greg Gimbert [<mailto:greggimbert@hotmail.com>]  
**Sent:** Sunday, February 9, 2014 9:22 AM  
**To:** [DKuendig@aol.com](mailto:DKuendig@aol.com)  
**Cc:** Paul Zimmerman; Chris Duan; Steve Koenig; johnnie ponder; Gary Libby  
**Subject:** Charter Review

Hi Weeg,

Can we schedule a Board Meeting for this week? SON needs to take positions in the items discussed at the Charter Review Board Meeting as well as ones we may want to see but not yet discussed if we hope to have an effect on the outcome of the Review Board's decisions. Below are excerpts from emails I have sent to a few of the Board Members for consideration.

Perhaps you can send them to our general membership for consideration and to promote ideas of their own too?

I believe these are much needed protections for ourselves and our neighbors against future politicians and bureaucrats who choose to serve OTHER INTERESTS than the residents and small businesses that make a home here and pay the bills.

1) The removal of illegal restrictions in the Initiative & Referendum Section of our Charter including the zone requirements, the 20% trigger, and the affidavit of the circulator. They are illegal and complete busy work designed to bleed aggrieved residents of time and money. I hope you will go even farther for your neighbors and bring the threshold to trigger a vote to 5% (below the state standard) as the County has so benevolently done.

2) Prohibition of items in excess of \$5,000 appearing on the Consent Agenda (or similar device). If the items are as benevolent as consent items should be then they will all pass quickly and still result in spending at a rate of AT LEAST \$60,000 per hour. If an item takes longer than a couple of minutes and results in discussion then it is

fortunate that there will be opportunity to do so. The net result will be a careful consideration of spending, each item on its own merit, where we will no longer send through large spending items with a wink and a nod.

3) Mandating a public vote on ALL BONDS that are backed up with any type of property taxes including but not limited to CRA funds. This change may sound scary to some but the reality is it would not impact our city's ability to borrow as it had in the past other than we would be voting the next time there was a bonding of CRA funds. Any time property owners are going to be enslaved to more debt they should have a voice. Few would argue that such indebtedness rises beyond the votes of a few elected opinions. Such mandate is even found in our State Constitution. Lets give our residents a voice before we borrow money again to be speculatively spent or (worse) given away as we have so many times in the past.

Thanks,

Greg  
386 852 0751

## Thomas, Jennifer

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**From:** Joe Bourassa <bourassa.joe@gmail.com>  
**Sent:** Sunday, May 04, 2014 9:10 AM  
**To:** Blaine Lansberry; Gary Libby; Glenn Ritchey; Kelly Kwiatek; L. Rolland Blossom; Thomas Leek; Willie Kimmons  
**Cc:** McLemore, Ron; Thomas, Jennifer; Chisholm, James; Pat Rice  
**Subject:** City Charter Commission Set Up

CRC Members;

In finding by chance the existence of this very important group, and remembering my "citizen" participation in the Volusia County version, it sparked my interest.

In looking for access to you members I found that the only access was through a very limited website version where I was not able to copy my entry, and was solely directed to Mr. McLemore. I tried that with no response to my specific request to bring my comment to the group in the "Public Comment" time on the agenda. Mr. McLemore did not do that nor even acknowledge my request.

My request was to have the group supply personal email address's to be included on the City website to facilitate the free access of Citizens without the obvious City Staff control.

Day after the meeting I watched the video of the last meeting and saw that my Citizen Comment was not presented to the group---so sent a follow up email to CM Jim Chisholm and CC Jennifer Thomas and next day Ms. Thomas did supply the email address's I use here.

Watching the meeting video, it was quite evident that there was about zero [2 Public Comments & all empty seats] Citizen participation or interest in the subject. Surely in contrast to the Vol. Co. CRC time.

I just received my latest Utilities Bill and see no mention of this most important groups work and the fact that the results will be a ballot item next fall.

Being a long term City resident and very interested in the Fl. Water Use issue, I feel strongly that the present City practice of transferring such a large percentage of the ever increasing "Water Bill" to the City General Fund, while increasing City Bonded Debt through a Bond Issue is wrong !

For example the Automatic Meter Reading System could have been paid for straight out of the Water-Sewer yearly excess Revenue minus Expense's.

I believe this subject is the type of issue that this CRC group was expected to address, and hope to watch the next meeting's video for at least it's discussion.

Best Regards, Joe

+++++

# Handout @ 3-4-14 Charter Review Town Hall Meeting

This document is a draft of Charter changes Save Our Neighborhoods supports at this time. Some of these ideas remain to be clarified, refined, added to or deleted in the coming month. They are presented tonight in no particular order. Our focus is to strengthen the positions of the elected officials and the voters in our community.

1. Commission Meeting agenda powers should be shared by the City Manager and the Commission. Each member of the Commission should be able to request an item and it should appear on the agenda within 30 days.
2. Require the City Manager and senior staff to reside in the city as a condition of employment.
3. Require a simple majority of the Commission to terminate the employment of the city manager.
4. Require quarterly fair share reporting from the City Manager or the Finance Director on monies spent in each zone. Require separate quarterly reporting for each CRA.
5. Require Commission approval for hiring all department heads.
6. Members of the Commission, if on the ballot, shall not be a member of the canvassing board.
7. 8 Year term limits for all elected officials.
8. Delete all language requiring any affidavit of the circulator; delete language requiring percentages required from each zone; at a minimum, adopt the percentage requirement now used by the county for voters to get an issue on the ballot.
9. Clarify and define emergencies and emergency powers of Mayor and City Manager.
10. Give the Commission the ability to outsource legal staff.
11. City requirement to follow code standards and maintenance standards for all city owned property.
12. Change the time limit required for a special election from 12 months to 6 months.
13. Require third party financial disclosures during elections.
14. Remove all laws from our Charter that supercede or conflict with state law.

15. Strengthen authority of citizen boards.
16. Limit the amount of funds spent on the consent agenda to .25% of the total yearly budget.
17. Require a time certain to fill vacant senior staff positions.
18. Clarify Section 15: the ability of the Commission to deal directly with senior staff personnel.
19. Require all Bond issues to be voted on by the electorate.

Handout @ 4/1/14 Charter Review Com  
Town Hall Mtg.

This document is a draft of Charter changes Save Our Neighborhoods supports at this time. Some of these ideas remain to be clarified, refined, added to or deleted in the coming month. They are presented tonight in no particular order. Our focus is to strengthen the positions of the elected officials and the voters in our community.

1. Commission Meeting agenda powers should be shared by the City Manager and the Commission. Each member of the Commission should be able to request an item and it should appear on the agenda within 30 days. Is this power already stated in Charter?
2. Require the City Manager and senior staff to reside in the city ( within 90 days) as a condition of employment.
3. Require a simple majority of the Commission to terminate the employment of the city manager.
4. Require quarterly fair share reporting from the City Manager or the Finance Director on monies spent in each zone. Require separate quarterly reporting for each CRA
5. Require Commission approval for hiring all department heads.(Delete)
6. Members of the Commission, if on the ballot, shall not be a member of the canvassing board.
7. 8 Year term limits for all elected officials.
8. Delete all language requiring any affidavit of the circulator; delete language requiring percentages required from each zone; at a minimum, adopt the percentage requirement now used by the county (or State, whichever is lower) for voters to get an issue on the ballot.
9. Clarify and define emergencies and emergency powers of Mayor and City Manager. ( Delete)
10. Give the Commission the ability to outsource legal staff.(Delete)
11. City requirement to follow code standards and maintenance standards for all city owned property.
12. Change the time limit required for a special election from 12 months to 6 months.

13. Require third party financial disclosures during elections. ( What is covered under State law?)
14. Remove all laws from our Charter that supercede or conflict with state law.
15. Strengthen authority of citizen boards. ( We don't want #'s changed and want residency requirements added as in other cities)
16. Limit the amount of funds spent on the consent agenda to .25% of the total yearly budget. ( Still discussing amount)
17. Require a time certain to fill vacant senior staff positions. ( 120 days)
18. Clarify Section 15: the ability of the Commission to deal directly with senior staff personnel. ( Does it currently mean individual Commissioners or Commission as a whole?)
19. Require all Bond issues ( supported by property taxes) to be voted on by the electorate.
20. Require Department Heads to attend regular Commission meetings.

INTERNAL AUDITING COMMITTEE TO BE APPROVED  
BY COMMISSION

# Handout @ 4-28-14 CRC Meeting

This document is a draft of Charter changes Save Our Neighborhoods supports at this time . There have been changes. The first 12 are charter changes we support that have been brought forth by you , as individuals , on the Charter Commission. The last 6 are changes that residents and SON have suggested .

Our focus is to strengthen the positions of the elected officials and the voters in our community.

CRC suggested items that SON supports:

1. Commission Meeting agenda powers should be shared by the City Manager and the Commission. Each member of the Commission should be able to request an item and it should appear on the agenda within 30 days.
2. The City Manager and Senior Staff shall reside in the city within 90 days as a condition of employment. Current employees grandfathered- in.
3. A simple majority of the Commission shall be needed to terminate the employment of the City Manager.
4. Quarterly fair share reporting shall be presented to Commission by the City Manager or the Finance Director on monies spent in each zone. There shall be separate quarterly reporting for each CRA
5. Members of the Commission, if on the ballot , shall not be a member of the canvassing board.
6. Delete all language requiring any affidavit of the circulator; delete language requiring percentages required from each zone; at a minimum, adopt the percentage requirement now used by the County or State ( whichever is lower) for voters to get an issue or Charter amendment on the ballot.
7. The City shall follow code standards and maintenance standards for all city owned property.
8. Third party financial disclosures, including individual contributors, shall be identified during elections.
9. Remove all laws from our Charter that supercede or conflict with state law.
10. Strengthen the basic authority of citizen boards. All members of Citizen boards shall be residents.
11. The Internal Auditor for the City shall be independent.

12. Any contracts of employment or otherwise, cannot supercede the rules of the Charter.

In addition, SON supports the following changes:

1. Elected officials shall serve no longer than 8 consecutive years when duly elected.
2. The time requirement for a special election of a Commissioner due to a vacancy shall be reduced from 12 months to 6 months.
3. The Commission shall ratify the employment of all Department Heads.
4. Citizens shall have the right to ask that items be pulled from the consent agenda.
5. Vacant senior staff positions shall be filled within 120 days.
6. Bond issues, supported by property taxes, including CRA bonds, shall be voted on in the next scheduled election or in a special election.

Handout@ 5/27/14 CRC Meeting

## My Comments to the Charter Review Committee

Dr. Willie J. Greer Kimmons

May 27, 2014 6:00 PM

We, as a group spend a great deal of time digressing and imposing our personal values and beliefs, which is what I want to do just for few moments today.

One outstanding thing about a good charter review commission is that each of us brings a unique value system, biases, differing opinions of what good government is, good and bad life experiences, living in different communities and in some cases, personal agendas. As a result, deeply held beliefs and viewpoints set the stage for complex committee dynamics, passionate discussions and heated debates. What's important to one member of the CRC may or may not be important to another member, but each member should respect and appreciate each member's input. As the CRC Guide Manual states, "at the heart of this volunteer process is the active and focused serious engagement of a diverse and representative group of committed community volunteers. Diversity is important for several reasons: (1) it brings different thought processes and perspectives together to create a better final product (2) it lends credibility to the validity of the final outcome of the document we send forward to the city commissioners to review. With that said, I would like to cite briefly my comments on a part-time vs. a full-time mayor.

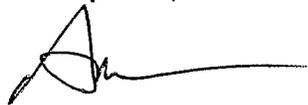
When reviewing research, one should be careful how this data is gathered, who gathered the data, the purpose of gathering the data and how the data will be utilized. It is unfortunate that today, perception, sex, age, class and race plays such an important role in how and why we select people for leadership positions. Neighborhoods and cities throughout the state of Florida and the U.S. are still mostly divided by race and income levels. Race, income, role perception and access to the position of mayor play a

vital role in how one perceives this position. Expectations, how and what one brings to the position of mayor is important. There are different types of people in this world, different types of blacks. The perception is that some people are easy to get along with, some people are easy to control and others will carry out our wishes. Some people we trust more than others and some people we don't like because of the color of their skin. These perceptions are crucial when we select people for leadership positions. So, it becomes difficult, but not impossible, to succeed when people of color, who are passionate and serious about making a real difference, are selected or elected to leadership positions. It is also difficult to make major changes for justice, fairness and equality for all people. In most instances, the selection process does not perceive people of color in leadership positions to have the ability to perform in a productive and constructive manner.

I have friends and colleagues that are mayors of the following cities: Daytona Beach, Florida; Jacksonville, Florida; Detroit, Michigan; Atlanta, Georgia; Gary, Indiana; Birmingham, Alabama; Miami Gardens, Florida; Jackson, Mississippi; Memphis, Tennessee; Philadelphia, Pennsylvania; Bladensburg, Maryland; Newark, New Jersey; Baton Rouge, Louisiana; Baker, Louisiana; Columbia, South Carolina; and Fayetteville, North Carolina. These are large metropolitan cities, medium sized cities and small cities. These mayors all have the perception of their role, duties and responsibilities of managing and supervising their city as a fulltime, seven days a week responsible position, interestingly, they are all black. None of these mayors perceived their position as ceremonial in nature or part time. They perceive themselves as being trail blazers, image builders, breaking down racial barriers as the first black in this position, positive role models for all people but more specifically for black people and people of color. They didn't bring to the position a history of financial wealth, a family history of politics or business connections. Most, not all, of these mayors assumed the position when the cities were at racial unrest, during white flight or financial instability. Some voters perceived these mayors as being weak, easy to control or they felt comfortable with this type of person.

The black mayors of the cities I cited earlier campaigned for the office of mayor to make a difference or change the perception level of people that a black or person of color could occupy this position and make a positive contribution to society. They also sought the mayor's position to use it as a stepping stone to pursue other leadership and political positions full-time with a commensurate fulltime salary. The civil rights laws of 1964-65 helped to propel a lot of these mayors and other Blacks in leadership positions full-time. So, being a mayor in any city, large, medium size or small; north, south, east or west in the United States involves many reasons. Some key factors why these mayors run for elected leadership positions may be race; a full time position; being a positive role model for blacks and people of color; and making provisions to open doors of opportunity for those who have been disenfranchised in the political process in the past. They know that Blacks don't have a long history of managing our major cities in the United States, especially cities that have a population of 50,000 or more residents and a majority white citizenry. An example, in Daytona Beach, Florida, we elected our first Black mayor in 2003 and our second Black mayor in 2012. Jacksonville, Florida in 2011, elected its first Black mayor. We, in this country and state are still experiencing the "first" from presidents to mayors or any leadership position.

So, when we review research or cite research about mayors opting to be part time vs. fulltime, we need to carefully "purify" the data. We must look at all the variables or reasons why different races of people seek the mayor's position. In my opinion, several factors should be added to the equation when we talk about a part-time vs. full-time mayor's position. Some of these factors are race, money, political history, family connections, role perception, business leverage, name recognition and timing. Thank you.



*Dr. Willie J. Greer Kimmons  
Educational Consultant for Pre K-16 Schools; Title I Schools, Teachers and Parents;  
Motivational Speaker; Author; Former Classroom Teacher, Superintendent of Schools; College  
Professor, College President and Chancellor*



# The CITY OF DAYTONA BEACH

— "THE WORLD'S MOST FAMOUS BEACH" —

## 2014 Charter Review Commission

# MINUTES

Minutes

Charter Review Commission

The City of Daytona Beach, Florida

January 15, 2014

Minutes of the Charter Review Commission of The City of Daytona Beach, Florida, held on Wednesday, January 15, 2014 at 4:00 p.m., City Hall, conference room 149B, 301 S. Ridgewood Avenue, Daytona Beach, Florida.

Attendance.

Members

Gary Libby	Present
Blaine Lansberry	Present
Kelly Kwiatek	Present
Thomas Leek	Present
Willie Kimmons	Present
L. Roland Blossom	Present
Glenn S. Ritchey, Chairman	Present

Alternate Members

Ed Savard	Present
Dan Bolerjack	Present
Jill Pennington	Present
Christi McGee	Present
Tony Barhoo	Present
Vacant	
Ruth Trager	Present

Also Present:

James V. Chisholm, City Manager  
Marie Hartman, City Attorney  
Ron McLemore, Deputy City Manager/Operations  
Jennifer L. Thomas, City Clerk

1. Welcome

James V. Chisholm, City Manager introduced himself and thanked the members of the Commission for their willingness to serve. It will be an exciting time for the members as they learn more about City government. The City appreciates the efforts that the members will go through to answer questions of their constituents. The City is anxious to get input from the members that will be reported back to the City Commission for consideration. The Staff Liaison is Ron McLemore, Deputy City Manager. Mr. McLemore has 30 years experience in City and County government in dealing with Charter issues. He will be here to assist, answer questions and provide guidance for the members of the Charter Review Commission. The City Clerk will take roll calls and keep track of the minutes of the meeting. There is a component where the public has an opportunity to express their concerns. After the roll call, the Commission will have an opportunity to elect a Chairman and Vice Chairman. After the election, Mr. McLemore will be available to answer questions about the procedures. The City wants the Commission to have all of the resources that are available to them. If the resources are not available, staff will facilitate in getting the information available for the Commission's consideration. He thanked the Commission for their willingness to serve.

2. Presentation – Ron McLemore, Deputy City Manager/Operations

Mr. McLemore stated that the first task of the Commission is to elect a Chairman and Vice Chairman.

Presentation – Marie Hartman, City Attorney

Ron McLemore, Deputy City Manager/Operations stated the Chairman will provide directions for the meeting. At this point in time it will cause nominations for a Chair for that selection. As soon as this is done I won't be involved in the procedures anymore. Are there any nominations on the floor.

Thomas Leek stated I would like to nominate Glenn Ritchey

Ruth Trager stated I will second.

Mr. McLemore we have a second. All in favor. The motion was unanimously carried.

Glenn Ritchey, Chairman stated I open the floor for nomination for Vice Chair.

L. Roland Blossom stated Dr. Willie Kimmons.

Tony Barhoo stated I second.

Mr. Ritchey we have a second. All in favor. The motion was unanimously carried.

Mr. Ritchey stated any other nominations from the floor. All in favor say aye. With that, we will move on to a review of the procedures and we want to turn that over to our City Attorney to help walk us through.

Marie Hartman, City Attorney stated your procedures are set out in an ordinance that was adopted by the City Commission in 1996, it is the procedure that was recommended by the first Charter Review Commission that recommended this process be followed through the years. The first thing on the procedure is that the Commission appoints seven members; which has occurred. Seven of you all are appointed as regular members, there are also seven people appointed as alternate members. My understanding of the alternate's roll is that if a member is absent from a meeting, the alternate would fill in so there will always be seven voting members at the meeting. The alternates should always attend the meetings but you are not a voting member as long as the member of who you are an alternate member is here and are participating.

Gary Libby asked Marie, would the alternates participate in the discussion.

Ms. Hartman stated that is not laid out in this procedure so I would have to leave that for you all to decide among yourselves.

Willie Kimmons asked would the alternate be considered if you needed a quorum.

Ms. Hartman stated no. The alternate is only considered as part of the quorum if the member for whom they are serving as an alternate is not present.

L. Roland Blossom stated my understanding is that the alternate would not actually participate in the meetings as the members do. I would certainly be entitled to participate as a member of the public but as long as the member is there, that would be the participant.

Ms. Hartman stated that is up to you all to decide how you want that meeting run. What else is in this procedure that is laid out for you is if there is a vacancy which has already occurred Phyllis Hogan who was appointed for Zone 6 was unable to participate and did submit a resignation and your procedure says that in that case the alternate member automatically steps up to fill that slot and Mr. Blossom has done that. At the next regularly scheduled City Commission Meeting, the City Commission member will appoint another alternate for Zone 6. A member who misses two consecutive meetings is deemed to have resigned unless excused by an extraordinary majority of the membership, extraordinary majorities of five, six or seven members or four or five members. She commented that you all should have a copy of this ordinance. You must hold your first meeting within 30 days of appointment, you must elect a chair and a vice chair at your meeting, you have staff assigned to you as the City Manager said and I will be attending your meetings. All of your meetings have to be public meetings and you have recently enacted the state law which says that members of the public have to be allowed to speak on any matter before you adopt it. You are also encouraged to invite members of the public to submit written comments; you are to follow Roberts's Rules of Order in your procedure, a majority is a quorum. The ordinance also requires that you have at least one Town Hall meeting per quarter.

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Dr. Kimmons asked when you say a majority. Is that four, five.

Ms. Hartman answered you have seven members so a quorum is four.

Dr. Kimmons commented ok.

Ms. Hartman stated only if the alternate is sitting in as a full member.

Gary Libby stated if we have adopted Roberts's Rules of Order are there any motions in moving forward then the public would be allowed to participate before that motion is voted on.

Ms. Hartman stated it could depend on what kind of a motion it is, if it is a procedural internal motion but if it is a motion to forward some recommendation to the City Commission then yes.

Mr. Ritchey stated the idea here is obviously the transparency that our group can deliver in good faith to show that we want involvement from the community. we can have a motion and a second than we would have discussion.

Ms. Hartman stated your public meetings require under the Sunshine Law require public notice which is generally ... the Clerk posts it and it is advertised on our website. The ordinance requires that the town hall meetings have to be advertised with an agenda indicating topics to be discussed and that a notice has to be provided to the City library. Normally the Sunshine Law does not actually require publication of an agenda.

Mr. Ritchey asked is it required that all the meetings have to be here or can they be in the community.

Ms. Hartman answered as long as they are in the City and they are at a public place that is accessible to any member of the public, they can be held anywhere in the City.

Mr. Libby stated the ordinance says a minimum of four. We have six zones, maybe we can consider meeting in each zone.

Ms. Hartman stated ultimately your goal is to produce a report which recommends any changes or no changes to the City Charter after taking all this public input and discussion among yourselves and your report is due 90 days before the General Election. The City Clerk has figured that out.

Ms. Thomas stated there was a little change to that, 90 days would be August 4<sup>th</sup> before the General Election.

Ms. Hartman asked the General Election is November 4<sup>th</sup>.

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Ms. Thomas stated Ann McFall's office requires that the referendum question is delivered to her by August 25<sup>th</sup>, so in order for us to meet the two public hearings for the City Commission; that date would not work. So we have a proposed timeline that we are going to suggest in order for us to meet the 25<sup>th</sup> deadline.

Ms Hartman asked and the report would be due when.

Ms. Thomas answered the report would be due to the City Commission by June 18<sup>th</sup>.

Ms Hartman stated so if the City Commission got it by June 18<sup>th</sup> and then ...

Ms. Thomas stated we would have two public hearings, first one being July 2<sup>nd</sup> and the second one being July 16<sup>th</sup>.

Ms. Hartman stated so those are your target dates.

Ms. Thomas stated we do have a draft for you to look at.

Ms. Hartman stated once you deliver your report to the City Commission that dissolves this Commission. The City Commission then holds public hearings on your proposals; it would go forward as an ordinance if you recommend changes to the City Charter and if the City Commission passes an ordinance it would then go to a referendum for a decision by the voters. That is the process and that is the procedures.

Mr. Libby commented the news paper said that any proposed changes would not take effect until 2015. Was that accurate.

Ms. Hartman stated we would put an effective date on it. The election is not until November 4th and by the time the election is finalized and everything, January 1st will probably be the date to have it go into effect.

3. Discussion – Charter Review Commission

Glenn Ritchey, Chairman stated fortunately everyone on this Committee has served in some capacity of this City. We all know we are not to discuss issues with each other except in a formalized meeting through a Public Notice meeting. If anyone is interested our City Attorney or Judge Roland Blossom can hold a critique for us on the Sunshine Laws.

Marie Hartman, City Attorney stated she had a handout of the Sunshine Law that she could pass out to members of the committee.

Mr. Ritchey stated there are times you can unintentionally and unknowingly violate those laws, so it's very important that we don't. He was leaving it up to the board on how deep they wanted to get into the Sunshine Law.

Willie Kimmons, Vice Chairman stated he thought it would be appropriate to make sure that we follow the letter of the law; because there are some new faces.

Ms. Hartman stated since the commission has convened they are now members and there were a few things she wanted to make sure they all understood. Some of you are aware that some of you are alternates and you may at any given point be called upon to step into the position of a member. She asked that all the alternates as well observe the Sunshine Laws; which basically meant they could not talk to each other outside of this room about any matter that will be coming before this committee such as any proposed Charter amendment or ways you think that the Charter should be amended. There is one exception and that is the member and that the member's alternate can talk to each other because you will never be serving together on the Commission. The alternates will only be serving when the members are not present in the room. This exception is so that the member and the alternates can be on the same page in cases they have to fill in for each other.

Mr. Ritchey stated he wanted to add to that by saying; issues they have voted on as a body and they have not finalized their group some things might change; they might run into something where they want to go back later and change it. Just because it's been voted on in the past, does not mean that takes it out of the Sunshine Law or gives us the ability to speak to each other about things the Commission has taken action on.

Ms. Hartman stated even though you can't talk to each other concerning issues, you can talk to anyone else as a matter of fact she encouraged them to get input from other citizens to bring into the meeting room to discuss with their colleagues on the Commission. The Sunshine Laws states you cannot talk to anyone on the body that you are serving with outside of a meeting. The rule on Public Records Requests; a public record is any document that you receive or you create in order to convey or immortalize information. She used for an example; if she was to make a note of something someone was saying; just so she can remember it five minutes from now, that's not a public record and she is allowed to discard it. However; if she makes a note and pass it to someone she would be using that record to convey information and that would become a public record. If you create a document or letter and send it to someone that's not on this Commission, but it's about what the body is doing or discussing; you can do it but send a copy of that document to the City Clerk because she is the depository of our Public Records. It's her job to maintain copies of all Public Records request. If someone come to her and says for example: John Doe is on the Commission and they wrote a note to so and so; can I get a copy of that note. She had better be able to provide that copy because if she doesn't, she will be in violation of the law if she can't produce the note that's being requested. Sunshine Law is about communication with each other whether they are written or oral, so don't write letters to each other. Most of all stay away from text messages. Text messages are a nightmare where the Sunshine Law is concerned. If you email anyone about the things discussed at the meetings please put the City Clerk email address in the copy to line. She stressed the fact that if their emails are on their system and you're not copying the City Clerk and for some reason someone decides they want those records produced and they ask us for them; what could happen is your personal computer can be brought into the City and searched for those emails. She could not stress the fact that they didn't want this to happen to them or their personal computers, so she

pleaded with them not to do it.

Mr. Ritchey stated that sometimes even during discussions you happen to lean over to have a conversation with however is on either side of you; it's done but it's not allowed so in other words it shouldn't be done. Talking to your colleague during a meeting could be the same thing as passing a note; only it's being done verbally.

Neil Harrington, 101 Grand Oaks Circle, Daytona Beach asked what about a conduit where a member talks to an individual ...

Ms. Hartman stated carrying messages back and forth from one person to another in order to get around the Sunshine Law is a violation. She would be passing out a handout that had a variety of questions and answers to the Sunshine Law. Any board member can call her office anytime if she's not there one of the other Attorneys can answer any questions or concerns they might have concerning Sunshine Laws. When in doubt it's much better to call and have the question answered than to have to deal with a problem of violation that could have been avoided.

Mr. Ritchey stated we will now move into the proposed meeting schedule. He asked how many meetings thought they should have as well as the locations for those meetings. If someone has an opinion on that subject we can get a conversation started from there. We know the time frame that this is due and we have an August 25, 2014, deadline.

Gary Libby asked if it was possible to have a meeting in each separate zone in the City if it's feasible; based on the timeframe. If it's feasible he couldn't think of a better way to face both the residents and business owners in each of those zones.

Mr. Ritchey asked the Board if there were any other thoughts or opinions concerning that comment.

L. Roland Blossom stated he thought it was a great idea as a matter of fact he agreed with Mr. Libby saying it was necessary because after all the committee is acting on behalf of the residents of Daytona Beach.

Mr. Ritchey asked the board what about the time of day for the meetings.

Mr. Libby said so much of their community work so he would hate to schedule the meetings during the day when you would be excluding the working residents. We can even look at scheduling some on the weekend, he didn't know if that was agreeable but it was an option.

Mr. Ritchey asked what about Saturdays. He didn't know if there would be much participation even from the communities for Saturday evening meetings, he wasn't sure he would like to participate himself on a Saturday. He felt that the time of day was very important because he did not want to schedule meetings during the time of day when people from the public could not attend.

Mr. Libby stated there are a lot of community based meetings that typically starts at 6:00 p.m. For example he used the neighborhood watches and community groups; a lot of the residents or citizens are able to attend those meetings. He suggested a 6:00 p.m. meeting with a two hours time certain as a cut-off time.

Dr. Kimmons stated he agreed with Mr. Libby and that the 6:00 p.m. time-frame was an ideal time; because you have a lot of working people and parents of children in school that would be off at that hour and it coincides with the current meeting times. Many of us that are currently members of other boards meet at 6:00 p.m. and we receive better participation from citizens.

Mr. Ritchey stated he was good with that time-frame as well. He didn't feel putting a time limit on the meetings was a good idea it would all depend on what's being discussed as to how long each meeting would last.

Dr. Kimmons stated there were members of the clergy present and Wednesdays for them is a full day; so you're not going to get very much participation from them on Wednesdays. If at all possible he suggested staying away from Wednesdays and Fridays.

Mr. Libby suggested maybe considering Mondays as their meetings day. He suggested doing a graph of both Mondays and Tuesdays to see which one worked best for scheduling.

Mr. Ritchey stated we can do that, but we first need to consider great participation by the members of this board. We need the board members to take a look at their schedules and see what day board members can attend the meetings.

Christi McGee stated she was an alternate who works at the Speedway which requires her to travel; Mondays and Thursdays would be difficult for her however; Tuesdays and Wednesdays would be ideal days.

Mr. Ritchey stated the proposed dates are setup for Wednesdays and Thursdays and he knew the City Commission meets on first and third Wednesdays of the month. We have those two meetings every month on those Wednesdays that we can't use.

Mr. Libby stated Wednesdays are bad for us because we have prior organizational commitments.

Mr. Ritchey asked the board members what about Tuesday evenings.

Dr. Kimmons and other board members stated Tuesdays looked good to their schedules.

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Tony Barhoo stated it depends on what Tuesday it is, as an alternate would absenteeism count against him as an alternate. He serves on other boards and he has other commitments seven days a week. He would like to serve as alternate to Dr. Kimmons but would not be able to attend all of the meetings.

Ms. Hartman stated the requirement to attend applies only to the members. The alternates are encouraged to attend.

Mr. Barhoo stated he would definitely attend when he can.

Mr. Ritchey stated if for some reason the members decide to change the day of the week for their next meeting from a Tuesday to a Thursday they have that flexibility to do that as long as they fall within the notice timeline to the community. If everyone is okay with Tuesdays at 6:00 p.m. we can start there and try to accommodate the Tuesdays that Dr. Kimmons's alternate has to stand in for him.

Mr. Libby stated the board needed to look at putting a time for dismissal because not giving one would suggest someone can come as late as 9:00 p.m. and still be able to attend.

Mr. Ritchey stated there has never been a dismissal time for our City Commission meetings and it has worked out just fine. Residents would be notified that 6:00 p.m. is the time the meetings will start and not really know how long the meetings will last; which is the norm.

Dr. Kimmons stated you cannot determine how much information you are going to deliver, it could be an hour or it could be three hours; that will be left to be determined.

Mr. Ritchey stated if you put out in the notice you will be there for three hours, you would have to stay there for three hours. The consensus is we will meet on Tuesdays at 6:00 p.m. and we have the ability with proper notice to change a meeting and the time as long as it is noticed properly.

Jennifer L. Thomas, City Clerk asked if the board was saying their first official meeting will be Tuesday, February 11, 2014, at 6:00 p.m.

Dr. Kimmons stated no, January 28, 2014.

Ron McLemore, Deputy City Manager/Operations stated that the dates were placed on the list so that it would give the Commission an opportunity to come back at the second meeting and deal with any other organizational items that you feel needs to be dealt with before the public meetings would have to start.

Ms. Hartman stated the City Clerk listed all of the meetings as Town Hall meetings because of the way the Ordinance is written, it states you have to have a Town Hall meeting at least once every three months while you are still constituted.

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Mr. McLemore stated what they did was to go to the drop dead date which is August 25, 2014, and worked backwards from there to come up with the dates and to give everybody time enough to do what they needed to perform their roles.

Mr. Ritchey stated that looked like a good way to do it, but right now we have Tuesdays at 6:00 p.m. locked in and at our next meeting; we formalize that and start determining the locations of our meetings. He suggested the first meeting should be held at City Hall.

Mr. Blossom stated that he had to make a choice whether or not he could attend the second organizational meeting or get a divorce. Unless the Commission changes the date; his anniversary in the 29<sup>th</sup> of January and he will be far away from the area. He wondered if it would be possible for the Commission to meet sometime around the first week in February, preferably about the 7<sup>th</sup> or 8<sup>th</sup> of February.

Mr. Ritchey stated the Commission has the flexibility to do that.

Mr. Blossom stated that he would be out of town until February 6<sup>th</sup>.

Mr. Ritchey asked Mrs. Thomas if she or someone on her staff could look at some dates that would not be interfering with events that are going on not just at City Hall but in the community at large i.e. Bike Week, Special Event activities, Dinner night at the Chamber or anything of that nature where people are going to want to get out of the event or avoid being stuck in the traffic from the event.

Mrs. Thomas stated she was looking at holding these meetings every two weeks if that was good with everyone on the board. She would take a look at the calendar of events to make sure all of the dates were okay for scheduling a committee meeting. She would modify those dates to coincide with every two weeks and email them to the board members.

Mr. Libby asked if the Commission was meeting on the 29<sup>th</sup>.

Mr. Ritchey stated that the Commission will move the meeting to accommodate Mr. Blossom's request.

Mrs. Thomas stated she would modify the calendar and e-mail to the Commission.

Thomas Leek asked if the meeting should be moved to the 22<sup>nd</sup>. He wanted to know if we leaving too much of gap between the meetings.

Mr. Blossom stated that he could meet; they do leave until the 23<sup>rd</sup>.

Dr. Kimmons asked if it was possible to go through a tentative schedule.

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Mr. Ritchey stated that they would be putting together a tentative schedule.

Dr. Kimmons stated he had a schedule up to August and he wanted to make sure he could plug in this schedule.

Mr. Ritchey stated that the City Clerk would get a new schedule printed out with the time, dates and locations. If the schedule does not work adjustments can be made at the next meeting. We need to keep in mind the posting of the meetings.

Mr. Libby asked could extra considerations be given to those members who are the appointees.

Mr. Ritchey stated the Commission will do the best they can to accommodate everyone. But, there will be times that everyone cannot make the meetings. Now that we've gotten the meetings schedule out of the way we will move on into our discussions. Before moving on he thanked everyone for giving of their time and efforts to work on this committee and no one could have chosen a better group to work with than this group of individuals. He knows that the Mayor and City Commission appreciate their efforts. He opened the floor to the board for any comments or thoughts they might have at this time now that they had got the scheduling out of the way and we will not dive right into the Charter Review recommendations on tonight. This meeting is more about general discussion.

Mr. Libby asked if at any time the actual sitting City Commission had the onset of Charter Review answer a questionnaire about areas they were concerned about or areas they wanted the Review Committee to look into. Just to give us some idea as we move forward the kinds of things the Commission is struggling with.

Mr. McLemore stated if he understood him correctly he wanted some type of feedback document from the City Commission that would represent any idea or thoughts they have in developing the process.

Mr. Libby stated since all of the committee work had to go back before the City Commission; would it not be a good idea to look at some of their concerns

Mr. Ritchey stated he would question the necessity of that because any of the elected officials including the Mayor has the ability to speak to us individually; they are not prohibited from doing so and that doesn't violate the Sunshine Law. If there is any perception of an agenda coming from the City Commission coming to the Charter Review Commission he doesn't think it would look good to the community. They chose the Charter Review Commission members because they had confidence in our ability. If they hear something see something or read the minutes they have the ability to pick up the phone and speak to their representative. He feels that is perfectly fine and the City Commission is allowed to talk with their representative. If we took a document that the City Commission would hand over to us there would be no need for this committee. Because that we be a pretty good idea of what the City Commission would vote on whether the Charter Review Commission agreed on it or not.

Mr. Libby stated there are other good ideas.

Mr. McLemore stated to answer your question; he had sat on a number of these committees in the past and had never seen such a thing happen where it came back to the Commission for deliberation.

Mr. Ritchey stated it is a transparency issue.

Ruth Trager, 610 Bostwick Avenue, Daytona Beach asked if the Charter Review Commission should have a number of the articles that we would be discussing.

Mr. Ritchey stated individually yes, not collectively tonight. If you are saying after our next meeting here is a list of things that we want to consider, absolutely.

Mr. Blossom stated he had served on previous Charter Review Committee along with Mrs. Trager. The City Commissions were invited to attend the meetings and speak to the committee and anything they felt the committee needed to address as a Charter Review Committee they informed the committee. It might be good idea because ultimately we know the City Commission is going to have the final say on this. They don't have to consider a single thing that the Charter Review Commission talks about. It would be a good idea to at least look at some of the changes the City Commission is interested in. He agrees that it is not a good idea for us to have the City Commission prepare a document, but we do need to know their thinking about where the City should be going.

Mr. Ritchey stated they have that ability individually, or collectively and to attend the meetings to speak publicly. He does not see the issue as a big concern. He sees the transparency issue more of a problem than their participation. If the City Commission has an opinion or an issue that they really want the Charter Review Commission to discuss; they will absolutely get that issue to us. As we move along we will adjust accordingly.

Dr. Kimmons stated that he agreed with all of his colleagues and he thinks that it is appropriate to know exactly that we are moving in the same direction; we don't want this to be an exercise in fertility. All of this work and we find out that we are not going in the right direction. It is good to know that we are moving in the same direction.

Mr. Ritchey stated with the information, the minutes, the ability to attend, knowing what is going on talking to their appointee; he is sure they are going to be well informed and let us know where we are off base or maybe a particular item that they would like to have the Commission consider. He thinks that is probably what they would prefer; obviously he can't speak for them but he knows he would be more comfortable if he were an elected official to say okay we have formed this Commission and here is what we want you to do. Why have a Commission, speak and let us know your thoughts because it is not edged in stone until we present it to them and then they vote on it. We need the Commission's input, guidance and direction but not in a formalized document or anything that would say here's the guidance we are giving you now act and ...

Weegie Kuendig, 718 North Wild Olive, Daytona Beach thanked the Commission for taking on this huge, what she considers, a solemn task. There has to be compelling reasons to make changes to the charter. What she wanted to talk about was the process, the openness and the transparency and how to make it a little bit more accessible to the public, now it may not seem that there are too many of us interested but we'll get them interested and one of the ways to do that, she thinks, would be to not have the meeting in here but to have it either televised so that they can see it if they can't attend or have it taped so that people can actually see and hear what's being said. She would love to see transcripts, and she doesn't know how they feel about this, rather than minutes so they can see exactly what has been said and understand the nuance of what's being said. Maybe on the City website we could have a place just for the Charter Review Commission so that all of the agenda's could be posted, the transcripts, whatever you want to post there and be accessible. She almost thinks it is more important to have something like that than to go someplace where you can't be televised for the whole community to see. She loves the fact that they want to go out into the community, she thinks that is really important but she would like to see all the information posted.

Mr. Ritchey stated he thought those were excellent ideas ... we would have to be in the Chambers to be televised we would have to check the schedule to make sure there are no conflicts.

Dr. Kimmons stated I want to chime in on her suggestion, I think that's great, the only concern I have is properly disseminating the information to town hall meetings making sure we get the information out. We have six very unique zones and he is not making excuses but the way we disseminate the information is ... we'll deal with how much input we get from the citizens in that zone. He didn't know if they were going to do it by churches, by email ...

Ms. Kuendig stated she did not want one to preclude another.

Dr. Kimmons stated right but I think it is important though that we understand the uniqueness of the zones and make sure that we properly disseminate the information to get adequate input. That's the key thing; I would hate to show up at a town hall meeting ... I don't think that is going to be effective.

Mr. Ritchey stated I think we can do both and it's very important that we do that. He really likes the idea of televised meetings, at least one or two because it will allow people who can't get out to at least get a taste of what is going on and get them interested. He stated there needs to be other means of communicating the dates of the meetings, not everyone gets the newspaper. There needs to be other ways of communicating those dates, whether the dates are on the water bills which he would recommend as probably everybody gets a water bill.

Dr. Kimmons stated that was the intent of my statement.

Mr. Ritchey stated I think we have kindred spirits here that all believe in the transparency thing and getting as many people involved as we can because we absolutely want to deliver a great product at the end. The only way we can do that is to say this is not our recommendation but this was a community wide recommendation that we took into consideration for the process.

Neil Harrington, 101 Grand Oaks Circle, Daytona Beach stated I think it is very important ... in terms of the public to educate them as to what the Charter Commission does so they are not confused because he hears this thing about each district had different things; he does not want it confused with the Visioning thing which this is absolutely not. This is a system of how we make decisions and who handles elections etc. I don't think the public at this point knows the difference, the way this discussion is going as to what Visioning is and what a charter review does. He thinks that an educational thing could be done on the website.

Mr. Ritchey stated he thinks the News Journal can help us there but as I said earlier obviously not everyone gets the newspaper. We could talk to the Mayor and get some kind of comment from people that are watching City Commission meetings to have a comment or two or something posted that's running that the people that are watching the Commission meeting are made cognizant of when we are meeting and that it's the charter review. He agrees it's not about Visioning however there are things that people in the community need to put forward that they are keenly interested in or they might feel alienated about and would like to see changed and how that works into the charter review the only way to know that is to hear their comments and then refer them to the correct Commission or we will get that information. The main thing is to get them involved and we will be found guilty of doing the best job we can do to get that information out there.

Mr. Libby stated the article in the paper this morning he found interesting but it is also was bothersome to him. He asked if they should have their Chairman as their designated spokesman; the press could be interested. He asked Mr. Ritchey if he had an guidance he could share with them on how to handle this.

Mr. Ritchey stated that is an excellent question; my comments are obviously just my opinion and if there is a difference we will absolutely discuss it. The News Journal or any other paper is not going to stop with just one person because we are not always going to agree so they are not going to call me and ask me necessarily what I thought because if someone here disagrees they are going to want their ... they are invited to every meeting we have, they can request the minutes from these meetings. He, personally, like most of you in this room has found them to be very fair and if at any time they want to call any member of this Commission and get a comment about what's going on and what your thoughts are; that's public record and helpful to us as well as the residents.

Dr. Kimmons stated as Vice Chair I am glad you made that statement because we may or may not agree ... he is thinking in terms of orientation, he doesn't know how they can promptly inform the public. He gave an example of a neighbor not knowing the lines were redrawn and he could not vote for a particular person because of that. The person was not even aware that the lines had been redrawn and this is a person who was formally educated, a principal of a school.

Mr. Ritchey stated that is a very real comment, it's an issue that has been there since ... how can we do a better job of informing people. The only thing he can say to that is we just need to continue to strive to look for better ways of communicating in addition to what we are currently doing. He thinks we make a good honest effort to do a good job now; but anytime in a public meeting whether it's the Planning Board or any meeting he thinks it is appropriate to have a handout or on the television screen of those meetings to let people know that charter review is underway with the dates and maybe even a call in number. Any information we can give them, I know we would all be very supportive of that. He asked Ron if they were going to have anyone else working with them during this process, is this the staff that would be involved or is there an outside entity that you are considering.

Mr. McLemore stated there are a lot of resources; it really depends on how you want to proceed. We can go get whatever you feel like you need. There are attorneys, consultants and a number of people that could come in and help you with your discussions or deliberations if you want that.

Mr. Ritchey asked do we have a budget.

Mr. McLemore stated yes \$5,000.

Mr. Ritchey stated consultants would eat that up pretty quickly. We want to do the best job we can and if there is a resource available on a particular item that we are deep in discussion about I just want to know that we have that option.

Mr. McLemore stated sure.

Mr. Libby stated a couple of charter reviews that have happened in the last couple of years have included towards the end of the review professionals in the field to come in and talk about the sort of trends in the United States, best practices and things and I am wondering if that might be helpful as well and they do it for free, they are not going to charge us. We all are familiar with some of the academic professionals that we have in the community and they are very rich in ... as well. Maybe we could look at part of a session to invite those experts.

Mr. Ritchey stated he would like to do that, things are changing like they changed in the last 10 years since we did the last charter review. He asked that they go on the web and see what some of the other communities have done or are doing and report back and then make a decision to move forward about the Commission or not. There is some pretty interesting stuff out there but as we get down to a document that we are considering sending to the

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Mayor and Commission it might be appropriate with enough lead time to bring in someone to review that document and answer some questions.

Mr. Libby stated we have the Chiles Institute in Gainesville and we have the Frye Institute in central Florida, one democratic and one republican think tanks that deal with best practices. He is wondering if a letter now to them suggesting that we would be interested perhaps in ... because they do that; they come to communities and help them with best practices because things are changing, the forms of government are being tweaked now pretty dramatically over the country.

Mr. Ritchey stated those are excellent comments but his thought is that this group of citizens here wants to do the best job we can; sometimes it takes resources that we might not necessarily have at our disposal. He thinks it would be inappropriate if we didn't take advantage of that and that is why he asked about the budget. He asked would you be searching some of those out for us as well as what Gary was talking about to see ...

Mr. Blossom stated Mr. Chairman before you give that directive, may I have some comments about that.

Mr. Ritchey stated sure.

Mr. Blossom stated there are a couple of things we have to keep in mind about our City Charter; first of all our elected positions are non partisan and he is not sure we want to start bringing in professional political think tanks.

Mr. Ritchey stated no, no he wasn't recommending that.

Mr. Blossom stated well no, no this is just my feeling about it. He thinks we need to try to approach this thing in as a non partisan way as possible. We certainly have different political philosophies' around the table but to bring others in who have that as their basis gives him a little anxiety.

Mr. Ritchey stated as it should, his point is a resource that they could show them, a non political group/consultant, non partisan whatever, what we have done as a group.

Mr. Blossom stated he had some other comments. The other thing we have to keep in mind about our charter is those in government who have been dealing with the charter and dealing with other positions may be very aware of what the charter is but we are going to have to depend on the newspaper and anyone else we can get to make sure that our public knows what we are talking about when we are talking about amending the charter which is like the City's constitution. We have to make sure they know what it is we are doing before they can give us any input as to what they want us to do. His thinking is whatever the newspaper writes about what we are doing, we're the ones that write that script because how we discuss it and how we plan our discussion about the charter is what is going to determine what gets written about. He thinks they need to at their organizational meeting come up with an approach they are going to use whether it is to take the charter a section at a time and discuss

that section and then move to the next section; he thinks that way they will be killing two birds with one stone. First of all, they will be making sure that the citizens understand what it is they are doing and what they are doing it to and number two tweaking it if tweaking is necessary and he knows that the body of people that the City Commission has assembled here are very capable of handling that of thinking through this process, of reading the charter if we haven't already to make sure that all of us are very aware of what is in there right now and then coming back and discussing that and changing it if change is necessary.

Mr. Ritchey stated he didn't think any of us would disagree with that comment. His concern is what we know and when we know it and what's out there that we don't know. We can be sincere but sincerely wrong and he wants to deliver the best document that we can with people that do this for a living that would say I'm looking at it, I am seeing what you are saying, I'm comparing it to your other charter but here's something interesting that is maybe illegal, there's probably some things that we are doing that might be borderline improper if not illegal. For him, it's more about getting a great document together, this isn't political, this isn't politics, this is more about assisting us to make the best decision we can to deliver a good document.

Dr. Kimmons stated he wanted to concur with Attorney Blossom to stay focused and on task he suggested an agenda item for the next meeting is to exactly what you said have a brief overview of what is a charter review and its role, just five or 10 minutes and then we have some discussion. He thinks they need to do that to make sure they stay focused and on task because they have a short turn around time and he wants to make sure all of them are in sync.

Mr. Ritchey stated he thinks they are totally in agreement with that. His comments were not about what they do with the charter; once their comments are complete and they know that they have considered everything appropriate to send forward so he thinks absolutely at their first meeting they can go through the charter discuss it, compare it some of it won't change, some of it we might have a recommendation to change; he knows he has a few thoughts personally and he is sure they do as well about some things that could be interesting moving forward. Good discussion.

Mr. Libby stated your question Roland is really a very critical one because if we move forward in a direction and then we invite the public in they can be responding or contradicting with that statement. He thought they were going to try and gather information from the public first or maybe simultaneously as we are looking through the charter checking areas that might be of concern. He is really interested what the people ... thinks is right, things that aren't working and perhaps we can come up with solutions to those things and so he would be very interested in the data but he wouldn't deny their moving forward as an appointed body simultaneously. He doesn't know how the vet, that's his question about the press. Sometimes you can lead the public discussion with one sentence that isn't as carefully crafted as it should be; he doesn't think the discussion is about power and the executive and then the headline in the paper this morning could have suggested that so people will react to it. He thinks the first step that they take is so critical because if you take the wrong step you can never get back on the right path so he'll be interested in their next meeting.

Mr. Ritchey stated it will be an interesting process because things we discuss aren't to be taken literally; there are discussion items that might wind up in the paper that will not be ultimately ... there's a lot of fish to fry but he has confidence in this Commission that we will get to in a timely manner and do it the proper way and deliver a very appropriate document that we are all very proud of with that ...

Dr. Kimmons stated Mr. Chair you've got a hand behind you.

John J. Nicholson, 413 N. Grandview Avenue, Daytona Beach stated his recommendation regarding upcoming road shows.

Thomas Leek stated he agrees they need a systematic approach and they need to set that at the next meeting, whether that's dissecting the existing charter and modifying what needs to be modified or deleting what needs to be deleted or adding what's not there. We need to be very clear we do that and he likes, although he doesn't always agree with, Mr. Nicholson's idea of publishing what we are not going to do. We have a very tight window, he counts six meetings between now and when we have to produce the first report. His fear is always that they let the scope of what the task is creep up to something beyond and outside what it should be and by doing that we miss deadlines and we do a lower quality job than we are capable of. His hope is that in the meeting next week they can set a way that they are going to dissect it whether it is a piece at a time or however that is, he thinks it is important.

Mr. Ritchey stated absolutely, very good.

Mr. McLemore stated he would like to give a little feedback. The National Civic League (NCL) created many years ago, renews and updates the Model City Charter every 10 years, they also do the Model State Charter, this is a very distinguished panel of people consisting of 30 or 40 members. Their whole deal is to present changes to the charter based on trends and ... if you hire a consultant to review your charter for you he is going to go to the Model Charter and then compare yours to it. There is a process whereby you could have a consultant review all that to see if it is in line with where current charters are in the model while you are taking in input if you want to go that route, we have a lot of different ways to approach it. That's normally the starting point for a charter, take The National Civic League model and work from there and by and large if you look at your charter you are going to find that it is very close already.

Mr. Leek stated every one I have looked at is almost the same.

Mr. Libby stated almost is the critical word.

Mr. McLemore stated and the reason for that is the charter is intended to be simple, straight forward rules of governing. It's not an ordinance, it's not a procedures manual, it's only the basic fundamental functions of your city. In his experience, a lot of consultants will tell you, normally the biggest problem they have with charter groups is the try to make it an ordinance or a procedures manual, stuff that really shouldn't be in your charter. Just keep that in mind as we move into the next meeting.

Mr. Libby stated a subtle change in the language of the charter could solve a whole lot of problems that couldn't be addressed with an ordinance. He is not so sure there are things people will say that aren't germane; he thinks everything that somebody says in response to government has a place in this discussion; he would hate them to try and tackle them one at a time but you know what I am talking about the division of power often times solves all kinds ... and our problems are probably unlike any other city's that has a very similar charter.

Mr. McLemore stated every charter has a lot of common stuff in them.

Dr. Kimmons stated Mr. Chair I would like to make a motion to adjourn our meeting of Wednesday, January 15th at 5:20 p.m.

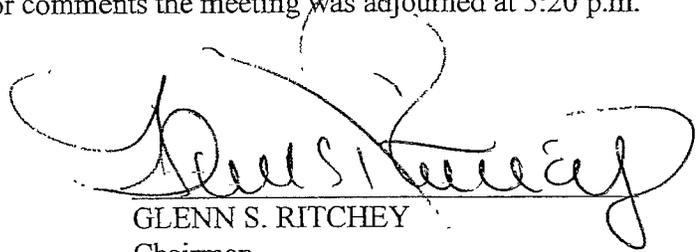
Mr. Ritchey stated according to that clock that gives us another minute. Some of these neighborhood meetings the Mayor and Commissioners write into, he thought that would be a good source for them to try to explain to the community at large what we are doing.

4. Closing remarks

No comments.

5. ADJOURNMENT

There being no further discussion or comments the meeting was adjourned at 5:20 p.m.

  
GLENN S. RITCHEY  
Chairman

ATTEST:

  
JENNIFER L. THOMAS  
City Clerk

Adopted: February 18, 2014

RECORD REQUIRED TO APPEAL: In accordance with Florida Statute 286.0105 if you should decide to appeal any decision the City Commission makes about any matter at this meeting, you will need a record of the proceedings. You are responsible for providing this record. You may hire a court reporter to make a verbatim transcript, or you may buy a tape of the meeting for \$2.00 at the City Clerk's office. Copies of tapes are only made upon request. The City is not responsible for any mechanical failure of the recording equipment.

Minutes

Charter Review Commission

The City of Daytona Beach, Florida

January 21, 2014

Minutes of the Charter Review Commission of The City of Daytona Beach, Florida, held on Tuesday, January 21, 2014 at 6:00 p.m., City Hall, conference room 149B, 301 S. Ridgewood Avenue, Daytona Beach, Florida.

Attendance.

Members

Gary Libby	Present
Blaine Lansberry	Present
Kelly Kwiatek	Present
Thomas Leek	Present
Willie Kimmons	Present
L. Roland Blossom	Excused
Glenn S. Ritchey, Chairman	Present

Alternate Members

Ed Savard	Present
Dan Bolerjack	Absent
Jill Pennington	Absent
Christi McGee	Present
Tony Barhoo	Absent
Vacant	
Ruth Trager	Present

Also Present:

Marie Hartman, City Attorney  
Ron McLemore, Deputy City Manager/Public Works  
Jennifer L. Thomas, City Clerk

1. Welcome

Glenn Ritchey, Chairman stated very good. Thanks everybody for coming back after last week. It really shows what you are made of. We are going to get a little more in to what we came to do starting today. We have a few thoughts and ideas I would like to throughout on the table for consideration. I have Marie here to give us some direction so we do not have a lot of pre-conceived notions of what we are about. Marie is going to talk about some things that we can do and things we cannot do and I am sure some of our residents will be probably be confused about what this committee does and we are going to hear a lot of ideas tossed about, which is a good thing. But there are some thing's we want to make sure we are staying on the right track and staying focused and keeping our meetings very businesslike and moving forward. I know all of you have plenty to do but it is really great that you took additional time to serve your community. He asked Marie, if she was prepared with her presentation.

Presentation – Marie Hartman, City Attorney

Marie Hartman, City Attorney stated thanks; as you engage in the process of reviewing the charter the first thing you will need to talk about what is a charter and what is it supposed to do and what laws it governs. Before 1968 if you are looking at charters from other cities that predate 1968; then you are going to see something very different then what you will see in a more modern charter and that's because it was big change in the State in 1968. Before 1968 a City was created by the enactment of the charter by State legislation and that charter had to enumerate every power that the City could exercise so if the charter did not say that the City could not own property then the City could not own property. Everything had to be laid out, so when we embarked on our charter review back in 1997 we had one of those pre 1968 charters; a very long document and the people who were involved in that process could remember a lot of stuff that came out of our charter in that review in 1997; because it was no longer necessary to enumerate those powers in our charter. That change came about because the State constitution was revised in 1968 and one of the changes in the State constitution was that it gave cities "Home Rule Powers." What the constitution says is that municipalities shall have governmental cooperate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal service and may exercise many powers for municipal purposes except as otherwise provided by law.

Mr. Ritchey asked that Ms. Hartman would make sure that the members get a copy of the information.

Ms. Hartman stated I do have copies of all the laws that I am going to talk about tonight. So that is the extent of detail that is in the constitution. The constitution does have one other prevision about municipalities and that is that the municipal legislative body must be elected. In 1973 the State legislature adopted what is called a municipal "Home Rule Powers Act" this is chapter 166 of the Florida Statutes and it explains this concept home rule, it defines the municipal purpose. A municipal purpose means any activity or power which may be exercised by the State in its political subdivisions and the legislative body of each municipality has the power to enact legislation concerning any subject matter upon which

the State legislature can enact; except annexation; it cannot enact any law on which is expressly preempted by constitution or general law. We cannot enact laws in an area that is preempted to the State or preempted to the County charter. We cannot enact any law which would conflict with the general state law. That is the perimeter of local government power, the Cities power. You do not have to lay out everything in your charter now; there are a few things that the charter has to have and then the rest of what you might want to put in your charter is not really powers but limitations. It is the opposite of the way it was before 1968. If the State law and constitution gives us this home rule powers than what do we need a charter for. Under the general State law it says that the way you create a municipality is by a charter, so every City has to have a charter and what has to be in that charter on your State law, the municipal charter must prescribe the form of government and clearly define the responsibility for legislative and executive functions. That is the whole piece of legislation that tells you how to create a City. That section of law prohibits putting in your charter any limitation on the exercise of the taxing of your legislative body, so you cannot put in your charter under the constitution where the City has 10 mills of taxing power. You cannot put in your charter that tax in this City can never be more than 7 mills; that's prohibited expressly by State law. I did find a couple of other specific provisions where the State law expressly says you cannot put this in your charter. One of those is you cannot prohibit political activity by the City employee while off duty regarding a referendum changing employee rights; a very specific one; but other than that you go back to the conflict preemption prohibition; the State laws are five volumes long and there are State legislations on scads of things. I cannot list what you cannot do because that would conflict with State law because that is way to numerous.

Gary Libby commented to review case law. It is changing.

Ms. Hartman stated she hopes that the Commission has gotten the idea that the charter actually is a very important document and it addresses a very important thing for the City and that is the form of government relationship with its officers the legislative body. Typically you will put in your charter or ordinance by how you fill vacancy in the commission; you do prescribe you method of election in your charter but we are mostly bound by the State election code, for instance our charter still talks about the City Clerk having functions in the elective process but actually she no longer does those things, that has been taking over by the County Supervisor of Elections. There are a lot of provisions in State law, for instance there is a provision method for an amended new charter. You have to allow an amendment of the charter in accordance with the lance laid out in the State law. You can supplement that but you cannot conflict with it. Conflict means you cannot comply with the City charter and with the State law, in order to comply with the charter you would have to violate the State law or vice versa, that is a conflict and that is what constitutes a conflict. You can legislate in a lot of areas parallel to State laws. The State law (in chapter 166) does define what is an ordinance and a resolution, a City commission which is the legislative body and it legislates by the adoption of ordinances and the State law prescribes a method for the notice provisions that are required and the procedure on it. These are the minimum requirements for adoption on ordinances, you can make your procedure more difficult with more notices but you will have to at least comply with these minimum requirements on the State law. That is the overview of what charter is and what its function

is; one thing you want to keep in mind is to amend the charter is difficult, it requires elections with an expensive process and a timely made process, so you do not want to put a great deal of detail on the procedures in your charter. You lay out the frame work and the charter is meant to be supplemented by ordinances adopted by the legislative body.

Mr. Ritchey stated now that we have gone to even year election, the County will pick up the tab for some of this, it is a good overview. He thanked Marie for the overview, and I had some notes that you covered.

3. Discussion – Charter Review Commission

Glenn Ritchey, Chairman stated page 26, section 43, of our existing Charter says; “the public has the right of access to the beaches.” We don’t have that authority to give anymore, because the City doesn’t control the beaches. There are lots of good things in our Charter; they just need tweaking as things have changed. Before moving forward he wanted to confirm eminent domain because that has changed in the last ten years; it can still be used for a City for the greater public good for a hospital; but it has changed greatly for a developer wanting a track of land and the City takes the land.

Marie Hartman, City Attorney says the State Legislature states that eminent domain cannot be exercised for redevelopment or practice that’s not a public purpose.

Mr. Ritchey stated that was an example of some of the tweaking and clean-up that’s needed in our Charter.

Ms. Hartman stated if we have things in our Charter that would conflict with State Law or not be allowed by State Law. The way that work’s is it doesn’t invalidate your Charter, what it does is you simply can’t give effect to those specific provisions that will conflict, i.e. our provisions on amending the Alternates. Charter amending by State Law you can propose a charter amendment signed by 10 percent members of the electors of the City. Our Charter says; “20 percent, which predates that State Law.” What we do is black-out the 20 percent and replace it with 10 percent because it’s preempted the State Law.

Gary Libby stated the point is; it gives us an opportunity to clean it up.

Mr. Ritchey stated absolutely. It’s not a hard read going through this Charter. He met earlier today with Ron McLemore, Jennifer Thomas and Letitia LaMagna with the Clerk’s office and asked them about things we could do to help the committee. There’s a National Charter Review that he had asked Ron if he could get a copy for all the committee members. He clarified for the minutes that although Mr. Blossom was not present there was no alternate for his Zone because he was the Alternate that moved up. For record purposes anything that had to be voted on tonight they were working with only six out of seven members. Before moving on with the board agenda he wanted to recommend three meetings in the community one to be held in our new building in Midtown, one at the News Journal Center and one being held at Peabody Auditorium. He wanted to make it understood that those were meetings to be held in different parts of our City, but anyone and everyone can attend every meeting being held regardless of where they live; so if you miss one meeting

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you can always go to another one in a different part of the City.

Gary Libby made the motion to have three Town Hall meetings geographically located outside of City Hall and the remaining meetings held at City Hall.

Glenn Ritchey asked Mr. Libby if he would mind putting the name of those three locations he recommended in his motion.

Mr. Libby stated surely. The three locations to be exact are Midtown Cultural Education Center, News Journal Center and Peabody Auditorium.

Blaine Lansbury seconded the motion.

Mr. Ritchey asked if there were any questions at this time by the committee.

Dr. Kimmons asked about the time of the meetings.

Mr. Ritchey stated the time would remain at 6:00 p.m. because it gives people that are working time to get off and attend the meeting if they would like to do so. If you make it earlier you won't get many people to the meeting.

Dr. Kimmons stated he was not talking about earlier.

Mr. Ritchey stated we talked about the time at our last meeting and people on the Commission have jobs.

Dr. Kimmons stated we also talked at the last meeting on how we were going to disseminate the information which is another key factor.

Glenn Ritchey said as for this motion; we have a motion and a seconded and he called for the vote.

The motion was carried by the commission 6 to 0.

Mr. Ritchey asked the City Clerk to ensure that the Commission meetings would not be interfering with any meeting at Midtown, Peabody and also contact the News Journal Center to arrange to have one of the meetings at their location.

Mr. Libby asked if he could refer to Dr. Kimmons as he stated he felt it was critically important that both the residential and business community knew that these meetings are open to them because while there might not a remedy for specific problems brought to the committee's attention; there are places in the Charter where a tweak here or there could solve those problems. He felt the residents know that they are invited to the meetings but he also felt it was very important for the businesses to also know they are invited as well.

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Blaine Lansberry stated she can follow up with the Chamber of Commerce which will be meeting this Thursday; that would be the appropriate time to get that discussion going at the Chamber.

Mr. Ritchey stated we can also put it on our websites that it's not just for the residents but for the business community as well. He asked before moving further he wanted someone to make a motion excusing Mr. Blossom from this meeting. He asked the City Clerk if he had called in to her office.

Jennifer Thomas, City Clerk stated she did not hear from Mr. Blossom.

Mr. Libby stated he had mentioned at the last meeting that he was not going to be able to attend today's meeting. So he made the motion that he be excused from today's meeting.

Dr. Kimmons seconded the motion.

Mr. Ritchey called for the vote and it was passed 6 to 0 to excuse Mr. Blossom on today.

Mr. Ritchey asked City Clerk, Jennifer L. Thomas to review the scheduled meeting times for the Charter Review Commission (CRC) and to send a document to the City Commission informing them of these dates for their action.

Mrs. Thomas stated the final report date to the City Commission should be no later than June 18, 2014. The Chair will be reporting the results to our City Commission.

Mr. Ritchey asked if the date fell on a City Commission meeting date.

Mrs. Thomas stated yes, it is a Wednesday.

Mr. Ritchey stated it would be the first meeting.

Mrs. Thomas stated it would just be your report. The first hearing will be July 2, 2014. The second hearing will be on July 16, 2014.

Mr. Ritchey stated at the June 18, 2014 meeting, I am assuming our work as a commission will have been completed.

Mrs. Thomas stated yes it's done.

Mr. Ritchey stated the City Commission takes it from there with the two hearings and also the public input meetings.

Mrs. Thomas stated we have the action on recommendation by the City Commission and the creation of the referendum question to be on the 6<sup>th</sup> of August and the second opportunity for them to make their recommendation will be on the August 20, 2014 meeting. We have five official meetings of the City Commission.

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Mr. Ritchey stated the public will have a right to speak at everyone one of those meetings.

Mrs. Thomas stated correct. The referendum question has to be at the Ann McFall's Supervisor of Elections office by August 25, 2014 for inclusion on the November 4, 2014 ballot.

Mr. Ritchey stated the CRC meeting calendar has been set with specific dates and, locations, and times.

Gary Libby stated we need to make the specific dates.

Mrs. Thomas stated we talked about holding three town hall meetings and we will need to start them in February.

Mr. Libby stated three town halls out in the community and three in here.

Mrs. Thomas stated we met for the town hall meetings in 2003 were on the 14<sup>th</sup> and 15<sup>th</sup> and my question is do you want to meet three days in a row or three weeks in a row for the town hall meetings.

Mr. Libby stated we should take the three weeks in a row because that would push our calendar out.

Dr. Kimmons stated are we still talking about Tuesday.

Mrs. Thomas stated we talked about Tuesday.

Mr. Libby asked how many Tuesday there were.

Mrs. Thomas stated there are seven Tuesdays between the months of February and March.

Mr. Libby stated we need every one of them.

Mrs. Thomas stated no, you need three for the town hall meetings.

Mr. Libby stated we need three more for the meetings here in the Commission Chambers.

Mrs. Thomas stated that would move into April. We are only talking about the town hall meetings for February and March.

Mr. Libby asked if they were all town hall meetings.

Mr. Ritchey stated we are using the term town hall to identify something outside the city; like community meetings.

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Dr. Kimmons stated it would coincide with our public hearings. I think it would be to our advantage to have the town hall meetings as soon as we can to gain the community input. February and March is a good time to hold those meetings.

Mr. Ritchey stated there was two ways to approach this; we can do our work and present it to the Commission because we are not building anything from input of the citizens unless they hear what we are talking about ... or we can gather information and come back and formulate our plan.

Mr. Libby stated I think by giving them pointers, that will direct the discussion in a certain direction but don't you think we ought to psychologically listen to the community first.

Dr. Kimmons stated I think we need a brief overview because we do have people that are uninformed and have no clue as to what we are doing.

Mr. Libby stated your point is a very good one and if we come up with some general areas of consideration it does not preclude people from bringing others to our attention.

Mr. Ritchey stated it is not a finished document we are submitting but when we are talking within the community and they start asking questions, we will have some background we can talk about to them.

Mr. Libby stated we need to save a couple of these dates in February for us.

Mr. Ritchey stated we will. We have a work in progress ourselves.

Dr. Kimmons stated we owe it to the citizens to provide them with a brief overview similar to the one we had here.

Mr. Libby stated this will work if we are sensitive to knowing what is out there and we make sure it does not look like it is exclusive.

Mr. Richey stated we need to come together with some general discussions understanding this ourselves before we can start disseminating information because we can talk about what we think but it is important that we as a Commission we show our discussion progress.

Mr. Libby asked if we can do this in two meetings.

Mr. Ritchey stated yes we can.

Mr. Libby made a motion to hold the first two meetings in February for discussions among the CRC members, as well as for the public; they always have access to our meetings.

Mr. Ritchey stated I would hope they could be televised as long as they don't interfere.

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Mr. Libby stated the first two would be upstairs and not out in the community.

Mrs. Thomas stated for Tuesday, February 11, 2014; because Mr. Blossom had a conflict on February 4, 2014 and would not be back until the 6<sup>th</sup>.

Mr. Ritchey stated there is no way this group is going to attend all of these meetings and that is why we have alternates. We need to pick the schedule and move forward.

Dr. Kimmons stated I penciled in the dates tentative for Tuesday in my calendar and will work my schedule around them.

Mr. Libby asked if anyone else had a problem with February 4, 2014.

Mr. Ritchey stated he was fine with Tuesday six o'clock meetings.

Mr. Libby stated the question was whether Tuesday the 4<sup>th</sup> was a good day or should we meet on the 11<sup>th</sup>.

Mr. Ritchey stated the 4<sup>th</sup>. The deeper into the month we get, we will start running into a race to get things done.

Mr. Libby stated he moved that the 4<sup>th</sup> and the 18<sup>th</sup> of February will be our first two Charter Review meetings and have the members of the CRC be prepared to discuss concerns and issues at that time as well as the public.

Dr. Kimmons stated I second the motion.

Mr. Ritchey asked for the vote. The motion was unanimously approved.

Mr. Ritchey stated Mrs. Thomas will inform us of the meeting locations of the March 4<sup>th</sup> and March 18<sup>th</sup> community meetings and we will have a third one on April 1, 2014. We need to move this process along.

Mrs. Thomas clarified that the meeting on April 1, 2014 will be a town hall meeting.

Mr. Ritchey stated yes, it will be the third town hall meeting and properly noticed. The other dates will be April 15 and 29, 2014.

Mrs. Thomas stated our first CRC meetings will be on February 4 and 18, 2014 held in the Commission Chambers. We do want to televise it. Our first official community town hall meeting will be on March 4, 2014, the second one on March 18, 2014 and the third one will be on April 1, 2014. Our CRC meetings with the regular Commission will be on April 15, 2014 and April 29, 2014 in the Commission Chambers.

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Thomas Leek stated so we are done six weeks ahead of schedule.

Dr. Kimmons stated this is good timing and we are looking at June 18, 2014 report presentation to the City Commission.

Mr. Ritchey stated it can be done and what I really like is to consider the meeting opportunities for the citizens to speak.

Mr. Libby asked if they were going to urge input in other ways such as emails, correspondence, questionnaires, telephone calls, etc. We had talked about it and the charter does allow for it.

Mr. Ritchey stated I think emails should be solicited if they cannot attend.

Marie Hartman, City Attorney stated when an email comment is sent to you, make sure it gets forwarded to the City Clerk.

Mr. Ritchey stated absolutely.

Mr. Libby asked what about petitions and neighborhood associations; they might have an issue or two.

Mr. Ritchey stated one spokesman will be selected and therefore we won't have 25 people stand up asking the same question.

Mr. Leek stated I think we are talking about soliciting input from the community in lots of ways. I am meeting and talking with people I know. In looking at the original schedule Mrs. Thomas has created, there was one meeting scheduled for May 14, 2014 to review the draft report and now that has been changed to April 29, 2014. I suggest we set up another meeting in May for a final report review.

Mr. Libby stated that the date was a second Tuesday in May.

Mr. Leek stated I move we have the final approval date to be May 13, 2014 at six o'clock in the Commission Chambers.

Dr. Kimmons seconded the motion.

Mr. Ritchey asked for the vote. The motion was unanimously approved.

Mr. Ritchey asked Mrs. Thomas to create the new and revised schedule for the CRC members but wait until we get the specific locations addressed also.

Mrs. Thomas stated the meetings will be noticed on the city's website, sent out to the neighborhood groups and we are trying to be placed on the water bills.

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Mr. Ritchey stated we do have a small budget for potential door hangars as reminders for the citizens. I do not want to hear that someone did not have an opportunity to voice their opinions.

Jennifer L. Thomas, City Clerk, stated that we have s subscription list that we will use to send it out as well.

Dr. Kimmons asked if we could look at the newspapers as well.

Mrs. Thomas stated they are going to be some newspaper advertising.

Mr. Ritchey stated they should do that free of charge for us because that is a public service.

Mr. Leek asked about social media.

Mr. Libby stated Susan Cerbone would take care of that. She's terrific.

Mr. Ritchey asked the Mrs. Thomas to check on that.

Mr. Libby asked how far they go in prompting the audience during the first Town Hall.

Mr. Ritchey stated the issue as he sees it, is they may not all agree on one issue. Once they say this is the direction they are heading; the Citizens will know for sure.

Mr. Libby agreed.

Dr. Kimmons stated they need to be aware of the time constraint for Citizen input. We don't want just one individual talking for 20 or 30 minutes and no one else gets to talk.

Mr. Libby agreed and stated we could limit it to three minutes or five minutes.

Mr. Ritchey stated they can encourage having one spokesman for groups of people to expedite the process. He doesn't like to cut people off. He thinks a maximum of three minutes.

Mr. Libby asked if it was going to be question and answer or are they just listening.

Mr. Ritchey stated if they ask us a direct question we should answer it. Otherwise we need to listen. He asked the City Clerk to inform the Mayor and Commission of their discussions so they are fully aware of what is going on. We want them informed. We are going to make every honest effort to make sure everyone is informed. He suggested that Susan Cerbone contact the News Journal and try to get an editorial in the paper. He asked the Commission to clarify the time limit for speakers.

Dr. Kimmons stated they should get at least three minutes.

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Dr. Kimmons made a motion to allow three-minute public speaking during the Town Hall Meetings. Seconded by Mr. Libby. The motion was unanimously approved.

Mr. Libby stated the Chair has the discretion to extend that if he feels it necessary.

Mr. Ritchey turned the meeting over to the Vice-Chair.

Dr. Kimmons stated it's been awhile since they have any major changes in the Charter in a number of years. He gave examples of several other cities across the country where the commission was running the daily operations of the city and he gave examples of various Mayor salaries.

Mr. Libby asked if there were term limits in the cities he mentioned.

Dr. Kimmons stated yes.

Mr. Libby stated that is the offsetting balance.

Mr. Ritchey stated when we are talking change we are talking positive change. He has been the Mayor and it's a full time job. You cannot have another job nor have a job to support your family and be an ambassador for the City. He was there six years and no one has gotten a raise in all those years. He thinks the Mayor should make more money and all the Commissioners should get a raise. We are going to dissect the form of government we have. There are strong Mayor form of government and hybrid forms of that, including the Mayor having veto power. There is the City Manager form of government and all of that has to be on the table.

Dr. Kimmons stated that the examples he gave have less than 14,000 in population and the Mayor makes at least \$75,000. He stated Daytona Beach has never had a Mayor that wasn't retirement age.

Mr. Ritchey stated Mayor Carpenella wasn't retirement age.

Marie Hartman, City Attorney, stated Mayor Kelly wasn't retirement age.

Mr. Ritchey stated Mayor Henry is not retirement age.

Dr. Kimmons asked if he could finish. The last three or four were retirement age. It gives the appearance it is ceremonial in nature. He has never seen a form of government...it is just something he wants to put on the table. He wants to put the responsibility in the hands of the people elected to do the job. That is important. He gave Orange County as another example of salaries. The salary issue is a morale issue. Why have elected officials if they can't represent the people who elected them.

Ms. Hartman stated she wanted to point out...earlier they were talking about what does and doesn't go in a charter...the Charter states the Commission sets the salaries. You may want to look at Chapter 2 of the City Code and Chapter 34 of the City Code. The salary is set in the City Code and not the Charter, because then you couldn't change it without referendum.

Dr. Kimmons stated he had a valid point. If you are ceremonial and you are looking at other cities where they are doing less and making three and four times what you are...it is going to be difficult to get people to run.

Mr. Ritchey stated he is along the same lines; however it is hard to look at another community. We can look at the form of government.

Dr. Kimmons stated he is looking for open discussion. He is trying to get them to look at this in terms of the 21<sup>st</sup> Century. Sometimes we get caught up in an environment so long that is all we know.

Mr. Ritchey stated he doesn't disagree with him. We are all about doing what's best for the community.

Mr. Leek stated that is why this board has been convened and we all have things we want to look at whether it's the form of government or something else. He would like to focus on a methodology of how they are going to do that. In reviewing a number of charters and the National Civic Charter; we could sit down and find half of our Charter now, we don't want to change. There are number of other things they don't have the power to change. He thinks they should determine before their next real workshop what they can and can't change. Then they could get focused on a list of what they can address and what they want to address.

Mr. Libby stated he thinks we do a lot of things very well. He thinks the Commission-Manager form of government has taken us a long way; but it might be time to tweak that. The tweak could open all kinds of things for our City. We don't need to be afraid of change. We can move the Commission into more balance with the staff. That is what he is looking for, more balance. If you look at Charter Reviews in the past there have been small movements from the Commission-Manager form of government to a "stronger" Mayor and "stronger" Commission. He doesn't think there are going to be that many changes but he believes some changes will come to the surface.

Mr. Ritchey stated that he appreciated the comments. He suggested that the members read the Charter before the next meeting. Highlight areas that they would like to discuss; prioritize the areas and not be general so that they are real world recommendations. He would like to make sure everything is covered at the next meeting and for the members to have a round table discussion. We will start by each member giving their individual changes. There is discussion about the City Commission having the ability to change the Charter; the community at large will be the deciding factor as they vote the changes up or down. If the CRC is recommending changes for the right reasons; then we need to do a good job of explaining our reasons for the change and they should be changes that moves the City to another level. Not to get into discussion that is controversial; all we can do is come to a

consensus that the majority will rule. That will be the recommendation moving forward to the City Commission. What the City Commission does is another step and ultimately it will move forward to the constituents.

Dr. Kimmons stated that he read the Charter. When he wrote down his suggestions he had that in mind in terms of what the community wants. His recommendation will be based on the community. He that we can bring the recommendations to the table and they can be fine tuned.

Mr. Ritchey stated that your decisions are based on what you know. What the CRC has to keep in mind is there are seven members; no one person on the Commission could take control of it and move it in the direction that the majority does not want it to go. The CRC will come to a consensus; we will vote and a simple majority will carry the recommendations forward. It has been a good meeting; getting the dates settled and locations confirmed. He asked the members to start to get into the review of the Charter so that the next meeting there will be discussion on recommended changes. He does not feel that the CRC needs to talk about things that are okay; he thinks that the members need to be prepared to speak on changes. Each recommendation will be taken one at a time and vetted.

Dr. Kimmons stated that he would just hold his list because he was prepared with a copy of his recommendations.

Mr. Ritchey stated that he would advise the members to be careful of their e-mails. Send all e-mails to the City Clerk, Jennifer L. Thomas. He opened the floor for feedback from the community.

Weegie Kuendig, 718 North Wild Olive Avenue, Daytona Beach asked about the part of the Charter that deals with the Pensions; she wanted to know if that was a part of the review.

Marie Hartman, City Attorney stated no.

Mr. Ritchey stated that it is contractual and there is group that works on the Pension fund. There are issues with unions and it cannot be changed with the Charter.

Ms. Kuendig stated that she loves the people to work and live here. She supports people that own businesses in Daytona Beach that actually live here. She would like this process to have what their thoughts are from the business community. She does not want influence for surrounding communities. In the Charter there are things that we should be doing that we are not doing. Those are things that we should look at that might solve some of our problems. She will be ready next time to give examples.

Mr. Ritchey stated there are things in the Charter like that; it says that the City Manager does not have to live in the City.

Ms. Kuendig stated there are some things that are listed that could be enforced that are not being enforced.

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Gary Libby stated they are probably being enforced; but over the years there a quilt of thing; they may satisfy the letter of the law. He Dad would say just exercise your common sense. Are things working and if they are not there has to be a way to help things to work.

Mr. Ritchey stated there are some things that obviously we have not looked at in a while; 10 years brings a lot of change.

Mr. Libby stated the world is different.

Mr. Ritchey stated one thing he would caution against is that we don't want to look at a particular sitting Commission and build our program to suit that Commission because the next election; change is going to come again. Our plan needs to be one that is solid and works for the good of the community for the next 10 years and make sure that we all understand that we don't have to wait 10 years for a Charter review; we could do them more frequently. There are several things in here that we are going to have the opportunity to clean up some of the language that needs to be cleaned up and also recommend some interesting things that he thinks they could all get behind and support.

Dr. Kimmons stated once we complete this process we want to say that we have made some changes that are relevant other than just ...

Mr. Libby stated academic, we don't need ...

Mr. Leek stated before anyone motions to adjourn, I have a question for Gary, you said last week and this week again a minor tweak can have a sweeping change and I can't ask you the question outside this meeting so can you give me an example.

Mr. Libby stated yes an example that comes immediately to mind; right now the Commission and the Mayor do not have agenda powers. They are restricted from bringing items to discussion at a public meeting they need the City Manager's say so. He thinks right now there might be a better way of balancing that so that the Commission through its Mayor might have some input into the agenda; that is huge potential huge, brings things to the table that ...

Mr. Leek so if a Commissioner wants something on the agenda for the next meeting, he or she has to go to the City Manager and get the ... to do that.

Mr. Ritchey stated you have agenda reviews with the City Manager when you get your book, you are called in and he personally has never experienced, of course he was the Mayor not a Commissioner, a time when I said this is something we should talk about that was refused, however there might be someone that that has happened to. There is still an opportunity at every City Commission meeting for any elected City Commissioner to talk about whatever they want to talk about because they go around at the end of the meeting and they have the opportunity any other time during the meeting or they can even have someone come in and speak publically to bring the issue up and then talk about it so there are ways but to formalize it he thinks is what ...

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Mr. Libby stated he has sat there and seen Commissioners try to get something on the floor at a meeting and they can't.

Mr. Leek stated I didn't know that was a problem; I thought the Mayor ran the meeting so if they tried to get something on the floor, the Mayor is the Chairman.

Mr. Ritchey stated the Mayor runs the meeting.

Mr. Libby stated he runs the meeting but the script is prepared by the Manager. We have a Manager-Commission form which really is a strong Manager.

Mr. Leek stated he is well aware of that. He does not understand why a Commissioner can't get something on the agenda.

Dr. Kimmons stated that's why I went back to my suggestions and recommendations. That's why I brought up my suggestions and recommendations to look at the duties and responsibilities of the ... I think you know where I am coming from exactly, do you want me to be a little more precise, yes; we need to look at that because the duties and responsibilities, in his opinion, and the rolls of the Mayor, City Commission and the Manager, he thinks they really need to look at those. That is why he made the suggestion and recommendation that was the crux of the whole thing; he didn't read it but he can pass it out at the next meeting.

Mr. Libby stated there are very few new ideas, Willie.

Mr. Leek stated I think we all agree that all those things are on the table.

Mr. Libby stated yes, that was an example there are others.

Mr. Ritchey stated good question otherwise you would not have asked.

Dr. Kimmons stated citizens would ask from his venue who's in charge, why did we elect you, you may not want to hear that but he is out there and he hears it, who's in charge.

Mr. Leek stated how do you answer that question.

Mr. Ritchey stated and I think a good question to ask ourselves is then why is most communities in Volusia County a strong Manager form of government. There must be something to that.

Mr. Libby stated let me share with you at our last Charter review on the County we have an elected Chairman who has, on the County Council, super powers that balance and trump the Manager ...

Mr. Ritchey stated it is still one vote.

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Mr. Libby stated yes but we have an At Large too, we have two At Large reps.

Mr. Ritchey stated all of that is good discussion, he is just saying that a strong Manager form of government is prevalent so it is not just that Daytona Beach picked it out and said that this is what we want.

Mr. Libby stated its Manager-Commission.

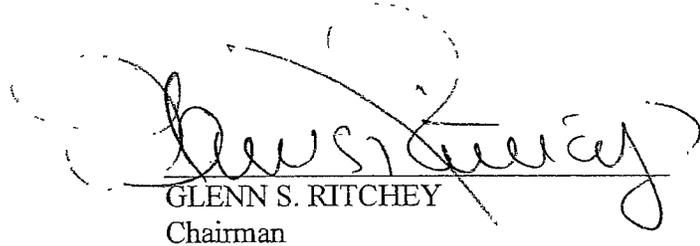
Mr. Ritchey stated but I also said a lot has happened in 10 years, times have changed and he can tell you as a former Mayor, the people don't understand that if you are the Mayor they think you run things and if they ask you to do something they think you can do it. Obviously you can't tell people that work for the Manager; you can't call the Police Chief to come check something out because he works for the Manager. It will be an interesting conversation and we will all have plenty of time for dialogue.

4. Closing remarks

No comments.

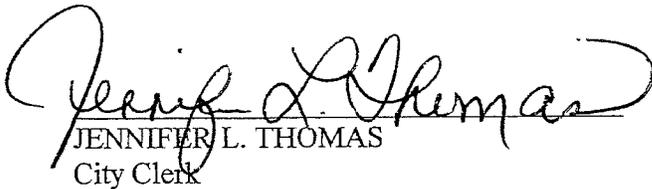
5. ADJOURNMENT

There being no further discussion or comments the meeting was adjourned at 7:25 p.m.



GLENN S. RITCHEY  
Chairman

ATTEST:



JENNIFER L. THOMAS  
City Clerk

Adopted: February 18, 2014

RECORD REQUIRED TO APPEAL: In accordance with Florida Statute 286.0105 if you should decide to appeal any decision the City Commission makes about any matter at this meeting, you will need a record of the proceedings. You are responsible for providing this record. You may hire a court reporter to make a verbatim transcript, or you may buy a tape of the meeting for \$2.00 at the City Clerk's office. Copies of tapes are only made upon request. The City is not responsible for any mechanical failure of the recording equipment.

Minutes

Charter Review Commission

The City of Daytona Beach, Florida

February 4, 2014

Minutes of the Charter Review Commission of The City of Daytona Beach, Florida, held on Tuesday, February 4, 2014 at 6:00 p.m., City Hall, City Commission Chambers, 301 S. Ridgewood Avenue, Daytona Beach, Florida.

Attendance.

Members

Gary Libby	Present
Blaine Lansberry	Present
Kelly Kwiatek	Present
Thomas Leek	Present
Willie Kimmons	Present
L. Roland Blossom	Excused
Glenn S. Ritchey, Chairman	Present

Alternate Members.

Ruth Trager	Present
Ed Savard	Present
Dan Bolerjack	Present
Jill Pennington	Absent
Christi McGee	Absent
Tony Barhoo	Absent
Vacant	

Also Present:

Marie Hartman, City Attorney  
Ron McLemore, Deputy City Manager/Public Works  
Jennifer L. Thomas, City Clerk

Mr. Libby made a motion to excuse Mr. Blossom. Seconded by Dr. Kimmons. The motion passed unanimously.

1. Welcome

Glenn Ritchey, Chairman stated tonight they need to identify some discussion items to move forward with and to have for the Town Hall Meetings. We will list them on the board up here and will be captured by the staff recording the meeting. He welcomed Mr. Huger who will be the Alternate for Zone 6. He thanked the audience and all the alternates for joining them.

2. Discussion – Charter Review Commission

Thomas Leek stated he had gone through item by item in the charter and noted whether or not it should have a change and whether or not it should be discussed.

Mr. Ritchey asked Mr. Leek to discuss only the items that he wants to bring forward for change and/or discussion.

Mr. Leek stated the first item he had was Section 6, under the Planning and Zoning Powers. He would like to discuss the Planning Board number of seats and makeup. The next item would be the powers of the Mayor and the Commission, Section 14, 15, and 16. Next item would be Article 6, Section 27; on the residency of the City Manager. Again under Article 6, Section 28, he believes there needs to be some discussion about financial reporting on the part of the City Manager. Under Section 7, Item 31, we need to discuss outsourcing of the City Attorney duties. Article 10, Section 46, the Charter Review Commission; he thinks they should talk about the number of years between mandatory reviews.

Mr. Ritchey clarified that on the number of years for the Charter Review Commission.

Mr. Leek stated he feels it should be done every four or five years.

Mr. Ritchey stated he believes there is flexibility in there, but he isn't sure.

Mr. Libby stated he had a couple. He asked if the City Attorney had decided for them if they were in sync with the state on the Initiatives and Referendums.

Marie Hartman, City Attorney stated she does not recall them asking her that. Those provisions of our charter predate the change to Home Rule. We have statutes which prescribe the manner in which the charter can be amended. We can supplement those provisions but we have to allow to the extent the state law provides the structure for how an amendment goes through. Our charter does conflict with the state in some instances. In those cases the state statute takes precedence. We could amend that to be consistent with state law ...

Mr. Libby stated he would like to add that to his list; to revisit the zone requirement and the affidavit of circulatory requirement. He believes we should match the County at five percent.

Ms. Hartman stated the state statute sets it at 10 percent.

Mr. Libby stated under financial disclosure he would like our charter to address third-party independent expenditures in City Elections. He suggests that the contributors be listed. It's Article 8. Under City Manager he would like to look at sharing of agenda powers between the City Manager and the City Commission. He suggested a Fair-Share Amendment to equitably share the burden and benefits of City Facilities among other communities is approached by a yearly published map and explanation of where City resources go. The

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Commission only visits maybe 10 or 15 percent. A lot of them are part of the business of the City. He knows a lot of cities going for a Fair-Share stipulation. He agreed with Mr. Leek on the Advisory Board section.

Blaine Lansberry stated between Mr. Libby and Mr. Leek her issues had been covered.

Kelly Kwiatek stated between Mr. Libby and Mr. Leek her issues have also been covered.

Dr. Kimmons stated my colleagues have done a great job and I do have a few things to share with the board. I looked at Article 2 that dealt with zones; I often wondered do we need six zones or four zones and I think we need to look at that as we are growing as a City. Another thing that Mr. Libby mentioned was that the services, if you look at the zones we do not represent ourselves, we represent a zone and we represent the citizens in that zone. I am looking at where resources are business and industry, infrastructure, housing. If you look at zones one through four, it has a different make up as five and six and so do we really need four or do we need six. So I think we really need to look at the zones. The reason I say that because I want to expand the resources, it looks like the resources are going in one, two, three and four versus five and six, in terms of business and industry and fair housing. I could tell you the number of houses that are in foreclosure and boarded up in five and six, in comparison. Look at Article 6, the City Commissioner ties in to that same item four versus six. Article 6 the City Manager form of government, after reading the charter review research study, for example the document is a good piece of research. When I looked at the document it was contractually done by a research firm based on the former administration because all the inferences throughout the document gave three or four examples. He passes around his drawing stating he wanted to share it. I think we need to look at the organization structure. It gives the appearance, if the current structure is feasible and working fine but organizational structures do not do anything with personalities in terms of the way people manage. The current structure gives in my opinion all the power to a person that is not an elected official and the people that elect people, I think that is where the power should be. So if you look at the organization structure I have the elected officials, the Mayor and City Commissioners should be responsible to the citizens but if you look at the current structure that we have in place, the City Manager runs the day to day operation of the City who is not an elected official who supposedly reports through the City Commission and the Mayor and that can be a tremendous problem. A concern in when you look at the lines of demarcation and you look at span of control, it makes it very difficult and the reason I say this is because in some structure you have a person saying I do not want you to talk to the Mayor or City Commissioner. I think it stagnates information; it is a huge morale problem. If you look at Article 6 there is a lot of information about the powers, duties and responsibilities of the City Manager.

Mr. Ritchey stated ok that would be some good homework for us, but organizational structure is your point.

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Dr. Kimmons stated other than that my colleagues have covered ... This is just for clarification I noticed in the document it talks about nominating officers and I am trying to figure out who makes up the agenda. Do we get input from the board and this is a valid point because I submitted agenda items twice and I am looking through the document and it has duties and responsibilities of the Chair but it does not have any duties or responsibilities of the Vice Chair so it looks like the research team made it based on the existing organizational structure of City Hall. What happens if the Chair is not here. So the Vice Chair needs to know what is going on and I do not want to be kept out the loop but I need to know what is going on. I do not need to have to define my role and I look in the document and there is nothing in there that deals with the duties and responsibilities of the Vice Chair. He expressed his concern about the Vice Chair.

Mr. Ritchey stated no. We are all sitting here to do the job that we have been asked to do and we all have one vote. Obviously the Vice Chair in the event I am unable to be here unless I get impeached then those duties would transfer to you absolutely, but you want to document it.

Dr. Kimmons stated when you give me something to read I am going to digest it. So what is the role of the Vice Chair. If you are look in the document it talks about people having input with diverse backgrounds and a good argument is good for a good charter and we do not want to suppress any information. I just thought about the June 18<sup>th</sup> meeting, for an example as a Vice Chair I would like to attend that meeting alongside with the Chair to represent, to show that we have diversity, to show we have a balance and show that we have unity in our recommendations. That is my comment as Vice Chair.

Mr. Ritchey stated was there anything that said you were not able to attend that meeting.

Dr. Kimmons answered no my colleague said that the Chair would attend the meeting and represent the charter.

Mr. Ritchey stated we're all invited. I want everybody to be here and you can address the Commission just the same.

Dr. Kimmons stated trust me I wrote down everything we said, the minutes will reflect that. Now we just said that the Chair was going to attend the meeting, only the Chair was going to attend the meeting on June 18<sup>th</sup>.

Mr. Ritchey stated we can sure change that. That is not an issue

Dr. Kimmons stated those are my issues.

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Mr. Ritchey stated Ron I will be brief and will not talk about solutions right now; I want to talk about issues. We need to review all language regarding eminent domain that is in our charter because a lot of it is obsolete, some of it is not but we need to identify that and have our City Attorney report to us. We need to review the language in the City Charter dealing with beach access which we have absolutely no control over it, it is a County issue. Also the City Manager should be required to live in the City.

Mr. Leek asked if I could add the Police Chief and Fire Chief to that list.

Mr. Ritchey stated he believed they both do live in the City. We do have other department heads that do not live in the City; there is good reason why they don't and they were hired with that understanding. We should now include that the department heads are required to live in the City. We need to also include some language that deals with Request for Proposals (RFP) and interference by elected officials or appointed officials after the RFP has been submitted. We should have the ability to have the City Commission be given the authority to go outside for counsel dealing with legal issues. We should consider after an election that the Vice Mayor's position be given to a Commissioner with very little experience with an eye toward the rotation that is involved in our elections. We need to take a look at that position and whether they should be in office for three months. The section for 31C that states the City Attorney should review and approve all contracts should be changed. It should possibly read that they have been reviewed and recommended to the City Commission for approval. The same language should be for the Assistant City Attorney; at this time it states the Assistant City Attorney in the City Attorney's absence can approve contracts. Our City should be held to the same standards on the properties they own as we expect from our own citizens; it should be a budgeted item so that way we can be proud of our City owned buildings and properties. I need a clarification on how an offer to pay for an elected official's lunch should be viewed as pertaining to the law.

Mr. Libby asked if that would fit under a conflict of interest and maybe revisit that policy.

Ms. Hartman stated it would generally be under ethics ...

Mr. Libby stated rather than conflict of interest.

Dr. Kimmons asked about gifts.

Mr. Ritchey stated it is all the same thing; ethics. We do not want to see anyone get into trouble with the law.

Mr. Libby stated that personally I am at ease with no term limits in our City and I am somewhat at ease with our terms of office of any elected office which was the end result of our last charter review. I would not like to have people think we overlooked it when we were conscious of it because it is a burning issue nationwide.

02-04-14

Mr. Leek stated it can be some healthy dialogue in terms of what a decent term is and depending on what the candidate brings to the table.

Mr. Ritchey stated that is terms of office.

Dr. Kimmons stated you may have already thought of contract limitations for consultants; is that in there.

Mr. Ritchey stated yes it is. That also brings up a point ... I noticed when reading the charter that the Commission can hire an accounting firm and not go out with an Request for Proposal (RFP) or bid process. If you go out with a bid and a low bidder gets it ... however if you go out with an RFP you do not necessarily have to take the low bidder. I would like to make sure we do have the opportunity to bid that job because it is an expensive undertaking; I think we should have an RFP.

Ms. Hartman stated there is a state statute which sets some very specific requirements about hiring an auditor.

Mr. Ritchey stated in our charter it says the Commission can go out without a bid.

Ms. Hartman stated yes and the state statute requires an appointment of an auditor selection committee. It is a very specific procedure and important process.

Mr. Ritchey stated we should adopt the state's language and take ours out. Those are some of the things we have as far as redundancies which are good and they will be identified and passed out. At this point, I would like to hear any public input from anyone here in attendance. We do have sign in sheets.

Greg Gimbert thanked the Committee for their service. He hoped the first thing; the most important thing they would deal with is initiative and referendum. He believed our City Attorney was tasked with bringing back specific instances where our charter was in conflict with state law. It appears she did not take the opportunity to follow up on that, he hopes they will. Early into it, they talked about zone requirements, the affidavit of the circulator; most importantly the 20 percent threshold to get a sensitive initiative on the ballot. Mr. Libby inferred that we might want to take a look at the County and lower that to five percent where Ms. Hartman weighed in and said whoa the state says 10 leaving you guys to believe that you have to have 10 percent and that the County is not in line with the law; that is patently false. He explained the state statute. He gave a history of past charter amendment items and his dealings with Ms. Hartman in court regarding those amendments.

Ms. Hartman clarified that she agreed with Mr. Gimbert on the 10 percent, she was thinking of what the state statute required; 10 percent is the most that we can require, you are correct and we could allow less than that. We can be less stringent than what the state law requires but we cannot be more stringent.

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Mr. Gimbert stated I accept your apology.

Mr. Ritchey stated the important issue is that it is on as a discussion item. The input and clarification given insures that it will be a very good topic of discussion.

Mr. Gimbert commented on the affidavit of the circulator. He gave an example of his experience with getting 10 percent signatures from registered voters and affidavits from every human who collected signatures. You do not need an affidavit of the circulator when Ann McFall, the only person who can validate those signatures because she has the cards to match the signatures with. He asked that they consider taking out the affidavit of the circulator on its base, it's useless.

Mr. Ritchey stated that will become part of a discussion point because if we didn't want public input we wouldn't be asking for it, nothing is going to be dismissed offhandedly.

Mr. Gimbert continued with his comments concerning the affidavit of the circulator.

Mr. Ritchey stated we got it.

Dr. Kimmons stated to Mr. Gimbert your comments are appropriate.

Mr. Gimbert stated zone requirement, another thing in our charter patently illegal. He gave his reasons.

Weegie Kuendig asked if we take out all the language that conflicts with the state, how long a document is that going to be to put on the ballot. Is that something that is going to be really burdensome for people to look at. She asked about the Consent Agenda, she did not know if it had to do with statute or charter, her concern was the amount that can be spent without any discussion whatsoever and she knows that the Commission can pull any item so that they can talk about it.

Mr. Ritchey stated if he understands her correctly, she is proposing limits, for instance if an item is over \$50,000 it should be on the regular agenda for discussion rather than on consent.

Mr. Libby asked if Mr. Gimbert could come back up.

Mr. Ritchey stated if there were no other speaker that was fine, but he didn't want one individual to take up all the speaking time.

Dr. Kimmons asked Mr. Gimbert to give examples.

Mr. Gimbert listed his examples of the Article 9, Initiative and Referendum changes he would like to see. He would like to see whole sections removed to match the state.

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Mr. Leek stated he read the requirements for the Circulatory and interpreted them differently than Mr. Gimbert.

Mr. Gimbert stated in the court case he was involved in with the City over petitions it was an argument in the case.

Mr. Leek stated it works the way we read it.

Mr. Gimbert read the section aloud for the Commission. He argued that the requirement to make sure the signers are who they say they are isn't the petitioner's responsibility. It's the Supervisor of Elections job.

Dr. Kimmons stated he misunderstood Mr. Gimbert's concern. He thought it was a check and balance to make sure people weren't turning in invalid petitions.

Mr. Gimbert stated that is the Supervisor of Elections job. They are the only ones to validate the signatures. If the signatures don't match the Supervisor throws them out. He suggested the current practice in the charter makes more work for the Supervisor and her staff, the City Clerk, and the petitioner.

Mr. Libby asked the City Attorney if a blanket amendment would be allowed to clean up the sections that don't currently match the state.

Ms. Hartman stated yes. When this was done in 1997 there was one ballot question to adopt a revised charter.

Mr. Gimbert stated he would like to see no items on the Consent Agenda over \$5,000.

Mr. Ritchey explained that the Commission has the right to, and have done so in the past, pull items they felt needed more discussion.

Mr. Gimbert stated people are also not allowed to speak on the Consent Agenda items. They needed to have a public vote on bonding of Community Redevelopment Area (CRA) dollars.

Mr. Libby stated there has also been discussion on having an elected CRA board.

Mr. Ritchey stated that would be discussed under the makeup of Boards. He asked Mr. McLemore to add it to the list. He asked Mrs. Thomas to take the charts and combine them. He asked that she include any emails that come in about tonight's meeting. He complimented the Charter Review Commission for their time and work. They are going to stay on point and not get off track during these meetings because they are all busy and their time is important. Their task is important and they want meaningful items brought forward. They will vote on these items and then take them to the City Commission and the City Commission will vote if they want to put these issues on the ballot. The ultimate decision makers will then be the Citizens who go to the polls and vote. He asked Mr. McLemore to pass out the draft Mission Statement for everyone's review.

02-04-14

Mr. Libby thanked staff for the Guide for Charter Commissions.

Mr. Ritchey stated it was very interesting. The City of Daytona Beach has a charter that is sort of hybrid. It's not straight down the middle.

Mr. Libby suggested another item to discuss; that as well as compressing the zones, that they have a Mayor and another At-Large position. It might be an interesting way to make sure there is adequate representation.

Mr. Ritchey stated the City used to run City-wide elections and it was problematic and it cost the City a lot of money to run those types of elections. They went to zones to insure the African American population had representation. We need to be careful what we change in the guise of improvement because you may actually be damaging our community at large. He just wanted to remind everyone how it used to be.

Dr. Kimmons stated if you look at the zones and you look at where the power bases are and the infrastructure ... that's his major concern. He is looking at dispersing the wealth and the disparities between the zones. He commended the Citizens for their input.

Mr. Ritchey stated he had heard arguments that we are different from the County Council, but we aren't that different. They have an elected Chair and we have an elected Mayor. The County Chair has one vote and the Mayor here has one vote. They do have an At-Large, but the powers of the County Chair are no more than the powers of the Mayor of The City of Daytona Beach.

Mr. Leek asked that the City Attorney provide a quick reference of everything in the charter that is in conflict with the state. Particularly in the areas they are going to have a discussion on.

Mr. Ritchey stated that fits in with his items about the County and the beach. He thanked everyone for coming and adjourned the meeting.

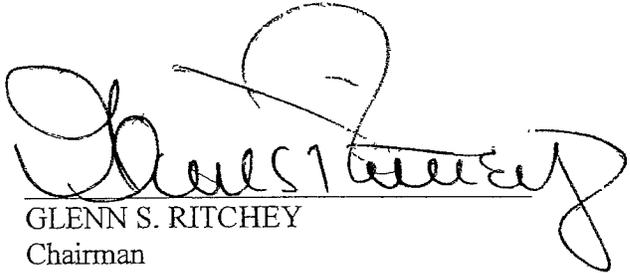
02-04-14

3. Closing remarks

No comments.

4. ADJOURNMENT

There being no further discussion or comments the meeting was adjourned at 7:10 p.m.



GLENN S. RITCHEY  
Chairman

ATTEST:



JENNIFER L. THOMAS  
City Clerk

Adopted: April 15, 2014

RECORD REQUIRED TO APPEAL: In accordance with Florida Statute 286.0105 if you should decide to appeal any decision the City Commission makes about any matter at this meeting, you will need a record of the proceedings. You are responsible for providing this record. You may hire a court reporter to make a verbatim transcript, or you may buy a tape of the meeting for \$2.00 at the City Clerk's office. Copies of tapes are only made upon request. The City is not responsible for any mechanical failure of the recording equipment.

Minutes

Charter Review Commission

The City of Daytona Beach, Florida

February 18, 2014

Minutes of the Charter Review Commission of The City of Daytona Beach, Florida, held on Tuesday, February 18, 2014 at 6:00 p.m., City Hall, City Commission Chambers, 301 S. Ridgewood Avenue, Daytona Beach, Florida.

Attendance.

Members

Gary Libby	Present
Blaine Lansberry	Present
Kelly Kwiatek	Absent
Thomas Leek	Present
Willie Kimmons	Present
L. Roland Blossom	Present
Glenn S. Ritchey, Chairman	Present

Alternate Members

Ruth Trager	Present
Ed Savard	Absent
Dan Bolerjack	Absent
Jill Pennington	Present
Christi McGee	Absent
Tony Barhoo	Absent
John Huger	Absent

Also Present:

Marie Hartman, City Attorney  
Ron McLemore, Deputy City Manager/Public Works  
Jennifer L. Thomas, City Clerk

1. Welcome
2. Approval of the minutes

Glenn Ritchey, Chairman, thanked everyone for attending the meeting and he thanked the Charter Review Commission (CRC) Members and Alternates for serving.

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Jennifer L. Thomas, City Clerk, stated that Kelly Kwiatek had called and asked to be excused and that alternate Jill Pennington was filling in for Ms. Kwiatek.

It was moved by Mr. Libby to excuse Ms. Kwiatek. Seconded by Dr. Kimmons. The motion passed 7-to-0 with the breakdown as follows:

Gary Libby	Yea
Blaine Lansberry	Yea
Jill Pennington	Yea
Thomas Leek	Yea
Willie Kimmons	Yea
L. Roland Blossom	Yea
Glenn S. Ritchey, Chairman	Yea

Mr. Ritchey stated they had minutes from two meetings in their packet. He asked for a motion to approve the minutes.

Dr. Kimmons, Vice Chairman, asked if he could make some adjustments to the minutes.

Mr. Ritchey asked for his adjustments.

Dr. Willie Kimmons asked how he should proceed with the adjustments.

Mr. Ritchey stated he could include adjustments or corrections in the motion.

Dr. Kimmons referred the CRC to the January 15, 2014 Minutes and made numerous suggestions for modification of the minutes.

Mrs. Thomas asked Dr. Kimmons to submit his modifications in writing. The City Clerk's office would go back and listen to those portions of the minutes for accuracy.

Gary Libby stated that his comment in the January 15, 2014 minutes should have been 'think tank' and not 'think bank' and the Governor's name was Lawton Chiles, not Child's.

Mr. Ritchey thanked him and asked him to submit those modifications to the City Clerk's office in writing.

Thomas Leek stated that the first mention of him in the minutes says Thomas Leek and after that it says Mr. Leek.

Mrs. Thomas stated that they mention the full name of the speaker when they first appear and then refer to them as Mr. or Mrs. throughout the rest of the section.

Mr. Leek stated the word 'everyone' should be 'every one'.

02-18-14

Mrs. Thomas asked Mr. Leek to submit those modifications to the City Clerk's office in writing.

Mr. Ritchey asked if there were any more comments before they vote.

Mrs. Thomas stated they didn't have a motion or a second.

It was moved by Dr. Kimmons to approve the January 15, 2014 Minutes as amended. Seconded by Mr. Libby. The motion passed 7-to-0 with the breakdown as follows:

Gary Libby	Yea
Blaine Lansberry	Yea
Jill Pennington	Yea
Thomas Leek	Yea
Willie Kimmons	Yea
L. Roland Blossom	Yea
Glenn S. Ritchey, Chairman	Yea

Mr. Ritchey asked for a motion to approve the January 21, 2014 Minutes.

It was moved by Dr. Kimmons to approve the January 21, 2014 Minutes. Seconded by Ms. Lansberry. No vote.

Mr. Leek stated he had several corrections to the January 21, 2014 Minutes and asked about the third person perspective.

Mrs. Thomas stated that the minutes are typed in the third person perspective vs the first person perspective because someone else is typing what was said. She asked that Mr. Leek provide her office with the corrections.

Mr. Libby stated on page three, the comment should not be "in case law" but "to review case law."

It was moved by Dr. Kimmons to approve the January 21, 2014 Minutes as amended. Seconded by Mr. Libby. The motion passed 7-to-0 with the breakdown as follows:

Gary Libby	Yea
Blaine Lansberry	Yea
Jill Pennington	Yea
Thomas Leek	Yea
Willie Kimmons	Yea
L. Roland Blossom	Yea
Glenn S. Ritchey, Chairman	Yea

Mission Statement Discussion

Mr. Ritchey stated he wanted to commend the committee for the work done to get to the Mission Statement that was included in their packets.

3. Discussion – Charter Review Commission

Mr. Ritchey stated the committee came up with several items they would like to see included in the discussion. He wanted to make it clear that the committee was inviting and asking for input from the citizens in the community on things that are important to them and things they would like to see incorporated into this because this is going to be the community's document. The things that the committee came up with are things that he would like to see placed on the web so that the people in the community will have knowledge of the things the committee is considering as well as listing the comments and opinions of the community at large.

Mr. Libby asked the Chairman would it be possible in future PowerPoint's to list the committee's discussion items as well as a category list of things we have received through emails, telephone conversations etc., even if they are duplicative in nature. Placing comments made by citizens that are in the meetings or done from their home can go to the website and see that we are conscious of their concerns or input. He wasn't trying to make problems for Jennifer but besides from the testimony here at the meeting he felt it would be nice to include the citizen's comments as well as committee members.

Mr. Ritchey stated he agreed with his comments and with the approval of his colleagues he wanted to go back to the opportunity for the clarification purpose what was said at the last meeting to make it clear and concise as to what they meant about the charter discussion. He called Mr. Leek since he's always has some items and is always first. It's important during the minutes the person that is speaking the comments are attributed to the person that is speaking so make sure that your name for the electronic record is included. At some point during transcription it gets a little hard for staff to determine who was speaking at any given time. With that being said he asked Mr. Leek to give his comments on his recommendations from the other evening.

Mr. Leek asked Mr. Ritchey what type of comments he wanted.

Mr. Ritchey stated the ones pertaining to the number of seats for the Planning Board for instance.

Mr. Leek stated some of the discussion he has had with some citizens in his zone had to do with the number of people assigned to the Planning Board. He said currently he believed there were eleven members assigned to the board, but it made more sense to have a representative for each zone with an at-large appointment by the Mayor.

Mr. Ritchey asked Mr. Leek if he was recommending going from a total of 11 to seven on the Planning Board.

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Mr. Leek stated yes, from 11 to seven members total. Also a number of people he had spoken with wanted to see more formal and specific reporting of City finances on a more regular basis.

Mr. Ritchey asked more often than once per year, done by our City Manager rather than our regular audit team.

Mr. Leek stated yes sir, the City Manager should present that to the Commission like a business would do a monthly or quarterly report or something along those lines because it is relevant to the budget.

Mr. Ritchey thought that was an excellent idea and he asked Mr. Leek if he was thinking along the quarterly, bi-annually or what direction would you like to see this done.

Mr. Leek responded personally he would recommend doing it quarterly.

Mr. Ritchey asked if he was also recommending City Attorney out-sourcing.

Mr. Leek stated if he read the charter correctly, it doesn't give the City Attorney the ability to out-source different things that may be helpful or of less cost or more expertise things like that. He felt the City Attorney should have the option to out-source legal work.

Mr. Ritchey stated okay, that was pretty simple to understand on that particular issue. Now on the Charter Review Committee the number of years.

Mr. Leek stated this was kind of personal to him, because our current charter says a maximum of 10 years and he felt it should only be a maximum of five years.

Mr. Ritchey asked the City Attorney was he correct when he stated currently the charter says the City Attorney can call for a review anytime she wants or deem it necessary.

Marie Hartman, City Attorney replied yes, it states it must be done at least every 10 years.

Mr. Ritchey asked Mr. Leek if he wanted to change 10 years to five years.

Mr. Leek stated a review at least every five years.

Mr. Ritchey stated he just wanted to state for the record the current charter review is every 10 years and Mr. Leek's recommendation is every five years. He thanked Mr. Leek for his comments and moved to Gary Libby for comments.

Mr. Libby stated his first comment was concerning the referendum of signatures the committee talked about. He felt that Volusia County needed to be in compliance with that and it would not violate state suggestion to trigger the 10 percent.

Secondly, the Third Party Election Financial Disclosure is starting to be an issue when a lot of Charter reviews around the country where because of Citizens United non-committed third parties are allowed to weigh-in at elections of both individuals and referendum. They don't have to be for or against a person or an issue in an election, but they can contribute unlimited amounts of money to Political Action Committees (PACs). He felt it would be good for us to have a Third Party Financial Disclosure Policy where we ask the people who is contributing to these bunches of money.

Thirdly, he stated this was an important item to him. Agenda power sharing between the Commission and the City Manager. Currently the Manager is officially the only one with the ability to agenda an item. He suggested investigating as other cities have where a majority of the City Commission could vote to have an item added to the agenda and gain access to agenda power in that way. He suggested coming up with some method where our Mayor and City Commission could bring for discussion before the public items that warrant an agenda. He said to Mr. Ritchey he knew he might have trouble with this suggestion.

Mr. Ritchey responded he didn't have trouble with the suggestion, he knew that our City has agenda reviews at which time the elected officials have the ability at that time to question, add to or ask to have added to and during the meetings the Commission is asked to approve the agenda. If they at that time disagreed with the agenda at that time they could challenge the agenda.

Mr. Libby stated he might not be as clear as he hoped to be, but as of now our Commissioners and including our Mayor do not have access to agenda items. He did not feel it would diminish the Manager's ability to manage the agenda and it would give our elected officials access to the agenda. He thinks this was a little tiny thing that could go a long way to solving a lot of problems in our City.

Mr. Ritchey stated again he wasn't disagreeing as a matter of fact he was agreeing with Mr. Libby.

Ms. Hartman stated she heard Mr. Libby say he wanted to allow a majority of the City Commission to require that an item be on an agenda and they do currently have that power, in fact it does occur where someone can request something be placed on the next agenda. Also, they can call for a vote to put something on or not put something on the agenda and what meeting they want it put on the agenda for. The Commission does have that power.

Mr. Libby stated they don't feel like they have that power.

Mr. Ritchey stated maybe we need to spell it out. He also stated he understood what Mr. Libby was saying when he brought up his next item, fair share. He said if you get into fair share you have to take into consideration CRAs; redevelopment areas which could inadvertently tip the scales one way or the other against an area that didn't have redevelopment funds, it wasn't a blighted area as part of that so it would have to be worded correctly.

Mr. Libby stated we have so many Community Redevelopment Areas (CRAs) in our City but there are very few blocks that aren't in a CRA.

Mr. Ritchey stated again he was not disagreeing with Mr. Libby, but all CRAs are not created equally, that is an issue that would be up to the Commission to say and by law you can't transfer funds from one CRA to another.

Mr. Libby stated you could make it non-CRA and then the CRA's could report yearly. He asked Mr. Ritchey if the committee could ask Ms. Hartman to just goggle, fair share reporting to see if it's applicable to our City based on the significance of CRAs.

Ms. Hartman stated she had misunderstood and she just wanted to clarify that you're talking about a report not a substance of a requirement that one of the Manager's duties should be to produce this report on an annual basis to the Commission.

Mr. Libby stated with the Commission having agenda access the following year things could be leveled or made more equitable. The fifth thing he wanted to discuss was the 27 advisory boards and whether there was a way to combine them in order to simplify the process and making them into fewer boards rather than many because the fewer the boards the more power the board possess. The Commission had a select committee that looked into combining the boards and they came up with some creative work and the only boards that made it through the Commission were the Redevelopment Boards combining. There were some other suggestions and he felt that maybe the timing was right in this process to take another look into combining the advisory boards down to fewer boards. There are some advisory boards that are listed in our charter. His last item was in reference to the terms of office for members assigned to boards. He did not have a problem with the staggering but he did feel the committee should at least address term limits. He felt the time limits with new Commissioners taking office and term limits was something of a problem which several people had mentioned. We need to look at our Statement or Conflict of Interest in the charter to ensure it is adequate for the 21<sup>st</sup> century because things have really changed tremendously over the last decade.

Dr. Kimmons stated his first item would be to change the number of election zones to four. The resources are all in Zones 1, 2, 3 and 4 more so than 5 and 6 as he stated earlier. With four zones the revenue producing businesses could enhance the community and property values in Zones 5 and 6. Standing back and taking a look at our City it's obvious where the growth in it has gone. We had a discussion before and the subject was the Midtown Education Cultural Center, swimming pool on George Engram and the Yvonne Scarlett-Golden Center; none of those community outlets are revenue producing like the ones in Zones 1 thru 4. He was thinking in terms of new houses, businesses and things such as those. If you look at the current growth to see where all the buildings and resources in terms of equity are going; you would see it's not in Zones 5 and 6. Looking at Zones 5 and 6 compared to the other zones it seemed to him the "rich were getting richer and the poor was getting poorer." It should be not only a balance of power but also a balance of wealth. He stated his comments were geared towards those statements. His recommendation was if the City had only four zones the resources could be balanced and distributed better. Another

thing is to make sure there are revenue producing businesses in those zones that would enhance the communities in Zones 5 and 6. He understood and had stated before these are what is known as “blighted areas” but there are more boarded up houses in Zones 5 and 6 than you do in the other four zones combined. That concluded his comments requesting to change the elections zones from six to four. Which would make sure there is a balance of power and they can share the resources. He had passed out a chart with his recommendation for the organizational structure for The City of Daytona Beach. His chart in his opinion for the lines of communications between City Government were clearly defined with the decision making process being placed in the hands of the elected officials. As elected officials they ran for the offices they were elected to serve in but as far as being able to communicate through making decisions and power is not in their hands. His fourth and final comment was concerning residential requirements for City Manager, Chief of Police, Fire Chief and all senior staff (Department Heads) personnel should reside within the City as is required for our City’s elected officials.

Mr. Ritchey stated just for the colleagues here as a point of clarification, this is not an intention of debating these issues, we shouldn’t debate these issues we should carry them forward as we should others and then when we get everything together, we are operating on a time schedule, so the intent is not to sit here and disagree or agree tonight, it’s to clarify/understand what our colleagues positions are. He stated he would go through his as quickly as he can.

- Eminent domain language to be in accordance with state law.
- Remove the regulation of beach access.
- City Manager to live in the City, grandfather provision for current City staff, residential requirements going forward.
- Interference with RFP’s – need to be in compliance.
- Commission authority to outsource legal services.
- Vice Mayor – Review of position.
- City Attorney approval of contracts – language i.e. play on words needs to be changed.
- City held to the same maintenance standards as the public.
- Review ethics – elected officials and City employees.
- Adopt state audit standards.
- Mayor’s position – change to full time.

That was all that he had but that brings up something else that he would like to add to that as the Chairman that can be changed by ordinance, it doesn’t have to be changed by a charter, but there is a time certain that that needs to be changed and he thinks that would be maybe between the next two to three months. He asked the City Attorney to correct him on that. If it is a charter issue it goes to the Commission for approval and then it goes to the citizens to vote that up or down. He wanted to bring out that they have the authority to do that now but he is not sure if that has ever been brought up to them but there is a time certain that they have to do that.

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Mr. Libby stated he would assume that to change the Mayor's position to full time would also imply a salary commensurate with a full time position and that is another wrinkle.

Mr. Ritchey stated it is a wrinkle we cannot dictate that, that is done by the City Commission also but he would assume that any logically thinking people would assume that if you were going from part time to full time there should be some consideration for the time involved.

Mr. Libby stated and you feel that the City Commission would not feel happier with recommendations from a Charter Review Board, if we are going to increase the time on the job then ...

Mr. Ritchey stated the problem with that Mr. Libby is as he said if that happens that wouldn't go into effect until probably over a year.

Mr. Libby stated correct.

Mr. Ritchey stated if they take action on it before two months it could go into effect immediately.

Mr. Libby stated as long as we mention if it goes to full time there would be a commensurate salary, you would assume they would think that but he would feel more comfortable if we stated it.

Mr. Ritchey stated we cannot dictate what that salary is but we could say we believe along with that should come a consideration for ... please Mr. Vice Chairman.

Dr. Kimmons stated if you recall Mr. Chairman and my colleagues that at our first meeting I gave examples of cities with less than 15,000 people where the Mayor makes \$75,000 and above; we are still in the dark ages so we really have to come up to snuff in his opinion and as his colleague Mr. Libby said at least make the recommendation or suggestion.

Mr. Ritchey stated he hopes they are listening or watching and he would like to personally make that retroactive ... just kidding. He asked Mr. Blossom for his input on some recommendations that he might have.

L. Roland Blossom stated there are a number of items that have been suggested by the other members of the Commission that he is very much in favor of having discussion about as well as a couple he would like to put on the table. First of all in talking with people in his zone and throughout the City there has been a lot of discussion about the power of the Mayor, the Commission, the Manager as far as the running of the City is concerned but he thinks it is very clear in our charter that the City Commission is the one in charge and has the ability to hire or fire a City Manager. There is nothing in the charter that he saw that would require more than a democratic vote of majority to hire or fire the charter officers being the City Attorney and the City Manager. His understanding, and he is not absolutely certain on this, that for some reason we are requiring in The City of Daytona Beach a super majority to change a manager or to hire a manager. He thinks in the democratic way of looking at things

and viewing the source of elected power that the people give to the Commission a simple majority should be more than enough to hire or dismiss a charter officer. He recommends they have some discussion on that and that is an important enough item to be in the charter but our charter seems to say that the City Commission has the authority to hire ...

Mr. Ritchey stated and to negotiate; that is usually a contractual deal and that would be pretty much up to the City Commission on the Manager and the City Attorney to negotiate their contracts so and he is not sure stating to Marie Hartman, City Attorney but it could be in the charter that no contract could exceed the ability of a simple majority to overturn or something like that. He asked could that type of language be put in.

Mr. Blossom stated he is not trying to discuss it, he is just putting it on the table as an item that we need to discuss and essentially we are not talking about the contractual aspect of it and it is not at all unusual to be in the charter that either a majority or a super majority is required. There is nothing in our charter that says hire, it simply says dismiss or some similar language. He would like to have some serious discussion on that because it has a lot to do with the authority of the Manager and the authority of the Commission. If you have to wait until you get five people as opposed to a majority to change a manager that may not be responding in the manner that the Commission is happy with and that the people are happy with a simple majority should be sufficient. He would like them to have a thorough discussion on that.

Mr. Ritchey stated okay.

Mr. Blossom stated he is very much in support of discussing the residency requirements for any number of people who are employed by the City. He wants to discuss the fair share resources issue as well but he wants to discuss it from an allocation standpoint. We have six zones and those six zones are fairly equally divided as far as the number of residents. There is a plethora of needs that each of our zones have and there is a need for infrastructure and facilities in those zones in many cases can't wait until two or three years from now when it is their turn to get some stormwater work done so he wants to talk about placing something in the charter that would require a certain percentage of the budget to be allocated to each zone. That is something we can talk a long time about as far as the need and as far as the manner in which that would operate and the Commissioner for that particular zone having the authority to veto any act of the Commission that dips into that allocated share without consulting the people in that particular zone. Those are the main things he wants to talk about but also he thinks it important and he is not sure how it works in Daytona Beach but other governmental bodies that he has looked at tend to except (spelled out) the City Attorney and the Assistant City Attorney's and staff from the authority of the City Manager as far as hiring and firing that is a separate right that that charter officer has just as the manager has the right to hire and fire the rest of the staff, the City Attorney has and needs the authority to hire and fire Assistant Attorney's as well as other members of that staff. He is not sure how it is done but thinks it is something that needs to be firmed up if that authority is intended to go to the City Attorney then that authority should be as it is with the City Manager placed in the charter.

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Mr. Ritchey asked if there was anyone signed up to speak.

Mrs. Thomas stated she had one speaker and that is Hemis Ivey.

Hemis Ivey, 314 S. Franklin, Daytona Beach stated he would like to recommend certain Commissioners oversee the various city departments while gaining knowledge of how the City functions and accountable to the citizens when issues come forward. He agrees with Dr. Kimmons and Mr. Blossom on the Mayoral form of government and thinks the City Manager form has stalled. He asked if agenda items could be placed on a time line for Commission meetings. He is pleased on the way the City Commission has been performing.

Dr. Kimmons stated he had a handout for the members that outlines the organizational structure he suggested that was alluded to.

Marjorie Johnson, 122 S. Keech Street, Daytona Beach stated she would like to see budget funding be distributed to the different zones reflected in the charter. She would like to have added to the charter the procedure of a majority vote to remove someone from their position. She asked why a new Fire Chief has not been hired.

James Harper, 241 Weaver Street, Daytona Beach stated he was glad to have the extra minute added for speaking tonight. He would like more time for citizens to speak added to the charter. He hoped the Town Hall meetings would allow the citizens to speak longer than the two minutes. He asked for more transparency in City government especially in the City Manager's Office. He commented on the City Manager's discretionary fund and considers it an abuse of power for him. He agreed with Ms. Johnson about the vacant Fire Chief position and possibly the City Commission could have a say in the hiring of that position as well as others. He was curious as to how the budget is calculated each year and that 60 percent of the City's budget is for the Police Department. He stated affirmative action needs to come back into City government. There also needs to be more diversity in the zones.

Greg Gimbert, 255 Euclid Avenue, Daytona Beach asked City Attorney, Marie Hartman if the input that was online was previewed before tonight's meeting.

Ms. Hartman stated yes.

Mr. Gimbert stated there were board member and citizen's remarks that needed to be carried forward and were not. Mr. Libby touched on one of them which was the percent required to bring a referenda to the voters but we did not talk about the affidavit for the circulator which he thought was well demonstrated and was busy work as well as the percentage of the zone which has been ruled patently illegal. In regards to Mr. Libby's fair share and the discussion that was held, it would be nice if the City Manager disclosed the percentage of Community Redevelopment Agency (CRA) funding that went to each zone. He asked if there was a way to limit the dollar amounts that are placed on the consent agenda.

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Mr. Libby stated at the beginning of the meeting we discussed citizen comments and emails that do not appear to make it in the record but they did and the Chairman reassured us that we would list all of those considerations. It was not that is was off the radar.

Mr. Gimbert stated when a Commissioner needs to have an item placed on the agenda and the City Manager does not see value in it, the other Commissioners may not take value in it either because they cannot talk about it; maybe the process can be structured better.

Jay Bond, 1428 North Halifax Avenue, Daytona Beach thanked everyone for the time and thought throughout this process and is very appreciated. There are ways to keep the citizens informed and one is attaching the minutes to the agenda and send them out timelier. The to-do items that are discussed should be added to the agenda; for instance the parts of the charter that are in conflict with the state statutes. He agreed with Mr. Leek's comment to minimize some of the discussion to concentrate on the important things that we do need to discuss.

Mr. Ritchey stated great comment and I want to assure you that the language that is in conflict with the state laws, Marie is working on that. The reason for tonight's meeting actually was to clarify to make sure we had the wishes of the folks up here right and that we could understand what they were trying to say, now they can be put online. The citizens of the community would know that these are the items that are being discussed along with the items that they send in and that they will be online as well, right after Marie is cleaning up our existing charter.

Mr. Bond commented for those of us who are of a certain generation that the things that go online be as easily accessible as possible.

Dr. Kimmons stated in addition to the Commission also we represent our respected zones, the citizens in those zones.

Mr. Libby stated would it be helpful Mr. Chairman if the minutes also reflected any motion that was made in the past by us and I noticed when I read through the minutes they are not highlighted probably the way they should be. Even though many of the motions we made to date are technical as we move forward. Wouldn't that give you some additional information so you could track down where we are as we hunt down this beast.

Mr. Bond stated yes sir, anything that can be done to expedite the reading and understanding of what is going on.

Mrs. Thomas stated for your information the motions are in the minutes.

Mr. Libby stated I know they are, but he did not get the minutes. And I'm saying that if we do not get the minutes out at least the agenda could contain as a sub-set of the motions that have been made in the past by this board to date. What Mr. Bond is suggesting is that our agenda does not tell him anything and it doesn't. It is the same list of time certain kinds of things that we are interested in, he is just seeking for more information. If we don't have

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time to do the full minutes Jennifer maybe we could at least print the motions that were made in the past of what they are.

Mrs. Thomas stated for the record a copy of the entire packet is in the Office of the City Clerk. It is the same way we do our City Commission agenda packets it is placed on the web, the entire packet is a part of the public record in the Clerk's Office but we will be working towards placing the information on the website.

Mr. Bond asked when the citizens should come down and ask for those.

Mrs. Thomas stated typically we try to get it out the Friday prior to the meeting.

Jill Pennington commented would it be helpful if we had an audio version, I know we record everything if online. A lot of times I know it takes a lot to read the minutes, if there is an audio version that you can listen to.

Mrs. Thomas stated it is online. If you go online you can hear it that is why we are in the chambers. It is clearly visible on our website and if you would like to come by our office we can give you some technical assistance making sure you understand how it is placed on our website.

Dr. Kimmons stated I just want to comment in defense of the City Clerk the minutes are very extensive. If you want to see some good reading then I think the City Clerk has done an outstanding job. I just want to say that for the record. They are so thorough and it was good reading and so extensive.

Mrs. Thomas stated we do have one speaker Mr. Chairman. It is Neil Harrington.

Neil Harrington, 101 Grand Oak Circle, Daytona Beach stated it's been a long time since I had the privilege of addressing the various august bodies. Two items one of them, which I couldn't agree with you more in fact I think it has been my concern for probably the last three years about the maintenance of City assets. I had the unusual experience of talking to Mayor Henry about two days before sitting in the Club House, he accidentally came in when I was there so I couldn't get away. I certainly support that you take care of your assets and the Commission needs to make that a strong policy every year.

Mr. Ritchey stated I don't think we included it as a budgeted item before and I think that is where I'm going with it now that you are here.

Mr. Harrington stated nobody has mentioned the Community Redevelopment Agency (CRA) perhaps you have at other meetings. I get, having been a former chairman of the CRA and gone from a big supporter to not so much of the supporter of the CRA's. A lot of it has to do with the structure, I get very upset that when I hear the word CRA and they mean the City Commission. The City Commission is the CRA in the City and we don't have a separate CRA the City Commission acts as the CRA and if the Mayor can't do a full time job on half time, he certainly can't sit on that board at the same time. I really feel that we need

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to have an independent CRA board, how it's selected I am not telling you how to select it or appoint it but I think there needs to be a lot more time spent on the supervised vision of the CRA and hearing the CRA advisory boards they need to be at those meetings and they need to be making more reports and I think you need a lot more information that you have gotten in the past through the current process and again I don't know if that is in the charter or how that is addressed or but it should be addressed.

Mr. Ritchey stated it should be discussed. Thank you, ok with that I want to thank everyone for coming I will ask if there is any additional closing comments.

Dr. Kimmons stated Mr. Chair and my colleagues I want to personally thank the citizens for their input and strongly encouraged each member of our great City who are here tonight to bring all the concerned citizens they can recruit to our first town hall meeting which will be March 4, 2014 at the Midtown center. So I encourage you to do that because we want to make sure we have full citizen participation so we want to personally thank you.

Mr. Ritchey stated thank you Dr. Kimmons.

Mr. Blossom stated first of all we have received from the City Clerk's office documentation that we have online that requires a lot of paper to print off. I would really appreciate not having to spend my ink and my paper to have documents that I can read, mark up and make comments on. I would like to have a hard copy of things that we receive from the City Clerk's office if that is not a problem. Second thing that I want to clarify for the record that as far as the form of government that we have the Commission, Manager form of government I have expressed no support for changing that form of government I just want to make sure that the record is clear on that. My change has to do with how we enact the responsibilities under that form of government and how we can tweak them and change them so that they do what they are intended to do and we will have a full discussion on that. The last thing I just want to make sure that the comments that we made tonight and the concerns we expressed tonight about the charter does not limit us in our deliberations. In other words if there are other things that come up as we go through this workshop process then we are free to bring other things to the table other than what was just laid out here tonight.

Mr. Ritchey stated absolutely Mr. Blossom the intent obviously is to get the input and that will spur additional thoughts from this board and at the end of the day as I said when we first got started on this journey we want to deliver a great product to the City Commission at the end of this time and we want different opinions put in it, we need to have some open and frank discussion and dialog about everything. Tonight was more of another step in the journey I think we are coming along quite nicely, now we need to hear from the community and our next meeting will be in the community but in no way has there ever been any intention on my part to say okay I've heard what you guys want to talk about and that's it, absolutely not. You might think of another five things on the way home and I would expect that to be added to the list.

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Mrs. Thomas stated I would like to clarify the hard copy. Are you suggesting that the folder here tonight is what you wanted in advance of tonight, so you want me to send it to you electronically as well as deliver it to you in hard copy.

Mr. Blossom stated you don't have to bother with the electronic if you don't want to.

Mrs. Thomas stated well I think it's the most efficient way to get it out as quickly as we can but we will get to delivering you a hard copy; and a hard copy is here on the dais.

Dr. Kimmons stated thank you Attorney Blossom, Mr. Chair I would like to make a motion to adjourn the CRC meeting of February the 18, 2014 at 7:26 p.m.

Mr. Leek stated before we adjourn I have a couple of questions. We talked about distributing the minutes with the agenda are we planning to distribute the minutes before this group approves them or would that be after their approval.

Mrs. Thomas stated normally you don't distribute minutes before it is approved by the body.

Mr. Leek stated I think that is a good practice. We did not have any approved minutes before this meeting so that's one of the reasons there weren't any available.

Mrs. Thomas stated he can come in to look at a draft copy in my office. The entire packet will be there.

Mr. Libby stated Mr. Chairman is there any reason that a member of this commission couldn't email a member of the public.

Mr. Ritchey stated absolutely not, as long as you don't email each other.

Mr. Libby stated Mr. Bond maybe his point is they shouldn't have to if they don't want to.

Mr. Ritchey stated just can't email them to each other but the public absolutely.

Mr. Leek stated I didn't mean to start a discussion. The last meeting is I asked Ms. Hartman to put together what will really be the technical corrections to the document for the legal places we are in conflict with state she has done that, I don't know if you all had a chance to review it but it's a good piece of work. It's going to speed up this process.

Mr. Ritchey stated absolutely to take out the stuff that we don't even need to be talking about. Good comment.

Dr. Kimmons stated I would like to make a motion to adjourn the CRC meeting of February 18, 2014 at 7:28 p.m.

Mr. Ritchey stated without objection we are adjourned.

02-18-14

4. Closing remarks

No comments.

5. ADJOURNMENT

There being no further discussion or comments the meeting was adjourned at 7:28 p.m.

  
\_\_\_\_\_  
GLENN S. RITCHEY  
Chairman

ATTEST:

  
\_\_\_\_\_  
JENNIEER L. THOMAS  
City Clerk

Adopted: April 15, 2014

RECORD REQUIRED TO APPEAL: In accordance with Florida Statute 286.0105 if you should decide to appeal any decision the City Commission makes about any matter at this meeting, you will need a record of the proceedings. You are responsible for providing this record. You may hire a court reporter to make a verbatim transcript, or you may buy a tape of the meeting for \$2.00 at the City Clerk's office. Copies of tapes are only made upon request. The City is not responsible for any mechanical failure of the recording equipment.

Minutes

Charter Review Commission  
Town Hall Meeting

The City of Daytona Beach, Florida

March 4, 2014

Minutes of the Charter Review Commission Town Hall Meeting of The City of Daytona Beach, Florida, held on Wednesday, March 4, 2014 at 6:00 p.m., Midtown Cultural Center, 925 George W. Engram, Jr. Boulevard, Daytona Beach, Florida.

Attendance.

Members

Gary Libby	Present
Blaine Lansberry	Present
Kelly Kwiatek	Present
Thomas Leek	Present
Willie Kimmons	Present
L. Roland Blossom	Present
Glenn S. Ritchey, Chairman	Present

Alternate Members

Ruth Trager	Present
Ed Savard	Absent
Dan Bolerjack	Absent
Jill Pennington	Absent
Christi McGee	Present
Tony Barhoo	Absent
John Huger	Absent

Also Present:

Marie Hartman, City Attorney  
Ron McLemore, Deputy City Manager/Public Works  
Jennifer L. Thomas, City Clerk

1. Welcome

Glenn Ritchey, Chairman, Charter Review Commission welcomed everyone to the Town hall meeting. The meeting is a series of events throughout the community that gives citizens and opportunity to speak to the Commission regarding changes to the Charter. Mr. Ritchey reviewed portions of the mission statement that further explains the responsibilities of the Commission.

2. Introductions – Charter Review Commission Members

Each member introduced themselves and spoke about the zone they represent and the ideas on the responsibilities.

Mr. Ritchey opened the meeting for input from citizens.

3. Citizen comments

Ruth Trager, 610 Bostwick Avenue, Daytona Beach

- More power needs to be given to the City Commission.
- The City Commission should not enforce eminent domain.

Weegie Kuendig, 718 N. Wild Olive, Daytona Beach representing Save our Neighborhoods.

- Commission meeting agenda powers should be shared by the City Manager and Commission. Each member of the Commission should be able to request an item and it should appear on the agenda within 30 days.
- Require the City Manager and senior staff to reside in the city as a condition of employment.
- Require a simple majority of the Commission to terminate the employment of the City Manager.
- Require quarterly fair share reporting from the City Manager or Finance Director on monies spent in each zone. Require separate quarterly reporting for each CRA.
- Require Commission approval for hiring all department heads.
- Members of the Commission, if on the ballot, shall not be a member of the canvassing board.
- Eight year term limits for all elected officials.
- Delete all language requiring any affidavit of the circulator, delete language requiring percentages required from each zone; at a minimum, and adopt the percentage requirement now used by the county for voters to get an issue on the ballot.
- Clarify and define emergencies and emergency powers of Mayor and City Manager.
- Give the Commission the ability to outsource legal staff.
- City requirement to follow code standard and maintenance standard for all city owned property.
- Change the time limit required for a special election from 12 months to 6 months.
- Require third party financial disclosures during elections.
- Remove all laws from our Charter that supersede or conflict with state law.
- Strengthen authority of citizen boards.
- Limit the amount of funds spent on the consent agent to .25 percent of the total yearly budget.
- Require a time certain to fill vacant senior staff positions.
- Clarify section 15: the ability of the Commission to deal directly with senior staff personnel.
- Require all bond issues to be voted on by the electorate.

03-04-14

Marjorie Johnson, 122 S. Keech Street, Daytona Beach

- Improvements should be made in zone 6.
- Oppose decreasing the number of zones.
- Suggested that there should be term limits.
- Commissioners should be held more accountable.
- Increase the time for public comments during City Commission meetings to 3 minutes.

Chris Bowler, 2275 Mason Avenue, Daytona Beach

- Policies should be created to insure stability.

Gregg Gimbert, 255 Euclid Avenue, Daytona Beach

- There should be more agenda power for City Commissioners.
- A dollar limit of \$5,000 should be placed for consent agenda items.
- Suggested that the section regarding initiative referendum be corrected; lower registered voter requirement to five percent.

Neil Harrington, 101 Grand Oaks Circle, Daytona Beach

- There should be public participation at City Commission meetings; there is a lack of time to speak.
- There is a lack of board participation.
- The City should have regular maintenance of building owned; more money should be budgeted for maintenance.

Johnnie Ponder, 885 Maley Street, Daytona Beach

- The City should listen to the needs of the neighborhoods and work together.

Jay Bond, 1428 N. Halifax Avenue, Daytona Beach

- Governing ability is lost when it is filtered through one person.
- Sunshine law prevents the Commission from talking to each other.

03-04-14

Sybil Vazquez, 144 S. Halifax Avenue, #68, Daytona Beach

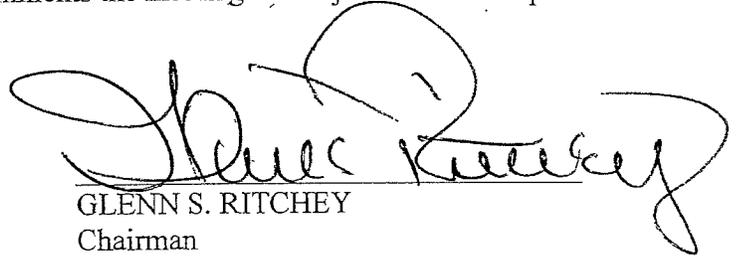
- All citizens should be able to participate in the process.
- Employees should be able to go through the chain of command.

4. Closing remarks

The members of the Charter review Commission thanked the public for their participation and encouraged them to invite others to the two additional town hall meeting on March 18, 2014 and April 1, 2014.

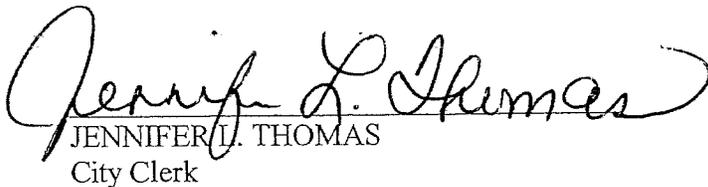
5. ADJOURNMENT

There being no further discussion or comments the meeting was adjourned at 7:22 p.m.



GLENN S. RITCHEY  
Chairman

ATTEST:



JENNIFER L. THOMAS  
City Clerk

Adopted: April 15, 2014

RECORD REQUIRED TO APPEAL: In accordance with Florida Statute 286.0105 if you should decide to appeal any decision the City Commission makes about any matter at this meeting, you will need a record of the proceedings. You are responsible for providing this record. You may hire a court reporter to make a verbatim transcript, or you may buy a tape of the meeting for \$2.00 at the City Clerk's office. Copies of tapes are only made upon request. The City is not responsible for any mechanical failure of the recording equipment.

Minutes

Charter Review Commission  
Town Hall Meeting

The City of Daytona Beach, Florida

March 18, 2014

Minutes of the Charter Review Commission Town Hall Meeting of The City of Daytona Beach, Florida, held on Tuesday, March 18, 2014 at 6:00 p.m., City Island Recreation Hall, 110 East Orange Avenue, Daytona Beach, Florida.

Attendance.

Members

Gary Libby	Present
Blaine Lansberry	Present
Kelly Kwiatek	Present
Thomas Leek	Present
Willie Kimmons	Present
L. Roland Blossom	Present
Glenn S. Ritchey, Chairman	Present

Alternate Members

Ruth Trager	Present
Ed Savard	Present
Dan Bolerjack	Absent
Jill Pennington	Absent
Christi McGee	Present
Tony Barhoo	Absent
John Huger	Absent

Also Present:

Marie Hartman, City Attorney  
Ron McLemore, Deputy City Manager/Public Works  
Jennifer L. Thomas, City Clerk

1. Welcome

Glenn Ritchey, Chairman, Charter Review Commission welcomed everyone to the Town hall meeting. The meeting is a series of events throughout the community that gives citizens and opportunity to speak to the Commission regarding changes to the Charter. Mr. Ritchey reviewed portions of the mission statement that further explains the responsibilities of the Commission.

03-18-14

2. Introductions – Charter Review Commission Members

Each member introduced themselves and spoke about the zone they represent and the ideas on the responsibilities.

Mr. Ritchey opened the meeting for input from citizens.

3. Citizen comments

John Nicholson, 413 N. Grandview Avenue, Daytona Beach

- Strengthen the right for the public to speak during meetings; Citizens should have the right to speak at the beginning and end of the meeting.
- The City should adhere to the sunshine law; open government.
- Suggested that the zones are irregular; the sizes are not proportionate; 10 years is not the appropriate time for redistricting.

Brandon Weatherholtz, 3 Granville Circle, Daytona Beach, Daytona Beach

- The City has a great system.
- The size of the City is food for a Commission/Manager form of government.
- Suggested that the Commission is not a career position.
- There should be an integration of the zones.

Marjorie Johnson, 122 S. Keech Street, Daytona Beach

- Increase the minutes for the public to speak during City Commission meetings.
- Would like to see progress in the community.
- Dr. Martin Luther King, Jr., Boulevard should be paved.
- Would like to see more accountability/open government.
- Against decreasing the number of zones.

Neil Harrington, 101 Grand Oaks Circle, Daytona Beach

- The CRA needs to be an independent board and not the City Commission.
- Priority should be given to maintain City owned facilities.

Weegie Kuendig, 718 N. Wild Olive Drive, Daytona Beach

- Would like the list of suggestions made during previous meeting available.
- The process should be open.

03-18-14

Unknown citizen

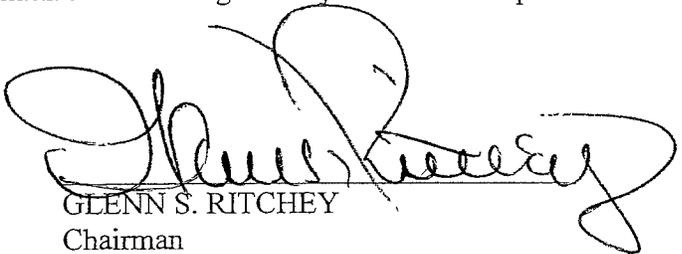
- The non elected official has more power than the elected officials.

4.. Closing remarks

The members made comments regarding the process of reviewing the Charter. The CRC thanked the public for their participation and encouraged them to invite others to the one additional town hall meeting on April 1, 2014.

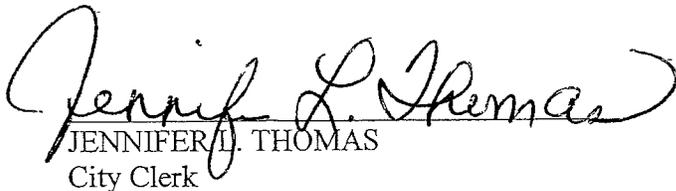
5. ADJOURNMENT

There being no further discussion or comments the meeting was adjourned at 7:45 p.m.



GLENN S. RITCHEY  
Chairman

ATTEST:



JENNIFER L. THOMAS  
City Clerk

Adopted: April 15, 2014

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Minutes

Charter Review Commission  
Town Hall Meeting

The City of Daytona Beach, Florida

April 1, 2014

Minutes of the Charter Review Commission Town Hall Meeting of The City of Daytona Beach, Florida, held on Tuesday, April 1, 2014 at 6:00 p.m., Peabody Auditorium, Rose room, 600 Auditorium Boulevard, Daytona Beach, Florida.

Attendance.

Gary Libby	Present
Blaine Lansberry	Present
Kelly Kwiatek	Present
Thomas Leek	Present
Willie Kimmons	Present
L. Roland Blossom	Present
Glenn S. Ritchey, Chairman	Present

Alternate Members

Ruth Trager	Present
Ed Savard	Present
Dan Bolerjack	Present
Jill Pennington	Absent
Christi McGee	Present
Tony Barhoo	Present
John Huger	Absent

Also Present:

Marie Hartman, City Attorney  
Ron McLemore, Deputy City Manager/Public Works  
Jennifer L. Thomas, City Clerk

1. Welcome

Glenn Ritchey, Chairman, Charter Review Commission welcomed everyone to the Town hall meeting. The meeting is a series of events throughout the community that gives citizens and opportunity to speak to the Commission regarding changes to the Charter. Mr. Ritchey reviewed portions of the mission statement that further explains the responsibilities of the Commission. The Charter is a foundation of local government.

2. Introductions – Charter Review Commission Members

Each member introduced themselves and spoke about the zone they represent and the ideas on the responsibilities.

Mr. Ritchey opened the meeting for input from citizens.

Citizen comments

Vernon Wheatherholtz, 3 Granville Circle, Daytona Beach

- The size of the City is good for a Commission/Manager form of government.
- Department Heads should live in the City.
- Contract negotiations for the City Manager should be opened to the public.
- The Mayor of the City is doing a great job; his pay is adequate.
- There should be more than one Vice Mayor so that the responsibilities are divided.
- Each zone should have equal population.
- Advisory Board members should all be residents of the City.

George Toulouse, 738 Ribault Avenue, Daytona Beach

- The City does not listen to residents; it is corrupt; it sides with the contractors.
- Seventy-five percent of the taxes goes to employees.
- The homeless issues of the City need to be taken care of; the Salvation location on Ballough Road needs to be demolished; a new facility should be built past I-95.

Ruth Trager, 610 Bostwick Avenue, Daytona Beach

- E-Zone properties should be not subject to eminent domain.
- Background checks should be conducted on all elected officials and advisory board members.

Josh Fogerty, 112 Mulberry Branch Court, Daytona Beach

- The City is moving in the right direction.
- Strongly supports Manager/Council form of government; it keeps continuity in government; and it promotes economic development.
- Initiative referendum process is fair; more requirement for signatures is better.

Weegie Kuendig, 718 North Wild Olive Avenue, Daytona Beach

- Commission meeting agenda powers should be shared by the City Manager and Commission. Each member of the Commission should be able to request an item and it should appear on the agenda within 30 days (*asked if this power was already in Charter*).
- Require the City Manager and senior staff to reside in the city as a condition of employment (*within 90 days*).
- Require a simple majority of the Commission to terminate the employment of the City Manager.
- Require quarterly fair share reporting from the City Manager or Finance Director on monies spent in each zone. Require separate quarterly reporting for each CRA.
- Require Commission approval for hiring all department heads (*delete*).
- Members of the Commission, if on the ballot, shall not be a member of the canvassing board.
- Eight year term limits for all elected officials.
- Delete all language requiring any affidavit of the circulator, delete language requiring percentages required from each zone; at a minimum, and adopt the percentage requirement now used by the county (*or State, whichever is lower*) for voters to get an issue on the ballot.
- Clarify and define emergencies and emergency powers of Mayor and City Manager (*delete*).
- Give the Commission the ability to outsource legal staff (*delete*).
- City requirement to follow code standard and maintenance standard for all city owned property.
- Change the time limit required for a special election from 12 months to 6 months.
- Require third party financial disclosures during elections (*what is covered under State law*).
- Remove all laws from our Charter that supersede or conflict with state law.
- Strengthen authority of citizen boards (*don't want numbers changed; wants residency requirements added as in other Cities*).
- Limit the amount of funds spent on the consent agent to .25 percent of the total yearly budget (*still discussing amount*).
- Require a time certain to fill vacant senior staff positions (*120 days*).
- Clarify section 15: the ability of the Commission to deal directly with senior staff personnel (*does it currently mean individual Commissioners of the Commission as a whole*).
- Require all bond issues (*supported by property taxes*) to be voted on by the electorate.
- Require Department Heads to attend regular Commission meetings.

04-01-14

Chris Daun, 132 Pierce Avenue, Daytona Beach

- There should be a policy on re-hiring staff after retirement.
- Advertising and public notices need to reach a wider audience (i.e. meetings, surplus property sales); this would promote transparency in government.
- Planned Development applications should be the last resort for development; all applications should go before the City Commission before they are processed.
- The City should apply for more supplemental grants.
- City owned facilities should be maintained; do not defer maintenance.

James Harper, 341 Weaver Street, Daytona Beach

- Do away with segregated zones; no need for minority zones.
- The City Commission should determine finalist for all department heads.
- Increase the time for public comments during City Commission meetings.
- Police and Fire is funded at 60 percent of the City's budget; the City should maintain how the budget is spent.
- The City should consider opening Closed/Executive Session of the City Commission.
- Positions in the City have been cut; services need to be maintained.
- The City should work with the School Board regarding the closure of schools.

Marjorie Johnson, 122 South. Keech Street, Daytona Beach

- Police and Fire is funded at 60 percent of the City's budget; crime continues to increase in neighborhoods.
- Elected officials should not have 4 year terms.
- There needs to be report on how City funds are distributed.
- There should not be a super majority vote of the City Commission to fire the City Manager.
- The hiring of senior staff should not take a year (i.e. Fire Chief).
- Plans should be made for infrastructure improvements.
- Increase the time for public comments during City Commission meetings.

Jim Legary, 342 unknown street, Holly Hill, Florida

- Neighborhood groups should be budgeted; there should be a bottom up form of government.

04-01-14

3. Closing remarks

Mr. Ritchey thanked residents for their participation and encouraged them to invite others to planned workshops.

4. ADJOURNMENT

There being no further discussion or comments the meeting was adjourned at 7:19 p.m.



GLENN S. RITCHEY  
Chairman

ATTEST:



JENNIFER L. THOMAS  
City Clerk

Adopted: April 15, 2014

RECORD REQUIRED TO APPEAL: In accordance with Florida Statute 286.0105 if you should decide to appeal any decision the City Commission makes about any matter at this meeting, you will need a record of the proceedings. You are responsible for providing this record. You may hire a court reporter to make a verbatim transcript, or you may buy a tape of the meeting for \$2.00 at the City Clerk's office. Copies of tapes are only made upon request. The City is not responsible for any mechanical failure of the recording equipment.

Minutes

Charter Review Commission

The City of Daytona Beach, Florida

April 15, 2014

Minutes of the Charter Review Commission of The City of Daytona Beach, Florida, held on Tuesday, April 15, 2014 at 6:00 p.m., City Hall, City Commission Chambers, 301 S. Ridgewood Avenue, Daytona Beach, Florida.

Attendance.

Gary Libby	Present
Blaine Lansberry	Absent
Kelly Kwiatek	Present
Thomas Leek	Present
Dr. Willie Kimmons, Vice Chairman	Present
L. Roland Blossom	Present
Glenn S. Ritchey, Chairman	Present

Alternate members.

Ruth Trager	Present
Ed Savard	Present
Dan Bolerjack	Present
Jill Pennington	Absent
Christi McGee	Present
Tony Barhoo	Present
John Huger	Absent

Also Present:

Marie Hartman, City Attorney  
Ron McLemore, Deputy City Manager/Public Works  
Jennifer L. Thomas, City Clerk

Jennifer Thomas, City Clerk stated Blaine Lansberry is absent and in her place we have Ed Savard.

Mr. Libby moved to excuse the absence of Blaine Lansberry. Dr. Willie Kimmons seconded the motion. The motion carried unanimously.

1. Welcome

Mr. Ritchey welcomed everyone to the Charter Review Commission Meeting.

2. Approval of the minutes

Mr. Ritchey stated we have the February 4, 2014, February 18, 2014, March 4, 2014, (Town Hall), March 18, 2014, (Town Hall) and the April 1, 2014, (Town Hall) Meeting Minutes.

Mr. Libby moved approval of the February 4, 2014, February 18, 2014, March 4, 2014, (Town Hall), March 18, 2014, (Town Hall) and the April 1, 2014, (Town Hall) Meeting Minutes. Dr. Willie Kimmons seconded the motion.

Mr. Ritchey asked if there was any discussion.

Dr. Kimmons stated we were asked early on to make some adjustments to the minutes and he made some adjustments. He read from his notes and noted that they had a lot of information to read and the minutes should be in his opinion a summary of the ideas of the person speaking and not necessarily every single word; maybe this will help, when people are speaking they are also thinking at the same time and as you all know in a group discussion like this many times people may repeat themselves or revise or elaborate the ideas in an effort to clarify for the others so they may or may not use proper sentence structure at the time therefore a summary of ideas, summaries, etc. for the Charter Review Commission minutes is appropriate and proper, so he modified his January 15<sup>th</sup> minutes. What he would like to do is to attach those to the minutes for the record and to submit those to Mrs. Thomas at this time.

Mr. Ritchey stated as a point of clarification when the minutes are read they are exactly that, they are the minutes. As far as putting in some additional recommendations or clarifications to Mrs. Thomas he thinks that is appropriate he has no problem with that as long as the regular minutes are printed in their original order and those are submitted as an addendum because we have not had the privilege of reading those as I have all of the others.

Mr. Leek stated to the Chairman that he would like that to be clear that it can't change materially what was said.

Mr. Ritchey stated absolutely.

Dr. Kimmons stated his comments were for clarification purposes.

Mr. Ritchey stated it was on task what he said but he understands sometimes he will say something redundant or he might say it twice. He noted that Mr. Blossom is now in attendance.

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Mr. Leek stated he has a couple of minor changes to the minutes, February 4, 2014 on page 8, "Mr. Leek stated it works the way we read it" should be "the way I read it" and that was in response to Mr. Gimbert saying that the way that provision was written didn't work and he said "I thought it worked the way I read it." In the February 18, 2014 minutes on page 15 three quarters of the way down it says Mr. Leek stated I didn't mean to start a discussion and then it says "the last thing is" he thinks what he said was "the last meeting" he asked Ms. Hartman to prepare the thing that she prepared and that it was well done.

Mr. Ritchey asked if there were any other comments or questions.

Dr. Kimmons stated this is just for clarification purposes and to be consistent, if you go back to February 4<sup>th</sup> since we nominated two positions and that was the Chair and the Vice Chair if you could go back and where you see Kimmons put Vice Chair and since we are taking the minutes he is looking at February 4<sup>th</sup> ...

Mr. Leek stated Dr. Kimmons, if you don't mind, as Vice Chairman you have one vote just like everyone else on this committee and you have no other responsibilities other than unless the Chairman is not here and he thinks going through the minutes and adding Vice Chairman is unnecessary work for the staff that is his opinion.

Dr. Kimmons stated you are entitled to your opinion but we nominated two positions and that was the Chair and the Vice Chair so why nominate two positions if we don't utilize the two positions but anyway going back to the February 4<sup>th</sup> minutes he would like to have where it says Kimmons to put Vice Chair and usually at the end where it says adjournment, he usually makes the motion to adjourn the meetings and he think that should be noted in all of those as well and if we can modify all the documents from February 4<sup>th</sup> and February 18<sup>th</sup> to reflect that those are his comments.

Mr. Ritchey stated okay and ...

Mr. Leek stated he would make the motion that we not do that, he thinks that is a waste of time and effort and it adds nothing to the job we have to do and it makes no material difference to the minutes whatsoever.

Mr. Ritchey stated that in the minutes it doesn't call me the Chairman, it says Mr. Ritchey we all have one vote and we are here to work together, as far as the attachments he is fully supportive of that.

Mr. Libby stated let's call the question on the motion that is on the floor and second it.

Dr. Kimmons stated he had another item.

Mr. Ritchey stated all right.

Dr. Kimmons stated if we are consistent throughout the documents ... the documents are not consistent if you read the documents, the documents say Chair and Vice Chair read your minutes, let me be very specific and point out to you go back to February 4<sup>th</sup> ...

Mr. Leek stated not to interrupt but if we are in discussion about that he doesn't think they need to be consistent, they all have names and they are all named there, everyone knows who they are, everyone knows what their positions are on the Commission and he would like to see the motion that is on the table called to a vote.

Dr. Kimmons stated he would like to see the minutes reflect what they are.

Mr. Leek stated he thought the minutes as he has read them reflect very accurately exactly what was said and except for a few revisions that have been made after the fact it's very clear and he really thinks they are wasting time here with this issue and they have a lot of important work to do and whether Vice Chairman appears behind your name or not in the minutes is not important to what we have to do.

Dr. Kimmons stated Mr. Leek we are all entitled to our opinion and he respects and appreciates his opinion. If you notice one thing for the record because he appreciates and respects his colleague's opinions, he has never questioned what one of our colleagues have said. He finds it very interesting when he makes a comment that they spend a lot of time, unnecessary time ... they were all nominated by a City Commissioner and they were nominated because they bring a diverse sense of information and background to this table and we are all different and unique and so it may not be important to you but this body nominated two people, he didn't do that this is the process they went through and you were here.

Mr. Leek stated right and that is reflected in the minutes that you were elected as Vice Chair and in fact he even voted for him.

Mr. Ritchey stated all right the question is called and his last comment to Mrs. Thomas is let's eliminate titles and for the sake of showing the members in attendance show the Chairman and the Vice Chairman. He called the question, the motion carried.

Mr. Ritchey stated we will move on to a charter discussion.

3. Discussion – Charter Review Commission

Mr. Ritchey stated he talked with Marie and she did some wonderful work for the Commission, it is in front of you and it says "Proposed Charter Revisions" what it amounts to is that these proposed charter revisions are to clean up where we don't conform with state law, where we are correcting or clarifying on what the intent of the language was. We just got it and he doesn't know if they have had a chance to look at it but it would be meaningful in helping them move along to get all of this approved so that we don't have to see that as a black lined or underlined copy in our charter as we move forward to adding or deleting, this in no way ...

Mr. Libby stated Mr. Chairman with the caveat that if we find something further on that needs to be corrected to be in compliance with state law, he would like to move acceptance of the Hartman report on compliance with state law.

Marie Hartman, City Attorney stated she has given them three documents so far, February 18<sup>th</sup> they got an annotated copy of the charter marking all of the things they talked about that they might want to change some of them were simple changes and hopefully they still have that document, if not they could get another, on April 1<sup>st</sup> she gave them her first stab at making revisions, that document includes her text for the changes we needed to do in order to conform to state law or to clarify the existing text but it also includes some amendments that were discussed that she knew where they were going, she doesn't know whether the consensus is going to be to adopt those or not. So what she has done with the chart she gave them tonight was one column for where the change is just strictly to conform with state law, she thinks those are the ones that the Chairman is talking about going ahead and adopting those tonight.

Mr. Libby stated that's the motion on the floor.  
Ms. Hartman clarified just that column.

Mr. Libby stated just that column.

Ms. Hartman stated not all the others because she does have in that table all of the revisions that she made.

Mr. Ritchey stated the motion is pure and simply to comply with state law and eliminate language that doesn't make any sense.

Mr. Libby stated in compliance.

Dr. Kimmons stated if that is the motion he would like to second it.

Mr. Ritchey stated we have a second by Dr. Kimmons. He asked if there were any other discussion, questions or comments about what they were about to hear.

Mr. Blossom stated he recognized that most of the items had to do with conforming to state law or removing things that are no longer germane but these are very important matters and he would prefer that they spend some time before they move into that area, before they accept these, some time discussing them ...

Mr. Ritchey stated he is fine with that we have a motion and a second, we can do a discussion period and Marie can read them off one by one on the conformity with state law. He asked Mr. Blossom if he would prefer to read them all at once or vote on them individually.

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Mr. Blossom stated he was hoping ... these were matters that were pretty much housekeeping and as we move through when we come to our final recommendations there may be some problem with what we have done.

Mr. Ritchey stated and then we can reinstate it.

Mr. Blossom stated there is no urgency to move forward with these let us end up with the recommendations we are going to make to the City Commission before we undertake adopting these changes.

Mr. Ritchey stated but you are talking about law, state law or federal and there is no reason not to act on them.

Mr. Leek stated he would suggest they do this, he thinks they have a very good draft of all of the language that Marie has put together and he would suggest that they call that *Revision 1* and they work from that document as they go through it piece by piece rather than adopting anything at this point but as we go through it piece by piece we deal with it.

Ms. Hartman stated maybe she can help, she thinks she knows what the Chairman is talking about and what the Commission is talking about, she could run thru them pretty quickly some of them aren't to conform to state law but just changing where it says act to charter and things like that. She has a column that she can check off if the Commission likes one and she can skip over those that she thinks they are going to want to talk about; it would help her because she needs to draft out this document as they move along, they don't really have that many meetings to do it.

Mr. Leek stated that's good he understands now.

Ms. Hartman stated they could just run through it quickly with the ones that are non-controversial and if anybody says "no, I need to talk about that" we'll just move on to the next one and she won't mark it.

Mr. Libby stated there are some that when we comply with state law there are still some questions that have been raised by members of the Commission and the audience so that is why the caveat was that we can come back.

Ms. Hartman stated you can always do that then she can keep a running document going and make those changes, she will do it really fast. Sections 4 and Sections 5 in the charter, if you read along with the document she gave out at the end of the last meeting those listed enumerated powers, she is not sure why those enumerated powers were left in the last charter revision some were taken out but not all of them; her suggestion is that they just leave the part that says "we have all the powers granted by state law, the constitution and general law" and that is all we need to do.

Mr. Libby stated correct.

Mr. Ritchey stated okay.

Mr. Blossom stated he thinks as a general rule this is the document that citizens of Daytona Beach are going to be looking at. They may not have the time or wherewithal to chase down state law as it applies to these areas. If it does no harm, if it does ... it would be in our document that these are the powers that the City has. He understands what she is saying and is trying to make the document less cumbersome but sometimes more is better.

Ms. Hartman stated her thought was that these could actually limit some of our powers when we enumerate them out and put them in a specific way our grant of power under the state law is very, very broad so by listing some of these in this enumerated way it could possibly restrict us.

Mr. Blossom stated there's so much public discussion now about transparency and making sure that the people are aware of what we are doing. This document, this is ours people are not going to pull out the statutes and go through every part of state law to determine what we have, as far as limiting our powers we can indicate that in addition hereto that any powers that are granted by state law are also granted under our charter. However you want to go ... Mr. Ritchey stated he sort of wants to go the way they are going because we are guaranteeing access to the beach, we are doing things that we have no authority to do. He is not recommending that they take anything out that is not in conflict with state law or the powers that we have with even the County law.

Ms. Hartman stated the list of powers in Sections 4 and 5 is very incomplete, it is only a very few of the powers that we actually have.

Dr. Kimmons stated when he looked at the document he was under the impression the committee was telling the General Council, this was a good way to start and gives us an overview so we can make some adjustments. That was the reason he seconded the motion because he had a lot of comments and had written all throughout the document. He wanted to thank the General Council for doing such a wonderful proposal with the charter revision and this was very helpful for him to see a closer view of the charter process for the revision. He was approving the document itself because it was in draft form.

Ms. Hartman asked for the purpose of the motion which one do you want to accept for now, or do you want to just pass this one. She was keeping a check list of the ones the committee says "yes."

Mr. Ritchey responded okay.

Mr. Libby asked "what's the motion on the floor for us to except the document"... (Mr. Ritchey) interrupted his comment.

Mr. Ritchey responded he was going to let her go through the list, but from the conversations he was hearing it might be best to let her take them individually.

Mr. Libby responded let's do that and I will make the motion to accept Section 4 and 5 revisions.

Kelly Kwiatek seconded the motion.

Mr. Ritchey asked if there were any other questions or comments. Hearing none he called for the vote and the motion carried 6 to 1. Dr. Kimmons was the opposing vote.

Ms. Hartman stated next item is providing for vacancies on the City Commission. She read what the text states currently in the charter. She said her first change here in Section 9, is to say if the vacancy is for twelve months or more, there needs to be an election held to fill the vacancy.

Mr. Libby made the motion to accept the revision to Section 9. Dr. Kimmons seconded the motion.

Mr. Ritchey stated Mr. Libby made the motion and Dr. Kimmons seconded. The vote was called and the motion carried 7 to 0.

Ms. Hartman stated she also proposed adding at the end to having a resign to run situation. State law requires if you are running for a seat where the term would be concurrent or partially concurrent with an elective office you currently hold; you would have to resign before the qualifying period.

Mr. Libby responded he would move that wording also be added to Section 9. Dr. Kimmons seconded the motion to add the additional wording to Section 9.

Mr. Ritchey stated Mr. Libby made the motion to add the wording to Section 9; Dr. Kimmons seconded the motion. Anyone have any discussion or comments, hearing none he called for the vote. The motion carried by a vote of 7 to 0.

Dr. Kimmons asked Ms. Hartman if she had any changes to make to Section 10 before moving to Section 12.

Ms. Hartman stated no.

Dr. Kimmons asked Ms. Hartman if they were waiting until she went through her list and then they would come back with their comments or changes.

Mr. Ritchey and Mr. Libby both responded these are state laws, these are motions to put things in or take out.

Ms. Hartman said these are kind of corrections, the editor caught a typo from last time "all should be call" she assumes that's okay.

Mr. Ritchey stated okay and called for the motion.

Dr. Kimmons made the motion and Mr. Libby seconded the motion. The vote was made after hearing no further questions or comments. The motion carried by a vote of 7 to 0.

Ms. Hartman stated the change in Section 15 was one that was requested by the CRC.

Mr. Ritchey responded that's not a state law so let's move on like we said we would do.

Ms. Hartman stated also in Section 15 throughout this charter there are provisions in various places that if a violation is a misdemeanor as a City we are not authorized to designate misdemeanors. We can designate ordinance violations and punishment of any violation by a fine of up to \$500 and up to 60 days in jail. Throughout the document she had made those corrections to conform to the state law. She asked the committee if they would just vote to authorize all of those changes that were made throughout the document.

Mr. Libby made the motion to accept all the changes that were made throughout the document in order to conform to state laws. Kelly Kwiatek seconded the motion.

Mr. Ritchey stated we have a motion and a second on that item, are there any further discussions. Hearing none he called for the vote and the motion carried 7 to 0.

Ms. Hartman replied she was going to Section 26 which used to be Special Acts, so in various places the term "act" is still used it should be "charter" that changes in Section 76. If the committee wants to do just one vote to approve the various other places in the document where she made those changes she could mark that off as well.

Mr. Ritchey responded she would have to name those places for them to look on their document.

Ms. Hartman stated the various places where the word "act" should be changed to "charter." Section 26 change "act" to "charter" throughout the section.

Mr. Ritchey asked for a motion from the committee.

Mr. Libby made the motion to accept the change to Section 26. Dr. Kimmons seconded the motion.

Mr. Ritchey said we have a motion and a second do we have any further discussion. The motion carried 7 to 0.

Ms. Hartman asked the committee if they wanted to skip ahead to Section 28, this section was a clarification process that talks about the City Manager being in charge of all the departments in the City. The Legal Department is headed by the City Attorney and all other departments are called Administrative Departments. She added the term "Administrative" in front of the word Departments throughout Section 28.

Mr. Libby stated he would move that Administration be placed in front of Department throughout Section 28. Dr. Kimmons seconded the motion.

Mr. Ritchey said we have a motion and a second on the floor, any further discussion. Hearing none he called for the vote and the motion carried 7 to 0.

Ms. Hartman stated for clarification purposes she was recommending that Section 29; Article 7 title be changed to read "Administrative Departments and Legal Department Offices and Procedures."

Mr. Libby made the motion to accept the changes to Article 7. Dr. Kimmons seconded the motion.

Mr. Ritchey explained to the committee where this change was to take place in the document and called for the vote. The motion carried 7 to 0.

Mr. Blossom and Dr. Kimmons both replied they were having trouble keeping up with all of the corrections being made in the document.

Ms. Hartman responded the next change to Section 29 was on page 13 which some members didn't have in their packets so she bought along a few extras. She stated she made revisions to the City Attorney portion which was consistent with the current practice, she was just clarifying the language in this section. Next was Section 32 (c); the "Duties of the City Clerk" which says she is the custodian of the city seal in the title and then it talks about her being the custodian of the city seal and records so she just added that to the title of the section.

Mr. Libby moved to accept this change. Dr. Kimmons seconded the motion.

Mr. Ritchey states we have a motion by Mr. Libby and a second by Dr. Kimmons. Are there any further discussions concerning Section 32. Hearing none he called for the vote on the motion and the motion carried 7 to 0.

Ms. Hartman stated next item Section 34 was a correction to punishment for a violation again to conform to state law.

Mr. Libby made the motion to accept the correction to Section 34. Dr. Kimmons seconded the motion.

Dr. Kimmons stated if he wasn't mistaken the board had already did that particular motion.

Ms. Hartman responded she thought he was right and she would check them off. The next section, Section 37 dealt with Public Records Request, she added in because of the General Law the Budget and Capital Projects may be required to be posted on the internet; she knew for a fact the Budget is so she just added, "As required by General Law."

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Mr. Libby made the motion to accept the change to Section 37 as read by Ms. Hartman. Dr. Kimmons seconded the motion.

Mr. Ritchey asked if there were any further discussion, there is a motion and a second on the floor; hearing none the vote was called and the motion carried 7 to 0.

Ms. Hartman stated Section 38 deals with the Independent Auditor which our current provisions for selection of the auditor do not conform to state law; she deleted those and inserted "the Commission is to select an auditor in a manner consistent with state law."

Mr. Libby made the motion to accept this change and Dr. Kimmons seconded the motion.

There were no further questions or comments the vote was made and the motion carried 7 to 0.

Ms. Hartman asked if they wanted to remove Section 43 Beach from the charter.

Mr. Ritchey said yes because we have no control over the beach.

Mr. Libby made the motion to remove Section 43 Beach from the charter. Dr. Kimmons seconded the motion.

Mr. Ritchey called for the vote to remove Section 43 Beach from the charter and the motion carried 6 to 1. Mr. Blossom was the opposing vote.

Ms. Hartman read portions of Section 46 (a) that needed to conform to state law and asked for the revisions and correction to be accepted by the committee.

Mr. Libby made the motion to accept the revisions to Section 46 (a) as stated by Ms. Hartman. Dr. Kimmons seconded the motion to accept the corrections to Section 46 (a).

Mr. Ritchey called for the vote to accept the motion made to Section 46 (a); the motion carried 6 to 1. Mr. Blossom was the opposing vote.

Ms. Hartman stated Section 46 (b) is just a clarification saying the Charter Review Committee is appointed once every ten years.

Mr. Ritchey stated at least every ten years because you don't have to wait for ten years for a charter review.

Ms. Hartman responded that is correct.

Mr. Leek responded that is the one he wanted to make a change to, he wanted to make a motion to have a review of the charter at least every five years.

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Ms. Hartman stated they would come back to that one.

Mr. Ritchey stated they would come back to that one.

Ms. Hartman stated Section 47, the punishment, we already voted on that.

Mr. Ritchey stated there was a spelling correction.

Ms. Hartman stated Section 47.5 was the transition provision for Civil Service. That was from the last charter review and that is obsolete.

Mr. Libby moved for adoption. Dr. Willie Kimmons seconded the motion. The motion carried unanimously.

Ms. Hartman stated that Section 48 we had the correct word and the editor changed it. She doesn't know what the Debt Service Commission was in Section 49, but she is quite certain we don't have one now so she will remove that as well as "act" change to "charter."

Mr. Libby moved for adoption. Dr. Kimmons seconded the motion. The motion carried unanimously.

Ms. Hartman stated they were taking out the language that this charter creates the City, because it is has already been created and Section 50, same as "act" to "charter."

Mr. Leek asked if that last sentence made sense or if they needed to add the word charter.

Ms. Hartman stated if you take out "of this act" it will make sense.

Mr. Libby moved for adoption. Dr. Kimmons seconded the motion. The motion carried unanimously.

Dr. Kimmons stated he saw nowhere in the document that someone should state any prior criminal record or convictions prior to holding an elected position.

Mr. Ritchey stated that would have to be something that was vetted and added.

Dr. Kimmons stated thank you.

Mr. Ritchey thanked Ms. Hartman for her work cleaning up the document. He stated in the packet the City Clerk put together a list. He thanked the City Clerk. She had put together a list of the concerns when we started this journey. We might have additions or some things to eliminate. He asked Zone 3 to start.

Mr. Libby clarified which list.

Mr. Ritchey clarified it was from their first couple of meetings.

Ms. Kwiatek stated she had nothing to add but had a couple of comments. She tends to want to start at the beginning of the charter. She is in favor of the current structure of government with the Commission-Manager form. She stated she wanted to discuss the City Manager removal, the majority vs. the super-majority, and his residency requirements. She also stated the initiative referendum process and the make-up or the number on the Planning Board. That would be all for now. Just the one board.

Mr. Ritchey moved on to Zone 4.

Mr. Leek stated Ms. Kwiatek hit on two of his. He agrees the form of government we currently have is the one we need. There are some discussions to be made about powers of the Commission or the Mayor. The next one is financial reporting and he would like to see quarterly financial reporting from the City Manager. He would like the City Attorney to have the option to outsource work if necessary. He would like to see the charter be required to be reviewed every five years.

Mr. Blossom stated he didn't attend that first meeting but he did attend the subsequent meeting and he has notes from that meeting. He would like to discuss the majority vs. super-majority to hire or fire the City Manager and the City Attorney as well as residency requirements. He also had concerns about allocation of municipal facilities and infrastructure resources. He would like to require something in the charter as some sort of pro-rata allocation of resources based on the various zones. He is not certain how they would get there.

Mr. Ritchey asked if he had a recommendation for that.

Mr. Blossom stated what came to mind to most people is the old way of doing things, giving each Commissioner so much money to spend and that is certainly not what he is talking about. He is talking about moving forward and recognizing that each zone has needs and quite often the decision is made for the greater good if you want to call it that and sometimes zones that have needs very particular and specific to that zone go unattended. He doesn't know how they get there but he wants them to talk about it. He wants to see if there is somehow they can have a fair allocation of funds that is required by the charter. Just fair allocation and something more than just a fair share report. He stated if there was some sort of fair share allocation whether or not it would take a super-majority. His last concern is the clarification that the City Attorney's office is a charter position and not under the City Manager. He is in favor of the form of government we have now.

Mr. Libby stated he wanted to be in compliance with the County on initiative referendums.

Mr. Ritchey stated he had the City Attorney pull information about the County's initiative and there are little tweaks in the County ... so he thinks that is going to be a good discussion.

Mr. Libby stated to move from 20 to 10 percent or less. People perceive it to be very tough here as opposed to other cities. He wondered if it might be possible for Daytona Beach to have third party, unaffiliated groups report their financial disclosures by individuals, like a PAC. Many communities are looking at how they can do this. He would like to tweak the current Manager-Commission form of government by giving the Commission very clear access to the agenda and the creation of the yearly budget by the Commission and the City Manager and not be exclusively on the shoulders of the City Manager. We are putting too much weight on the shoulders of an official that is not elected. He would like to see the confirmation of the department heads.

Mr. Ritchey asked if they don't think they should explore background checks on everyone that represents our community.

Mr. Libby stated he believes they already do. He remembers filling out the forms for his service here.

Mr. Ritchey stated he doesn't remember how comprehensive it is.

Mr. Libby stated the second page allows the City to do a criminal background check on individuals. The question is if it should be in the charter. He has also targeted allocation of resources as one of the part of that. We can't see if a zone's needs are being met without that reporting. The list of the accomplishments they received tonight makes him feel better. He feels an awful lot better to see the City has put primary financial investment in Zones 5 and 6; more in Zone 6 than all the zones combined but that is a recent trend. How we institutionalize this in the charter is another question. He is interested in the makeup of the Planning Board, but also all the advisory boards.

Mr. Ritchey asked him if he had a number for Planning Board for instance. Can we paint them all with the same brush and put a certain number.

Mr. Libby stated they could all get their one vote, but he believes the Mayor should get more than one because it is the only position that is elected City-wide.

Mr. Ritchey stated that is true, but ...we'll get into it later.

Mr. Libby stated he doesn't have any number right now. He has been on a number of boards and he can see where the Board of Adjustment may not need the number of members as the Planning Board, currently under the current model; now he thinks the model needs to change on the Planning Board and the Special Magistrate.

Mr. Ritchey stated we need to be careful about locking ourselves ... our most rigid policy should be flexibility. If we put something in there until we have another election ... we need to be careful of having more representation in one zone than we do in the others.

Mr. Libby stated we have had one of our major advisory boards made up of no one that lives in the City. We have come a long way. We need to look at the advisory board setup and where they come from and how they function. He thinks they may be at a point where they can rethink it.

Mr. Ritchey stated we should use words like minimum when we talk about these boards.

Mr. Libby stated we want to make sure our citizens and businesses get a fair shake. He has heard that there are still citizens that want to look at a two-year term for elected officials. He is comfortable with the four-year term and the staggering. However we owe it to the citizens to at least look at it and vote it up or down on whether we go back to two years and everyone runs at the same time.

Mr. Libby stated the residency requirements for the City Manager and department heads need to be looked at. I think all advisory board members should be City residents; we get many opinions from people that live outside our City. We should consider a review of the charter every five years because ten years is too long of a time. I believe a contract that has been entered into should not be trumped by the charter.

Mr. Ritchey stated we could consider “up to five years” for the charter review; you may want to do it in two years.

Mr. Leek stated that is my recommendation “at least every five years.”

Mr. Ritchey stated flexibility is good and for those of you out there listening, we are an advisory board. We are gathering information from the community at large, from each other to make recommendations to the Commission who will be the authority. They can vote it down or adopt it, tweak it, change it, or create their own version. We have absolutely no power to implement this charter. This new charter will happen if the City Commission moves it forward and the citizens come out to vote. They will be the ultimate decision makers in November.

Mr. Libby stated in summary that some citizens are piqued at our form of government because they don't think they have access to it. A 10 year charter review feeds this unhappiness and other things in the charter that our elected Commissioners have to negotiate with the City Manager to get an item on the agenda. We have a slight disagreement over how that process works but all I can do is hear from elected officials. Citizens also know that the budget is not prepared by their elected officials, the draft is prepared by the City Manager with the priorities that you hope reflect the will of the Commission but in doing that, some may get overlooked. The Commission should be more accessible in the building of the budget while maintaining the integrity of the City Manager leadership and budget building. These tweaks would make our citizens feel much better about the City Manager and City Commission form of government. We could do a lot for a radical change in the City.

Mr. Ritchey stated our Vice Chairman, Dr. Kimmons will speak next.

Dr. Willie Kimmons read several statements for the record out of the charter booklet referencing that there is no one right way to conduct a charter. We should all work hard, share our talents and expertise. He also offered his opinions on the guidelines. He named his organizational handout to the members a *governing structure chart*. I agree with the other members about the City residency requirements for the department heads, City Manager and City Attorney. I believe that all board members and or advisory council members, city officials, volunteers and elected officials should have a criminal background check performed and have disclosure of any prior conviction before holding any office.

Mr. Ritchey stated I also support the current form of government that is in place. I believe also that the City Manager should live in the City but there should be a grandfather clause for the people that are in office now. You should never change the charter because of the person, people are going to come and go. The City Attorney's office works for the City Commission and not the City Manager. I think the Mayor should have an annual State of the City Address and at that time financial information should be disclosed in the report to the residents of this community. The City Manager should perform one quarterly. This would allow a lot of transparency to the people. I agree with the background checks. We have started and identified certain things. We are here to represent the City and not the zones. A four year term is an appropriate term for the elected officials. The CRC meetings from here on due to a time limit are going to be workshop sessions with some possible printed materials. We will also have public comments at all of the meetings and if we have any speakers tonight, they may come forward.

Mrs. Thomas stated we do and it is Vernon Weatherholtz.

Mr. Blossom asked a question about the Vice Mayor.

Mr. Ritchey stated in the November election, the Vice Mayor position has the potential of having a newly elected Commissioner becoming a Vice Mayor. It's in discussion that they could skip that particular one and go to the next zone. We do rotate the Vice Mayor position at the present time and that's for a three month period and it works very well.

4. Public Input

Vernon Weatherholtz, 3 Granville Circle, Daytona Beach stated I have been a resident here for 2 years. I've served in city governments in 3 different municipalities most of them smaller than Daytona, the first one Winter Park, the second is out of Miami, and I served as Public Works Director for the city of Eatonville. It was short tenure just before I moved out of the country but one of the most thorough experiences I've ever had but extremely unique I knew most of the people there most of them worked in Winter Park but a very diverse citizen the next thing, I sit here and listen to you gentlemen and I did a lot of research and bio's on what I could find and I am very impressed a lot of you have good credentials here as each one of you speak and I find myself and I agree with that and there is very little that I personally not so much disagree but I think your possibly off base. I truly believe the City Manager-Commissioner form of government is best for a city this size. You're talking about

John H. Land over in Apopka, I know him personally he's quite a gentleman I started in a small town called Apopka lived there for a number of years. A great form of government as it has grown to being the second largest City in Orange County but it's time to move on. The things that I mostly agree with every person that is on any board in The City of Daytona Beach should absolutely be a resident, I don't need someone from Ormond Beach telling me what we should do. The City Manager, I think should be a resident I think you and I have talked to some folks here in Daytona Beach who have worked for the City, I believe any department head should also be a resident. I think it gives them a sense of pride and if they are going to make a recommendation for the Commission and do all the leg work I think it gives them a higher standard and we get a higher standard from City employees that live in the City. I think that there can be a time limit on this, a year or two years on this up to the Commission to give them but the City Manager absolutely it should be a requirement. In the charter I heard about the City Manager's contract but I hear coming to the City Commissions the biggest change they feel in the charter about the form of government is having access to the City Manager. Every person, elected official or the City Manager they always handle the large issues, it's the small issues that always take them down and give them trouble. Since having the access if the burden is too much on the City Manager if he is too busy maybe he does need an assistant, I think that if there is a problem with the City Manager it's the Commissioners and the Mayor you should take it to, it's their job to control the City Manager and determine what his responsibilities are and make sure that he does them. I've heard comments about the City Manager's contract I think that it should be open, it is very important and a lot of people don't feel that. Allocation of funds, when you start saying allocation of funds per zone then you get into the problem of the Police and Fire Department are the two largest budgets so is the Police Department spending too much time in Zone 1 and then they are building the community center in Zone 2, the Commission it's their job and responsibility to direct the funds for the best of the people not one zone saying they don't get their share, Zone 1 I think it's a great zone but I really don't see any vast money going into that zone. I road all over the City I have talked to some folks in public works and I know where a lot of the money is going but if what is good for the City and not the allocation of funds that gets you in trouble. Each one of you I really have got to commend to you the meetings I have sat here and listened to you I think that you are doing an excellent job you're on the right path and for the recommendations for the City and I think the residents should be proud of you.

Mr. Ritchey stated thank you very much and I appreciate you coming to our meetings and I noticed your here a lot and it's good to see you involved.

Mr. Weatherholtz stated its fortunate that I have the time and I've tried to come to the advisory boards and are making my rounds and I would like to get more involved with the City and it takes a little a time to get to know your zones and get to know the other zones and see where the development is and see which way that the City is going.

Dr. Kimmons stated Mr. Chair and my colleagues, I want to personally thank the citizens that came out to our last town hall meeting at the Peabody Auditorium this is the largest group we've had of all the town hall meetings and I think the minutes should reflect that because they came out and that was a contributed effort to have community support. The

reason I say that is because we've had other town hall meetings and we've had other people to personally call me 20 to 30 people after the meeting and I said why don't you just show up to the meeting, this is your meeting but we had a large turnout at the Peabody Auditorium. The other statement I want to make is a motion to officially adjourn the CRC meeting as of 7:41 p.m.

Mr. Ritchey stated thank you Dr. Kimmons, thank you Commissioners I want to thank Jennifer, Marie, everybody that's involved Ron and all the staff that come out. Ron, a City Manager before and I guess you have been a County Manager and before all of that there is going to come a time in all of our discussions that we're going to need the guidance and the expertise of people that walk that walk and they're input is going to be very valuable so thank you for coming out.

5 Closing Comments

No comments.

6. ADJOURNMENT

There being no further discussion or comments the meeting was adjourned at 7:41 p.m.

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GLENN S. RITCHEY  
Chairman

ATTEST:

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JENNIFER L. THOMAS  
City Clerk

Adopted: ◇

RECORD REQUIRED TO APPEAL: In accordance with Florida Statute 286.0105 if you should decide to appeal any decision the City Commission makes about any matter at this meeting, you will need a record of the proceedings. You are responsible for providing this record. You may hire a court reporter to make a verbatim transcript, or you may buy a tape of the meeting for \$2.00 at the City Clerk's office. Copies of tapes are only made upon request. The City is not responsible for any mechanical failure of the recording equipment.

## Minutes

### Charter Review Commission The City of Daytona Beach, Florida

April 28, 2014

Minutes of the Charter Review Commission of The City of Daytona Beach, Florida, held on Monday, April 28, 2014 at 6:00 p.m., City Hall, City Commission Chambers, 301 S. Ridgewood Avenue, Daytona Beach, Florida.

#### Attendance.

#### Members

Gary Libby	Present
Blaine Lansberry	Present
Kelly Kwiatek	Absent
Thomas Leek	Present
Willie Kimmons	Present
L. Roland Blossom	Present
Glenn S. Ritchey, Chairman	Present

#### Alternate members

Ruth Trager	Present
Ed Savard	Present
Dan Bolerjack	Absent
Jill Pennington	Present
Christi McGee	Absent
Tony Barhoo	Absent
John Huger	Absent

#### Also Present:

Marie Hartman, City Attorney  
Ron McLemore, Deputy City Manager/Operations  
Jennifer L. Thomas, City Clerk

#### 1. Welcome

Glenn S. Ritchey, Chairman, called the Charter Review Commission (CRC) meeting to order and asked for a roll call.

Gary Libby moved to excuse the absence of Kelly Kwiatek. Seconded by Dr. Willie Kimmons. The motion passed unanimously.

2. Discussion – Charter Review Commission

Mr. Ritchey stated they are going to continue the charter discussion and begin with the announcement of only having a few more meetings before bringing this to the Commission. Let's see if we can come up with three or four items to agree upon tonight and move forward for a vote. This will also allow the residents to see the direction we are heading in. A chart has been created from the comments that were made by this Commission's individual members. The City Attorney, Marie Hartman had been instructed to give a reference as to where you can find the certain items in the charter.

Dr. Willie Kimmons, Vice Chair, asked if they discussed the items on the proposed revised draft.

Mr. Ritchey stated we went over them one by one. We voted on the ones that were not going to be added because they were identified as out of compliance with either state or federal law or had absolutely no control over. We did not vote to add to or detract from any item on the charter at that meeting.

Marie Hartman, City Attorney, stated that is one of the handouts you received and does state on it in the lower left part of the document - accepted revisions as of April 14, 2014.

Dr. Kimmons stated these are the second drafts.

Ms. Hartman stated these are the ones you actually voted on to accept at your last meeting.

Mr. Ritchey stated this is the accepted one.

Ms. Hartman stated prior to that I had given you some language for the others you had talked about.

Mr. Libby stated we have not been able to review the language until tonight and the language is critical.

Dr. Kimmons stated that concurs with my comments.

It was moved by Dr. Kimmons to accept the working draft revisions. Seconded by Gary Libby. The motion passed unanimously.

Thomas G. Leek stated earlier she had given them proposed revisions as of April 1, 2014 and they accepted that one. He asked if there was significant difference between the two.

Ms. Hartman stated the first draft contains the items they wanted changed to conform to State Law. They also talked about a number of possible revisions and she drafted language to interpret what she believed they meant. Then at the last meeting, they went over this draft and voted only on those that were "housekeeping".

Mr. Leek stated Ms. Hartman gave them an original draft with all the comments in blue and then she gave them one on April 1, 2014 and now another on April 15, 2014. He asked if much changed from April 1, 2014 to April 15, 2014.

Ms. Hartman stated the April 15, 2014 only has the ones they voted on at the on the 15<sup>th</sup>. It does not have the changes that she had drafted that they have not talked about yet. This is the working accepted draft.

Mr. Libby stated the last one is not cumulative; it does not include everything. It only includes those items that either didn't conform to State Law or the eminent domain question.

Ms. Hartman stated it includes only the changes they actually took a vote on at their last meeting.

Mr. Ritchey stated he would like to see in the future a document that eliminates all of the language that is superseded by the vote. We will know then what has been voted in and what has changed.

Ms. Hartman stated that will be the way they will come forward in the future. They want the strikethrough and underline format.

Mr. Libby asked if it would be possible to present another piece of paper that will have the draft language changes only so that they can see the exact way she has interpreted the intention of the Commission.

Ms. Hartman stated that language is in this document.

Mr. Libby stated they don't know what the original content was ...

Ms. Hartman stated it is in strikethrough and underline format. Look down in the left hand corner it states "accepted revisions on 4-15". The document has the deleted and added language to it.

Mr. Ritchey stated they need to address the form of government first, bring it to closure and move on.

Mr. Libby asked if Mr. Ritchey wanted them move forward in the form of a motion to get this to discussion. He stated he wanted the caveat that there are additional items after number one. He moved to continue the Manager – Commission form of government. Seconded by Mr. Blossom.

Dr. Willie Kimmons, Vice Chair, stated he would like to discuss why they are for or against.

Glenn S. Ritchey, Chairman, stated that opportunity is right now. He would like to start with the Zone 1 representative.

Blaine Lansberry stated she supported the item as stated with the understanding they would discuss other items that may impact it. She stated she agreed with Mr. Leek, you don't change a position because you are disappointed with a person.

Mr. Libby stated knowing that they can't bring twenty four changes to the Commission and the voters, he wanted to pick the top priorities. He stated he wanted to see shared agenda power and Commissioner set zone priorities in the creation of the budget. He understands the Commission receives the draft budget and then discusses that. He believes they should be more involved on the front end. He thinks the Commission should have the power to moved discussion items on the City agenda. Those two issues would be tweaks on the current form of government.

Mr. Ritchey stated there are several issues that have been brought forward that can be changed by Ordinance or Resolution without changing the Charter. He would like to hear from Marie from time to time about those kinds of things. They all understand the importance of flexibility. He asked Mr. McLemore and Ms. Hartman to weigh in when it is an Ordinance issue versus a Charter issue.

Mr. Libby stated these two areas play to that dramatically.

Mr. Ritchey stated he agrees.

L. Roland Blossom asked if they had to wait until their turn to respond to another commissioner's comments.

Mr. Ritchey stated he would like to see if go through the rounds first, whatever the commission would prefer.

Dr. Kimmons stated he would like to respond at the time.

Mr. Blossom stated he doesn't mind waiting until the end; he just wanted to make sure they come back to that.

Mr. Ritchey stated absolutely.

Jill Pennington stated she is going to take a lot of notes for Ms. Kwiatek. She is in agreement about the shared agenda and the issue of Ordinance versus Charter issues.

Thomas G. Leek stated he feels the current form of government they have is the way to go, especially for a City their size. He agrees with the agenda powers issue but he doesn't feel that is a Charter issue.

Mr. Blossom stated he supports the current form of government. He has seen it work well and it is a better form of government to subside corruption. If there is an abuse of power now, the Commission has the authority to address it immediately.

Dr. Kimmons stated he doesn't agree with his collages. He thinks the form of government should be modified and expanded. The power should be solely in the hands of the elected officials. He cited examples of other city governments. He believes it is the only way the elected officials are held accountable to the Citizens. He believes they should also have term limits. The perception is that the City Manager runs the City. He stated that people can't be managed through fear. People are afraid they will lose their jobs. People are afraid to talk to the City Commission. He appreciates the other commissioner's opinion but he feels that City Hall can't be run through fear. He stated his comments have always been the same, he feels the form of government should be modified and the duties and the responsibilities in the hands of the elected.

Mr. Ritchey stated he supports the current form of government. He asked if there were any more comments.

Mr. Blossom stated he wants to make sure the motion didn't meant that to maintain the current form of government there were conditions. This should be a stand-alone vote.

Mr. Libby stated he could only support the current form of government if we can tweak some of the areas that cause problems; but no it is not conditional. The motion is to support the current form of government.

Mr. Ritchey stated this motion is to support the current form of government and any amendments that might come forward later would have to be voted on.

Mr. Libby stated he wanted to show his perspective for the record.

Mr. Leek asked if the tweaks they discussed could be passed on to the City Commission in the form of proposals for Ordinances or Resolutions.

Mr. Libby stated they could be.

Mr. Ritchey stated they did have a motion and second and he called the vote. The motion passed 6-to-1 with Dr. Kimmons voting "Nay".

Mr. Ritchey stated that fair share allocation was next and he asked Mr. McLemore to give input.

Ron McLemore gave a brief overview of his career and qualifications. He performed a lot of Charter work as a consultant. He has trouble with this particular issue. He is not sure who to do it. He tried to think through how one would move from a needs based allocation to a shared allocation. He cautioned them on going this way. The people who would lose would be in Zone 5 and Zone 6. A disproportionate share goes to those zones because that is where the need is. The majority of Police, Fire and EMS are in those zones. They can't say they are only going to do so many service calls a day and then stop. He asked if they would be a fire station in each zone. There is a science that is applied to the number and location of the fire stations based on need and building characteristics. He doesn't know how to do it and address the needs of the people. They could identify service levels and set standards. You guarantee levels of service. That may be a way to get at it. He doesn't know how to do it on a dollar allocation. He doesn't think it is doable. They can't spend redevelopment funds equally in every zone because every zone doesn't need them.

Dr. Kimmons stated there are City services not being appropriated in certain zones when they are in other zones. He owns property all over the place and he sees the disparity. There are certain areas of Zones 5 and 6 that flood more than the rest of the zones. The services are important and he knows there are areas that garbage isn't picked up on a regular basis in Zone 5. There aren't any gated communities in Zone 5 or 6. He stated he has a nephew considering moving here, but the nephew would prefer Zone 1, 2, 3, or 4. It is difficult to find functioning schools for children in Zones 5 and 6. He stated you have lots of businesses in Zone 5 and 6 and there are a lot of run down businesses. He spoke about drug use in the zones and the number of times he has called the police and code enforcement. Members of those zones actively involved in who lives in the houses. He is concerned with services. He lives in Zone 5 because he wants to make the community better. There are certain areas that he doesn't feel comfortable. Some of the residents are afraid. His houses in Zone 5 and Zone 6 have been broken into and it is prevalent in those zones. They can see the police reports by zones. He is concerned about the services.

Ron McLemore, Deputy City Manager/Operations, stated they try to place the services where the need is and that is generally how it is done. Some areas are more difficult than others, but as a City they try to place our services where the need is.

Glenn S. Ritchey, Chair, stated he wanted to clarify that you cannot intermingle CRA funds. They all received the handout that showed how money was distributed in the zones. Zone 5 and 6 got more money than the other zones, but the money went where it was needed. They have funds going into Orange Avenue. Any seated Commission should have the ability to meet the need. They need to attract businesses to those areas. They've been tainted over the last several years because of the economy. They are starting to see the economy turn around. He's not sure how to approach this fair allocation piece in the Charter. They should never place conditions on property owners that they wouldn't adhere to themselves.

Gary Libby, stated this item doesn't even have a motion. It was just up for discussion. He checked his notes and the item to be discussed was equal share allocation, that each zone would have an equal share. He asked if that was correct.

L. Roland Blossom, stated no. That wasn't the intent. He stated that Mr. McLemore was introduced as an expert to share information. He stated this item was important to him. He stated Mr. Libby was talking in terms of fair reporting allocation. He piggybacked on that language. His intent was not to divide a dollar amount equally between each of the six zones. He understands that there are services that have to be provided City wide. The majority of our resources are going to be spent that way. He suggested it was participation in the budget process. Each Commissioner should be allowed to prioritize those item within that zone where people are clamoring for help. He recognizing that Zone 5 and Zone 6 has received the bulk of those resources for infrastructure, etc., over the last few years. However, that was because those zones were playing catch-up. For years those areas were neglected. He thinks it important that even though the Commission represents the entire City, that each of the Commissioners also have a special view coming from the District or Zone where they are elected. He thinks that could be done during the budgeting process. The City Manager would be required to put a certain percentage of funds in part of the zones; it at least give the Commissioner an opportunity to say this is what the people need and this is what they want in the budget. He's not sure how to make that happen but he believes it is important. We need to make sure our zones are fairly represented in the budgeting process.

Mr. Libby asked if Mr. Blossom cared to amend the language so it might be friendlier to the Commission.

Mr. Blossom stated when they get to a put that a motion is needed he would try.

Mr. McLemore stated that Mr. Blossom's information was helpful. He wanted them to know for informational purposes, the City is moving to year-round budgeting. They have Strategic Planning Meetings outside of the formal budgeting process where they are doing exactly what you are talking about. They identify priorities and there is movement toward what you have talked about.

Mr. Blossom stated the language in the Charter has to be interpreted in many cases by Ordinance.

Dr. Kimmons stated you have to purify the data. One can't put data out there without purifying it. He questioned whether the funds spent in Zone 5 and 6 were for services or for replacing buildings. He asked if these investments would create jobs. He stated the Midtown Center replaced the old PAL Center. That could account for half of the money spent. The Yvonne Scarlet-Golden Cultural and Educational Center (YSG) replaced the Y.M.C.A. on Derbyshire. That is what he means when he says we have to purify the data.

Mr. Ritchey stated to him it moves past that question. It gives the kids places to go. They had a building that needed to be torn down and they have a wonderful building there now. It is not always about dollars and cents as it goes to infrastructure it is about the children and how they benefit. They are beginning to see return on that. They do see some jobs with that.

Dr. Kimmons stated Mr. Ritchey's point is valid, but if one gives these numbers to the average lay person they aren't going to interpret the data that way. He stated they shouldn't put data out there without it being purified.

Thomas G. Leek, stated that the self-assessment report that was put out by the City Manager clearly states projects those capital funds were spent on. He stated in Zone 1 they spent \$550,000. Zone 2 they spent \$278,000. Zone 3 they spent \$2,029,000. Zone 4 they spent \$998,000. Zone 5 they spent \$6,065,000 and Zone 6, \$6,400,000. He doesn't think this is a charter issue. There are many unintended consequences of trying to take a calculator and divide an equal amount in each zone. He stated one can say that the YSG center doesn't 'count' because it replaces something else...but it counts. It is a lot of money. They could say that in every single zone. He feels it is an invalid argument. He thinks the solution is not trying to divide funds or a portion of funds through the City and spend.

Dr. Kimmons stated he agrees with Mr. Leek, but he was talking about services that were needed. They needed to clarify the numbers.

Mr. Leek stated he can give him the numbers.

Dr. Kimmons stated he was speaking for the Citizens. The average Citizen could not interpret this.

Mr. Leek stated they won't if they look at just that one page. If they look at the attachment it outlines every single project that makes up these numbers. On the subsequent page it talks about how much future money will go to those projects. There is one project in Zone 6, which has another 21 million committed to it. These are capital expenditures, and it is money that is budgeted to be spent by the needs of zones. He is concerned we are discussing putting something in the Charter that doesn't belong there.

Dr. Kimmons stated he thinks Mr. Leek has missed his point. He stated that if you make a presentation to the general public you need to clarify.

Mr. Ritchey stated Mr. Blossom capsulated it by saying the Commissioner should be the advocate for that zone. They want what is best for every zone. He believes it is not a Charter issue, but something the City Commission should have the flexibility to address those issues on an as-needed basis. He understands the intent but he doesn't know how they would execute it.

Mr. Blossom stated he doesn't want to micro address an issue but he wants to make sure the City Commissioners have to be responded to. He would like it to be mandatory that during the budgeting process, each Commissioner has the right to put forth priorities to the City Manager to be placed in the budget for their particular zone that doesn't conflict with the need for general City-wide services.

Mr. Ritchey clarified that each Commissioner would bring forth budget issues for their zone and be given consideration by the Commission, to be voted on by the Commission during that budget process.

Mr. Libby stated mandatory and consideration are two different things.

Mr. Ritchey stated it would be mandatory that they would discuss it for their final approval. That rests with the City Commission.

Mr. Libby stated that if that is satisfactory to Mr. Blossom, that would go a long way to moving this forward.

Mr. Leek stated he would agree with that. He asked him to draft some language to do that.

Mr. Ritchey stated this is really good conversation and has identified the intent of this item. They can agree that it needs to be done, but it is still up to the Commission to decide. They cannot put a burden on the City Commission to do anything.

Mr. Leek clarified that this would make it mandatory for each City Commissioner to make a priority list of projects as part of the budgeting process.

Dr. Kimmons stated he just wants to make sure this item is addressed.

Mr. Ritchey asked Mr. Blossom to make a motion.

It was moved by Mr. Blossom to make it a mandatory requirement during the annual budgeting process that each Commissioner bring forward prioritized items that are necessary or beneficial to their particular zone to be considered by the City Commission. Dr. Kimmons seconded the motion. The motion passed unanimously 7-to-0.

Mr. Ritchey stated it was little after seven and asked if they wanted to take on another one. He stated they should take on number four; the Mayor's state of the City Message.

It was moved by Mr. Libby to adopt. Seconded by Mr. Kimmons.

Mr. Ritchey stated they have a motion and a second and they could have discussion now.

Mr. Leek asked what the specific language on that is. The only discussion that he has is that they make sure that there is some sort quarterly finance reporting.

Mr. Ritchey stated they had a motion and a second. The motion carried unanimously.

3. CITIZEN COMMENTS

Weegie Kuendig, 718 North Wild Olive, Daytona Beach, stated Save Our Neighborhoods (SON) went through it one more time and she would just like to go over what is their final draft. The first group are the 12 items that they support. Commission Meeting agenda power should be shared by the City manager and the commission and each member of the commission should be able to request an item and it should appear on the agenda within 30 days. The City manager and senior staff shall reside in the City within 90 days as a condition of employment, with current employees grandfathered in. It should be a simple majority of the commission to terminate the employment of the City manager.

Mr. Ritchey stated he doesn't think that it needs to spell out the City Manager. He thinks it should say that anyone under contract for employment should use the simple majority.

Ms. Kuendig stated any charter hire would be fine. They would like to see quarterly fair share reporting presented to the commission by the City manager, finance director but separated from the (CRA) Community Redevelopment Agency reporting because you can't spend CRA's money anywhere you want. Members of the commission if on the ballot shall not be a member of the canvassing board. Delete all language requiring any affidavit of the circulator. City shall follow code standards and maintenance standards. Third party financial disclosures including individual contributors shall be identified during the election or the election process. Removing all laws which is already done from our charter that supersede or conflict with the state law and strengthen the basic authority of the citizen boards. They would like all members of citizen boards to be residents. Internal auditor for the City should be independent and any contracts of employment or otherwise cannot supersede any rules of the charter.

Mr. Kimmons asked when you say all member of citizen boards should be residents, is it residents in their respective zones or residents of the City.

Ms. Kuendig stated residents of the City because different boards have different requirements but they should be at least residents. They don't want elected officials to serve longer than eight consecutive years.

Mr. Ritchey asked why one would want to vote them out of office if they were really great and they're doing a great job.

Ms. Kuendig stated because we would have term limits.

Mr. Ritchey asked why one would have term limits.

Mr. Libby stated it would give the opportunity for others to participate in the process.

Ms. Kuendig stated to give the citizens a chance to speak to see whether everybody thinks they have been doing a good job or not.

Mr. Kimmons stated if the elected official is good he or she can be reelected again once they stay out.

Ms. Kuendig stated the time requirement for a special election of a Commissioner due to a vacancy shall be reduced from 12 months to 6 months. They want the commission to ratify the employment of all the department heads. They would like Citizens to have the right to ask for items be pulled from the Consent Agenda. They want vacant senior staff position filled within 120 days and they want bond issues supported by property taxes, including CRA bonds, to be voted on in the next scheduled election or in a special election.

Mr. Ritchey commented this is an outstanding list.

Neil Harrington, 101 Grand Oaks Circle, Daytona Beach, asked what happens to all the boards that have business owners on it that aren't City residents.

Mr. Ritchey stated if it's voted up by this board and recommended by the City Commission and they have it adopted then the citizen's community adopt it...

Mr. Harrington stated he was in 100 percent favor of that. He is concerned with non-resident business owners on the boards.

4. ADJOURNMENT

There being no further discussion or comments the meeting was adjourned at 7:23 p.m.

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GLENN S. RITCHEY  
Chairman

ATTEST:

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JENNIFER L. THOMAS  
City Clerk

Adopted: <>

**RECORD REQUIRED TO APPEAL:** In accordance with Florida Statute 286.0105 if you should decide to appeal any decision the City Commission makes about any matter at this meeting, you will need a record of the proceedings. You are responsible for providing this record. You may hire a court reporter to make a verbatim transcript, or you may buy a tape of the meeting for \$2.00 at the City Clerk's office. Copies of tapes are only made upon request. The City is not responsible for any mechanical failure of the recording equipment.

Minutes

Charter Review Commission

The City of Daytona Beach, Florida

May 12, 2014

Minutes of the Charter Review Commission of The City of Daytona Beach, Florida, held on Monday, May 12, 2014 at 6:00 p.m., City Hall, City Commission Chambers, 301 S. Ridgewood Avenue, Daytona Beach, Florida.

Attendance.

Members

Gary Libby	Present
Blaine Lansberry	Present
Kelly Kwiatek	Present
Thomas Leek	Present
Willie Kimmons	Present
L. Roland Blossom	Present
Glenn S. Ritchey, Chairman	Present

Alternate members

Ruth Trager	Present
Ed Savard	Present
Dan Bolerjack	Present
Jill Pennington	Absent
Christi McGee	Present
Tony Barhoo	Present
John Huger	Absent

Also Present:

Marie Hartman, City Attorney  
Ron McLemore, Deputy City Manager/Public Works  
Jennifer L. Thomas, City Clerk

1. Welcome

Glenn S. Ritchey, Chairman, called the Charter Review Commission (CRC) meeting to order and asked for a roll call.

2. Discussion – Charter Review Commission

Dr. Willie Kimmons spoke about the issues related to a full time Mayor. He suggested that a lot of people think that the position of Mayor is ceremonial in nature. A full time Mayor with proper compensation would broaden the pool of applicants. The applicants in the last 20 years fit a certain profile. They have completed their careers and they have compensation from their retirement. Most full time Mayors use the position as a political stepping stone to other positions, especially if they are young; their eyes are on the state representative office, state senate and congress. There are a lot of studies to support the issue. The position of Mayor should be full time.

Thomas Leek stated that the concern he is hearing is if you make the position of Mayor full time people who would otherwise serve, will not because they can't give up their current career for four years and take a break. The other side is there is so much work to do as Mayor. We have talked about the form of government and we recognize that the Mayor's position is ceremonial. Maybe there is a way to distribute the ceremonial duties among the other members of the City Commission. The ribbon cutting and those kind of activities can be shared and reduce the burden on the Mayor and maybe that is the direction that we should go which would satisfy everybody's concerns.

Gary Libby stated that did not satisfy him at all. He thinks that the point is being missed completely. It is not whether the position is ceremonial or not; they are looking at a better balanced team in City Hall. He thinks that there have been other issues brought before by the public to this group that suggest that government is not balanced. Maybe this may be one technique that could help balance the City moving forward.

Mr. Leek stated unless you increase the power of the Mayor, he does not see how it will have an effect. What has been talked about before is the Commissioners not have access to the agenda and those kinds of things. That is a different situation from whether the Mayor is part or full time. It is a situation of what powers you want to give the Mayor. If you want to change the Mayor's powers and make them stronger so that the balance that you seek can be accomplished that is a different issue. We are just talking about a full time versus a part time position, unless we change the powers, is still ceremonial and it does do anything to affect the balance unless it is full or part time.

Mr. Libby stated until Yvonne Scarlett-Golden was elected Mayor, the City did not have an African American serving as Mayor. A lot of that was due to the economical dimension of running. He agrees with Mr. Leek and he did not support a strong Mayor form of government. If you look back on the discussion the Commission has had the balance between the City Commission and the Manager; we agreed not to change that but look at modification and tweaking. That was always a part of the discussion; there were caveats that were included in every discussion that we had prior to that vote. This could be one of those caveats. It is not inappropriate and it does not...

Mr. Leek stated that he is not suggesting that it is inappropriate. Maybe he is missing the point. He does not understand how changing the Mayor's position from part time to full time affect the balance between the Commission and the City staff. He is not making the connection.

Mr. Libby stated if you ask any of the current Commissioners who haven't able to agenda items and not been involved in building the City's budget, they will give you a number of reasons why.

Mr. Ritchey stated for the benefit of those in the audience and those at home, this Commission has no authority to have a full time or part time Mayor or any other position. The Commission is solely responsible for gathering information and recommend to the City Commission. They will vote the recommendations up or down; ultimately the recommendations will be placed on the ballot and the electorate will vote. So the CRC has talked about it and he asked Ron McLemore if he had comments.

Ron McLemore, Deputy City Manager, Public Works stated that the Council/Manager form of government was a product of the reform movement, which said that they did not like the way that municipal government was moving and it was changed. This government model was a result of that movement. One of the basic tenants of Council/Manager form of governments was to widen the base of people who could run for office. The whole issue of having part time officials was to open the process for more people to be able to run. Research shows that this form opens to process to more people who do work and are willing to serve which is a really important part of this form of government. In our current government the elected official can choose how much time he is willing to give.

Mayor Ritchey stated we have a motion and second. All of those in favor of making the position of Mayor full time state I, all those oppose state Nay.

The motion failed 2-to-5, with Mrs. Lansberry, Mrs. Kwiatek, Mr. Leek, Mr. Blossom and Mr. Ritchey voting "nay."

Mr. Ritchey stated the State of the City message was done last time.

Marie Hartman, City Attorney stated she drafted the language that they all approved the concept of last time. She asked if they wanted to formally look at that and accept it or ask her to change it.

Dr. Kimmons asked Ms. Hartman what page it was on.

Mr. Libby asked the Chairman if they could move on and then maybe look at it because every time they either agree or don't agree it affects other parts of the way this thing fits together so if at all possible maybe we could move forward and then come back to those suggestions that Marie has given us.

Mr. Ritchey stated these weren't suggestions from Marie, these were things we voted on and passed last time.

Mr. Libby stated but not with the wording.

Mr. Ritchey stated you are looking at the wording.

Mr. Libby stated "what's in a word" Shakespeare said, a lot is in a word.

Ms. Hartman stated the one on the budgeting process is at the bottom of page 7 of the draft she gave out, Section 15 of the charter.

Dr. Kimmons asked if that was the next item.

Mr. Ritchey stated no this is just the language ...

Ms. Hartman stated this was on the fair share budgeting idea, she and Ron met with Roland and she listened to the audio re: the motion that was made and the language they came up with is: During preparation of the annual City budget, each member of the City Commission representing a specific zone shall meet with the City Manager for discussion of the Commissioner's funding priorities for his or her zone. In addition to funding for City-wide service and project needs the City Manager shall include the zone funding priorities in the budget submitted to the City Commission to the extent possible with available revenues and the City Commission shall consider the zone priorities prior to adoption of the budget.

Mr. Libby stated no mention of the Mayor, was that intentional.

Ms. Hartman stated yes because our discussion was to be zone priorities and the Mayor is elected City-wide so this was just for each of these ...

Mr. Libby stated or they could be City priorities and represented by each zone in a slightly different way but he does not know that they ever agreed to leave the Mayor out.

Mr. Ritchey stated let's just put including the Mayor, he doesn't have an issue with that.

Mr. Blossom stated he thinks it is a problem, there is power in words. It is a problem if we include the Mayor because here everybody has input at this point and expresses those things that they think are important but the City, City-wide and of course the Mayor but the Mayor may have an interest in something in a particular zone ultimately the Mayor has the responsibility for the entire City and represents everybody in the entire City. This is something after the City-wide concerns are dealt with, this is not something that is intended to take something from City-wide projects, facilities or anything else it is just what a Commissioner gathers from the people he represents in that particular zone that is important to the people in that zone which is something certainly different from the City-wide approach.

Mr. Libby stated you can't leave the Mayor out, the perception again diminishes the role of the Mayor, one more whack.

Mr. Ritchey stated let me give you a hypothetical; you have a meeting and one of the Commissioners is not there so you have no input into the budgeting process for that particular zone other than the Mayor who should be up on most requests or if a Commissioner for reasons he can't imagine doesn't bring up an issue the Mayor would have the potential to intervene on behalf of that zone, he personally does not have a problem with that he thinks you have to prepare for the unintended consequences of someone not being at a meeting and a zone not being represented. He can't imagine a Mayor using that ability to tag onto a zone representative and even so they are still going to have to vote on it unless it's a workshop and they would still vote on it, he doesn't have a problem with that.

Dr. Kimmons stated he concurs with what has been said for the most part and he thinks the Mayor should be a part of any funding process because ultimately the Mayor should be responsible for a balanced budget, the Mayor should know what is going on with the funding process City-Wide. He agrees with Mr. Libby and he thinks the Mayor should be a part of this process.

Mr. Libby moved to accept Sub Section (c) the draft on page 7, with the addition of and Mayor after the word commission, the first word on the second line. Seconded by Dr. Kimmons.

Mr. Ritchey stated how about just saying including the Mayor.

Mr. Libby stated yes, seconded by Dr. Kimmons.

Mr. Ritchey asked if there were any other questions or comments.

Mr. Blossom stated he still needs a better understanding of how this accomplishes the purpose of moving forward priorities of his own, operationally how will it work. His problem is what we end up doing is providing an overlap of the Mayor expressing priorities about whatever it may be a favorite zone, a favorite project you have already a Commissioner that represents that interest, the hope here was, at least from his standpoint and he thought they accomplished a consensus of it when the three of them met, was that this would be a process whereby the City Manager and each Commissioner would have an opportunity to sit down and discuss the priorities in that particular zone not at a big broad general meeting where everybody is.

Mr. Ritchey stated and they still would.

Mr. Blossom stated he is just speaking to Mr. Ritchey's example of how a person might not be at the meeting, may not be at a broad meeting but this is to encourage person to person, one on one meetings between the Commissioners and the Manager about priorities of that district and functionally what you don't have is a City Manager that is out there talking to the public and getting a feel for what's of interest to the public in that zone. We only have one representative for that zone, a direct representative and that's usually the person that has the hands on contact with the people in the zone and he thinks what we do dilute, it's not power it's simply the ability to express what that Commissioner's people want in that zone.

Mr. Libby stated it's called access and Roland the Mayor is the only City-wide person that is elected by the City and he thinks he (Roland) might be getting myopic by thinking that there isn't an umbrella of needs and interests that need to be brought to the table that aren't City-wide in addition to the zones, neither one is perfect but he thinks the perception of leaving the Mayor out is unconscionable.

Mr. Blossom stated he thinks Mr. Libby is misreading what they have there, this is taking in consideration first the funding priorities of the City generally for City-wide services and project needs so the City-wide functions are already taken into play and everybody will hopefully have some input through the City Manager on those issues. This is something different for instance this is what I want in my house, what you want in your house you have the right to bring forth those things that you want now whether or not they get funded has to do with whether or not it's reasonable to do so, whether or not it's something that the City can afford and that's the way the City Manager brings it forward.

Dr. Kimmons stated we have diluted the role of the Mayor in any process whether it's full or part time. Let's be realistic, what Mayor wants to be Mayor and he is not apprised of the budgetary process that is going on in his City. It doesn't take any power away from the City Commissioner or the City Manager but at least the Mayor needs to be apprised of what's happening in the City where he preside as Mayor and especially when it come to the budgetary process.

Mr. Ritchey stated having been the Mayor he could say that he could not support something that takes power away from the Mayor to speak about any zone or any issue requiring funding or special consideration because he was elected by the people in that zone as well as other zones. He just can't see the harm in it, if there is something that would cause harm by that in it, he's listening. He sees no avenue or no possibility of including the Mayor of causing harm or binging something to the equation that would create havoc or cause an issue, he sees none.

05-12-14

Mr. Leek stated perhaps he was reading this in too simple a way but he does not see it as reducing power from the Mayor what he sees the paragraph saying is, it insures that each Commissioner, each zone has a one on one meeting with the City Manager during budget preparation to express priorities of his zone, he does not see it as developing the City-wide budget, he does not think it changes what the City Manager does there or what the Mayor does there. The Mayor should have one of those meetings as well, he does not see it as a big deal as far as taking power away from the Mayor if he is not included.

Mr. Ritchey stated he could tell you after doing it for eight years he could not imagine ever attending one of those meetings and not having the ability to weigh in on the budget, a necessity for a particular zone.

Mr. Leek stated but isn't that part of what the Mayor does now in the budget process.

Mr. Ritchey stated but you've excluded ...

Mr. Leek stated and we can that's fine but all he sees this as not having a significant effect on the budget process, this is just an additional one on one meeting that we want to guarantee that each zone Commissioner gets to have to state his or her priorities for the zone to the City Manager, to him the way it is stated, it is an add on because we are concerned the Commissioners don't have the opportunity to state what their priorities are in the fair share spending and the other things that they have talked about. He doesn't see this as having a major impact on what the Mayor does and he would assume that the Mayor already does have one on one meetings with the City Manager during the budget process.

Mr. Ritchey stated absolutely they do and that is why he says he can't see why excluding him or her changes anything.

Mr. Libby moved that they accept the paragraph as amended.

Dr. Kimmons stated before they vote on it he would like to make a comment. He does not think they need to have an additional meeting they are not in New York City, we have a small place here; we have one meeting with the City Commission and City Manager and talk about budgetary items. We are not saying to take any power away from anyone, we get called up into the semantics here and we're not talking about that, we're talking about the Mayor being present and the Mayor having some input that's all at this one meeting.

Mr. Leek stated to Dr. Kimmons that he thinks he is looking at this as one meeting it's not one meeting, it is an individual meeting with each City Commissioner. It is not a big meeting where whomever is not there is left out, it is one more process; another vehicle to help the zones present their priorities to the City Manager as he is preparing the budget.

Mr. Libby stated and they will, they will get to do that.

05-12-14

Dr. Kimmons stated when he says one meeting, he means one meeting per zone, it is a matter of interpretation, a matter of semantics he didn't say one meeting.

Mr. Leek stated you did say one meeting.

Dr. Kimmons stated you misunderstood me, but when I say one meeting, one meeting per zone with the City Manager and he thinks since the Mayor is City-wide should be part of that process.

Mr. Libby stated he would like to move the question.

Ms. Lansberry stated we are talking about Section 15 which is Powers Vested in Commission, so if we are going to talk about powers and duties of the Mayor perhaps there is something we can insert in Section 16 to clarify ...

Mr. Libby stated Section 14 is Mayor and Commissioners.

Ms. Lansberry stated we were talking about Section 15.

Mr. Libby stated you are right, Section 15.

Ms. Lansberry stated so that's just a technicality, I am not a lawyer but it seems to her if they are going to be addressing the Mayor it should be in the proper place. This is all about the Commission if it is in Section 15.

Mr. Leek stated why didn't you mention that sooner.

Ms. Lansberry stated it's hard to get a word in edgewise sometimes.

Mr. Libby stated he thinks he could have a follow-up motion if this motion as amended passes then he thinks it's possible to effect the wording in the Section 15 header to just add Mayor.

Dr. Kimmons stated he would like to second that.

Ms. Hartman stated this section deals with the powers of the Commission and the Commission is a body which does include the Mayor and that is why in various places you will see the Commission including the Mayor, because the Mayor is a member of the Commission.

Dr. Kimmons stated precisely.

Mr. Libby stated he would like to move the question for the third time.

05-12-14

Mr. Ritchey stated this will be a vote on the amended recommendation on the language by just adding "including the Mayor" and that's all that was changed.

The motion carried 6-to-1, with Mr. Blossom voting "nay."

Mr. Ritchey stated the State of the City address.

Ms. Hartman stated the specific language that that is on page eight and stated the Mayor shall present an annual State of the City address.

Mr. Libby stated I will confirm that we adopt the language as suggested by Ms. Hartman.

Motion taken here and seconded by Dr. Kimmons.

Mr. Leek stated we have had a lot of discussion about the rotation of the Vice Mayor position and I would like to suggest that we take the City Commissioner with the most experience and let that person be the first Vice Mayor for those few months when no one has any experience.

Mr. Blossom asked if Mr. Leek meant experience as a City Commissioner.

Mr. Leek stated yes.

Dr. Kimmons stated I am not sure if a four month was something we have in effect at two years as opposed to four.

Ms. Hartman stated it is the same cycle that ...

Mr. Ritchey stated I thought it was quarterly.

Ms. Hartman stated it takes two years to make the full cycle.

Mr. Ritchey stated I thought it used to be quarterly and now it is every four months is what I read in the proposal.

Dr. Kimmons stated I was wondering since we have gone from two years to four years, why the time period shouldn't be longer.

Ms. Hartman stated it used to take us two years to make the full cycle and it started over at every election every two years.

Mr. Libby stated the stagger is the two years.

Ms. Hartman stated in thinking this through it works better if the person has two years' experience before they would become a Vice Mayor. I have drafted it that way and it is in your documentation in chart format.

Mr. Libby made a motion to adopt the language as amended. Second by Kimmons.

The motion carried 7-to-0.

Mr. Ritchey stated so those are the two changes we had in store. Next we're going to review the Vice Mayor's position; it looks like the Vice Mayor would assume whatever the Mayor's role was whenever he or she has to step into that position. He asked for a motion and a second from the committee.

Gary Libby made the motion to adopt the recommendation and Dr. Kimmons seconded the motion.

The motion carried 7-to-0.

Dr. Kimmons asked Mr. Ritchey if he could have clarification; did we change the power of the Vice Mayor as it stands now or we just left it with no changes made.

Mr. Ritchey responded he didn't think so, there were no changes made. Let's move to number six; number of zones which was brought up by Dr. Kimmons.

Dr. Kimmons stated as he indicated earlier in his comments he was thinking in terms of City services and looking at the configuration of the City in terms of how we vote, he looked at zone one, two, three and four as having all the resources. He is familiar with the City but more so with zones five and six because he owns property in those zones and he knew where the resources are. You have six City Commissioners and you have always had two African Americans in zones five and six. He suggested reducing the number of zones from six to four and maybe by doing so; we can get more services City wide. He has been in this City for over 13 years and his family had been here for over 80 years. His opinion was as long as we leave the City's configuration as it is, zones five and six will always have limited services.

Mr. Ritchey asked if there were any other comments at this time. If not we need a motion to either leave it as is or change the number of zones from six to four.

Dr. Kimmons made the motion to change the number of zones from six to four because of the reasons he stated earlier.

Mr. Ritchey asked if there was a seconded to Dr. Kimmons motion. Hearing none he asked to let the record show the motion died for lack of a seconded. Next was number seven; term limits for City Commission; currently they are four year terms the same as for the Mayor.

Mr. Libby stated he was responsible for this item with some input from the public. In order of fairness not only should they look at the limits but the length of the terms. This came to the commission repeatedly so he wasn't sure how length of terms got left out. The suggestion was if there should be a term limit and the pro argument was, it would give more people the opportunity to participate in government. He did not feel the political process in our City was as opened as it could be.

Dr. Kimmons concurred with Mr. Libby saying he felt it would energize the position and eliminate a lot of stagnation as well as allowing open access. He asked the question how long they had to stay out of office, would it be one full year term.

Gary Libby stated a full year term.

Dr. Kimmons stated in that case he concurred with his colleague Mr. Libby.

Mr. Leeks said again he was going to disagree because people in each zone should have the right to vote for an elect; whoever they think will best serve as their Commissioner whether it's two or three terms and if the person isn't doing the job, they can vote for somebody else. He didn't see where term limits would provide any benefit to the City.

Roland Blossom stated he agreed we don't have that kind of problem here because we don't have stagnate Commissions in our City and we don't have people that are refusing to run because of incumbency. He felt limiting by Charter for citizens to have their zone represented is probably a road we don't want to tread down.

Dr. Kimmons commented listening to Mr. Blossom, you can win any zone with 400 to 500 votes because he has personally seen it in the last 10 to 12 years because the City does not have a whole slew of peoples that are interested in running for office. Unfortunately; it's the same thing with the State Representative's position.

Mr. Libby stated we haven't had term limits in the history of our City; so we're calling for a more often Charter review. He didn't see any harm in giving new devices a try to see if they would have the intended and not unintended results. All over the country this technique of no term limits has been used, he would just once see what the opposite would do by giving some else a chance to run. It's hard to find candidates to run over on our beachside for offices which he was sure there were lots of reasons for that and he would be willing to give it a shot for a one or two year four year cycle to see if the City would benefit from it.

Mr. Leeks asked Mr. Libby if you can't get anybody to run for office now, just how would term limits help. You're going to lower or reduce the pool of peoples that could be candidates by one in every term limit.

Mr. Libby stated he liked Mr. Leek's reasoning, but his reasoning was very judgmental in limiting all the other options other than the one saying it won't work that way, but we don't know that because we've never had term limits in the City.

Mr. Leeks stated that was one of the things that concerned him about term limits, we don't know what would happen with them however; we know what happens without term limits. Without having data in front of him telling him what the changes would bring about, he was not one to make changes just for the sake of making changes to see how they would work. In other words don't fix something if it's not broken.

Mr. Ritchey said if there's no further questions or comments, we need to move on from this. He saw two things coming from this and they were the four year terms and the term limits. If we're going to vote we're not going to need a motion to keep the four year term and also to have no term limits.

Blaine Lansberry made the motion to accept the four year terms with no term limits. Kelly Kwiatek seconded the motion.

Mr. Ritchey said asked again if there were any further questions or comments. He stated you are voting to keep things basically the same. Then he called for the vote.

The motion carried 5-to-2, with Mr. Libby and Dr. Kimmons voting "nay".

Mr. Ritchey stated moving on, next is organizational structure of City Government.

Dr. Kimmons stated that was his item and they had already discussed it and voted on our form of government if memory served him the vote was 6 to 1; so we can move on from this item.

Mr. Ritchey stated okay, moving on to number 9, residency requirement for City Manager and Department Heads.

Dr. Kimmons stated he wasn't sure of the action taken, but he recalled all the members chimed in on this item.

Gary Libby stated that he helped the committee with the grandfathering in of a requirement that the City Manager lived in the City with grandfather clause and language to be determined how much time they have if they are a new hire. He raised the question will they have to move into the City immediately or just how much time they will be given upon being hired.

Mr. Ritchey asked Ron McLemore if he would give the commission the benefit of his experience not necessarily with the City Manager but with the Department Heads.

Mr. McLemore stated for Department Heads if you're making it a requirement for them to live within the City limits, you're going to have to give them a fair amount of time. If not it would hurt you in the end because your selection opportunities at that level the ability to live in the surrounding area cities.

Ms. Hartman, City Attorney asked if they had made copies of the Ordinance the City already had in place concerning residential domain, she didn't think it was in the City Code Book.

Mr. McLemore stated there is such an Ordinance he didn't happen to have a copy of it on tonight.

Dr. Kimmons stated most major cities requires one full calendar year to phase it in and that's pretty much standard throughout the country.

Mr. McLemore stated if you are going to do this, give somebody time to make that move because it can be difficult to make such a move in today's economy in a short amount of time.

Mr. Libby said the question was whether or not that should be a Charter revision. Along with that was, also all the volunteer board members should be residents of the City as well, it had gotten left off the list; but it was talked about at a previous meeting.

Mr. Ritchey stated we can add it back in and we will because it was on our list.

Ms. Kwiatek asked how many Department Heads are there in the City of Daytona Beach.

Mr. McLemore stated without having a list in front of him, he would estimate somewhere around nine total.

Ms. Hartman stated when you say Department Heads that would also include the Deputy City Managers. The term Department Heads does not have a lot of relevancy in our current structure which could possibly change because typically Departments can get restructured to some degree of regularity. The City Manager when he is hired through the Commission is handled through the Charter which they typically require in the contract when he is hired; that within six months City Manager would reside within the City limits. That is done in the beginning during contracting rather than at Charter review. Department Heads would have to be treated separately and then you would have to determine who is a Department Head.

Mr. Libby commented this would be something that the commission should bring to the City Commission and ask them if they would like to have the right to negotiate the residency requirements for Charter Officers or if they would feel better having it built into the Charter. People that are interviewing for jobs that is a question they would like to have answered before accepting the job, can they continue to live out of state and just fly into the City during the week for work and fly back to their State of residence.

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Mr. Ritchey asked did you say there was an ordinance.

Mr. McLemore stated yes there is an ordinance.

Mr. Ritchey stated I would like to table this to the next meeting and I would like to see a copy of the ordinance.

Mr. Libby can we take the advisory boards now since it is a residency requirement. The met was that all members of the advisory boards in the City have as a basic requirement legal residency in the City and that wouldn't step on the toes of individual requirements of separate boards.

Mr. Ritchey asked where is it on here.

Mr. Blossom stated I think we need to add it on here Mr. Chairman.

Mr. Kimmons stated it's a simple question that we bring into the commission whether or not they are comfortable with a basic requirement of all volunteer boards be residents of the City. Legal residents of the City which means voting residents of the City.

Mr. Leek asked are we talking about making this a charter.

Mrs. Lansberry asked how many boards currently have non City residents.

Mr. Ritchey stated I remember we used to have one it was Al Smith, he was a business person but he did live in Ormond.

Mrs. Lansberry stated so wouldn't he be excluded

Mr. Ritchey answered yes he would be if he was there today but he's not.

Mr. Blossom stated there would have to be exceptions here, if for instance we have a board that requires a certain discipline whether it be a business man, good educational background or an architect or whatever it maybe and we don't have one in the City that would be willing to serve, I think we would have to have that kind of exception language.

Ms. Hartman stated the Downtown Development Authority (DDA) requirements specifically says that business owners in the DDA area are eligible for the board and that is setup as a special act.

Mr. Libby stated does the City commission have legal authority over the DDA or is that a state...

Ms. Hartman stated yes it is a dependent district, we appoint the members.

Mr. Libby stated probably will have to change it then

Ms. Hartman stated probably to the special act or the legislature, it wouldn't be governed by our charter.

Dr. Kimmons stated a number of boards in the advisory council members, they usually in the City and the county they usually represent in a specific area and this is why I think the requirements for residency is important. I served on a number of boards and I can remember I had to be a resident of the City.

Mr. Libby stated another one of these issues I would like to give it a try if the commission also feels that it doesn't impair or damage the City in any way; I would like to give it a try and see if it does increase participatory quality in the City and this is not a knee jerk reaction; we're the only City in Volusia County. Now that's also not a reason to do it, I just would like to give it a shot and see whether or not we have the intended consequences of all advisory board members where legal and appropriate would have to be a legal residence of the City.

Mr. Ritchey stated Mr. Blossom had a very good point and that some of these boards, being redundant here, require expertise in certain areas and if you can't fill that in the City, we would have to.

Mr. Libby stated there is only one and I went through all of them and that's an architect.

Mr. Ritchey stated I think we would still need to have that language in there.

Mr. Libby stated the caveat for professional services, a member who provides professional only if you can act but it can't be a free pass for anyone it has to be based on their specific requirements. That's an amendment for sure.

Mr. Libby asked in discussion will that disadvantage any business owners who may not live in the City but own businesses.

Mr. Ritchey stated it could under delay to change it, it would disadvantage a potential business owner that was interested in serving on the board and had a commissioner interested in appointing them to that board, but the flipside is that we got members on boards that are residents of the City even though the business people are paying taxes based on their businesses being in the City.

Mr. Libby commented some are and some aren't paying their taxes based on their businesses in this City.

Ms. Hartman stated a few years ago this did come up at the commission and was a matter of great debate at the commission, the residency of people on our volunteer boards and it culminated with the commission going through all of our boards and making significant amendments in the membership requirements and this was just three maybe four years ago and they specifically, like the redevelopment boards that their working and addressing the conditions in some largely commercial areas and the commission came up with a split where at least two members have to have a business there and I think they ended up with every board had to have a majority of City residents on it, so they did go through this process in terms of what the commission might be thinking.

Mr. Ritchey stated remember advisory boards are only recommending boards and that doesn't preclude anyone from lobbying the City commission who will make the ultimate decision, so the question is do we want to have an all local board staff by local residents with the exceptions of some required expertise.

Mr. Libby stated there are two boards where there are judicial boards, board of adjustment can only be trumped by at court, it can't be trumped by the City commission and that would be a board that I would think would benefit from having residents on that board and I think the planning board also has quasi-judicial functions, I think there are three boards that have one judicial board of adjustments and maybe two that are quasi-judicial.

Mr. Ritchey commented but the planning board can be trumped by the commission.

Mr. Leek stated I thought the board of adjustment already, their residency requirements already existed and supported adjustment.

Mr. Libby answered yes.

Ms. Hartman commented I think so in the planning board as well.

Mr. Ritchey stated and the planning board but I don't see that being an issue if we got those two boards covered. So I'm waiting for a motion.

Mr. Libby stated we got a motion and a second.

Mr. Ritchey stated so the question is to except an area of expertise, the only exception would be an area of expertise.

Mr. Leeks stated have we determined whether we are going to disadvantage any business owners from the boards they currently have the ability to serve on.

Mr. Libby stated I hope not because that would be illegal from them to take advantage of their service out of board. That's a good question Tom but maybe it's not a question you want to ask.

Mr. Leek stated what I am saying is, we have a current practice and there are businesses who are on boards and business owners who are not necessarily a resident and if we force it to be all residents or recommend that, are we disadvantaging these people from their interest in large businesses. Who knows better with what's going on, on Main Street then Main Street business owners.

Mr. Libby stated look at Main Street and tell me if that is a successful conclusion for you Mr. Leek.

Mr. Leek stated that is not the point whether it's a successor or not, the point is they have a lot invested and that's just an example but I don't think we should force business owners who currently conserve or do serve on those boards off those boards. That's just my opinion.

Mr. Libby stated it would also be phased in all of these things would take at least a year and they can continue to serve their current terms; but Tom this is a good question because I think again we have not tried greater participation in the business of our City by people who live here. There was a moment when the entire membership of our downtown redevelopment board were people who didn't live in the City of Daytona Beach; but Mayor Ritchey it's an accurate presentation to and the commission has tried, has taken steps to see if they could remedy that; I think if we would have had a charter review group during their period they would have come up with at least what the City Commission came up with and that was to ensure a majority, on most boards it would have to be residents voting in the City.

Mr. Leek asked who appointed those people at that board, the City Commissioners did and if they appointed people who are non-residents who shouldn't be on there then that's a problem with the Commissioner's thought process on making those appointments. My comment is this, I have worked on a lot of different projects to try to help economic development in this area in Volusia County, Daytona Beach, particularly, and if you start restricting the businesses from being involved then that to me is not a positive step towards economic development; encouraging businesses to come to town or encouraging people who live in Ormond to start a business in Daytona. I think that's to me is a negative statement we would be making.

Mr. Libby stated they can start a business, this doesn't keep them from starting a business as a matter of fact if they want to serve on a board it might induce them to move into the City in other words I think there are equal or greater number of reasons to do it then not. I mean again you suggest they could be able to open a business.

Mr. Leek stated, I said we discourage by making a negative statement, we discourage it more by saying they can't participate in the process. I didn't say they couldn't do it or they couldn't do it otherwise, I'm just saying it's one more negative straw on the camel about trying to bring businesses to town.

Dr. Kimmons stated I think we put the exception in it when we said only and that does not include nobody coming in but I think it enhances not only the local citizen participation as my colleague Mr. Libby mentioned but it also raises the commitment level and I want people who invest in their City where you pay taxes and you vote but when you put the word "only" in there if you do have exceptions and you cannot find anyone I think only someone would take care of that.

Mr. Ritchey stated the flip side to all of this to your point Mr. Leek, the City Commissioner puts forward a name to go on a committee and there's six other people there that have the opportunity to vote the person in or out. So it's currently not in the charter and it's done by a vote of the Commission, I'm not sure that flexibility shouldn't be our most rigid policy and things involved in the charter that we don't tighten down to a point that takes flexibility away. I think that we can depend on our commissioners current and future Commissioners to decide whether or not that they want that particular individual on the board or not and just because a person puts a name on the board you got six other people that could have a different opinion or for more.

Mr. Leek stated I agree a hundred percent and to Dr. Kimmons point about wanting people who pay taxes I think you've probably Mr. Chairman seen some of the same studies and surveys I have. The businesses on the beach side pay way more taxes then the private citizens do in total so you do have tax payers there who are business owners who may not be City residents.

Ms. Kwiatek stated I'm with Mr. Leek on this, I don't think there is no reason we should be limiting... I want the best on our boards and I want to give deference to our City commissioners so I'm not really I favor of limiting that and as long as there is a majority rule I believe which currently exist that's makes me comfortable that Daytona Beach has residents on there and represented so I'm comfortable with kind of how the way it is. I'm supportive of keeping it how it is.

Mr. Libby stated I think I forgot or overlooked that provision a couple of years ago that insured a majority. The full residency lost by one vote and the compromise was a majority and that passed unanimously, so I'll withdraw my rejections and concur with my colleagues that we are probably okay leaving it alone. I think that feeling Tom is that often times you look at the membership of advisory boards in our City in the past before this amendment, a huge majority of them didn't live in the City which is why we lost schools; that didn't live in the City which is why we lost our post mark didn't live in the City; which is why a lot of negative things happened that might not have happened if they had either lived in our City where they have their business or participated at a limited level. I think as long as we have a majority of those boards have to be by citizens, I'm comfortable with that.

Mr. Ritchey stated no action required on that because it's not on the charter.

Mr. Blossom stated Mr. Chairman I think to follow the protocol, I would like to withdraw my motion and this is why debate is important and after listening to my colleagues I didn't have any heartburn about it one way or the other and I recognized that young business people do have an interest in this community. The objective was to try to get more people who have their lives committed to Daytona Beach but I think after listening to what Marie is saying has already happened I would be very comfortable with withdrawing that motion.

Mr. Ritchey stated ok we'll tackle one more and then we'll go in.

Mr. Leek stated I would like to talk about the City Attorney and drafted up a couple of things. We discussed the City Attorney directly reporting to the City Commission and not being a part of the administrative group like it states in the charter. I took the City Attorney part out of the administrative area and put it into its own section. The language models similarly to the City Manager's language. I would like everyone to review this and talk about it at the next meeting.

Ms. Hartman stated I also drafted the language that I gave you back in April.

Mr. Ritchey stated the language should be changed regarding the City Attorney approving contracts to state the City Attorney does not approve contracts but recommends approval of the contracts to the Commission that they have reviewed the contracts and they meet everything that is supposed to be in there.

Ms. Hartman stated it currently states the City Attorney shall approve all contracts of the municipality before the same shall become effective. I suggested we could insert - shall approve all contracts of the municipality as to form authority and proper execution before they shall become effective. It will be executed in accordance with legal formalities. The substance of the contract is up to the Commission.

Mr. Blossom stated anybody could have that power. What is intended on being captured here is the City Attorney has reviewed it and they are agreeing on the recommendation to the Commission that it is legally valid.

Ms. Hartman stated when the City Attorney does not recommend a contract and it gets approved anyway, the City Attorney cannot certify the full legality.

Mr. Blossom stated that is what the City Attorney is looked to for; to determine if it is a legal contract or not.

Ms. Hartman stated I do not think the City Attorney can certify that it would be an iron clad contract.

Kelly Kwiatek stated I don't think any lawyer can certify it but can offer advisement on it.

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Mr. Blossom stated the City Attorney is expected to review the law and make a recommendation.

Mr. Libby stated I received a revised draft copy document of the Save Our Neighborhood organization.

Mr. Ritchey stated I reviewed the document and lot of that can be handled by ordinance and does not necessarily need to be in the charter. We did agree however to take that information to the Commission.

Kelly Kwiatek stated I have trouble with her making a guarantee to the City about the legality issue for contracts. I think what Mr. Blossom was saying was that the City Attorney reviews it and then it can go to the Commission.

Ms. Hartman stated I look at this provision as an after a Commission approval directive before it goes out to the other side to become enforced.

Mr. Libby asked if we have had any challenges, problems or lawsuits stemming from this procedure.

Mr. Ritchey stated I have not run into it during my term.

Ms. Hartman stated it was raised here because it currently states the City Attorney shall approve all contracts of the municipality before the same shall become effective. We approve them for form, authority and proper execution because if those things are not done correctly it will not be valid and cannot be enforced.

Mr. Libby asked do you have language for us.

Ms. Hartman stated yes; the City Attorney shall approve them for form, authority and proper execution before the same shall become effective.

Mr. Libby made a motion here. Dr. Kimmons seconded it. Mr. Blossom abstained on the vote.

Mr. Ritchey asked can he abstain.

Mr. Blossom stated I believe some kind of language needs to be in there and I have a problem with it not being in it.

Mr. Libby asked if we can allow Mr. Blossom to bring some different language into this for the next meeting.

Mr. Leek stated I think the question is are you able to abstain from a vote.

Ms. Hartman stated normally you cannot.

Mr. Blossom changed his abstention.

3. Citizen comments.

Chairman Ritchey stated we got through a bunch of them and we'll get to some more next week, speakers.

John Nicholson, 413 N. Grandview Avenue, Daytona Beach stated he liked fair share and an allocation of funds. We had a blow up about a month ago where one of our commissioners says there is money being spent in Midtown and someone else said money has never been spent there. The perception is no money has ever been spent there and there has been hundreds of millions of dollars spent there on Hope Six, roads and the college builds all kinds of stuff there. We have to know the facts before we can make our decision. The average population is supposed to be 11,000 in each zone, one zone had 6,000 and the neighboring zone had 14,000. At the time we were allowed to go to the City Attorney and talk about it and we're not allowed to do that anymore. Currently the population has shifted, Zones 5 and 6 were almost 10 percent above the other zones and now they're at 15 percent above the other zones and we'll go to 20 percent before the next census. We would like to see in the Charter if the population changes to more than 10 percent that we must rezone. Residency requirements we went through that and we did do a majority.

Marjorie Johnson, 122 S. Keech Street, Daytona Beach stated she has come before the commission on numerous occasions urging them to pave Martin Luther King Drive. A lot of money that was spent Midtown was Federal Money and we do need accountability so we can see exactly where this money is coming. We do need the accountability and she would like to see something in place in the Charter regarding that. She would like to see term limits on the boards. Some people who have applied have served on any of those boards and she doesn't think that is fair. She stated she is upset her minutes have been taken away.

Dr. Kimmons stated that Mrs. Johnson point was very interesting, pertaining to the boards. Historically it has been extremely difficult to get citizens to serve on volunteer boards and advisory councils, especially African-Americans. As an African-American trying to encourage African-Americans to volunteer their time and expertise, it's been extremely difficult. He doesn't know what they can do about that. He would like to see more people volunteer their services.

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4. Closing remarks

No comments.

5. ADJOURNMENT

There being no further discussion or comments the meeting was adjourned at 7:45 p.m.

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GLENN S. RITCHEY  
Chairman

ATTEST:

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JENNIFER L. THOMAS  
City Clerk

Adopted: <

**RECORD REQUIRED TO APPEAL:** In accordance with Florida Statute 286.0105 if you should decide to appeal any decision the City Commission makes about any matter at this meeting, you will need a record of the proceedings. You are responsible for providing this record. You may hire a court reporter to make a verbatim transcript, or you may buy a tape of the meeting for \$2.00 at the City Clerk's office. Copies of tapes are only made upon request. The City is not responsible for any mechanical failure of the recording equipment.