

Summary of Substantive and Technical Issues in Proposed Charter Revision

(6/21/2012)

Substantive issues:

1. Should elections remain in March or as soon as practicable thereafter? Should elections be held in connection with state and federal elections in November?
2. Should the council have authority to adopt ordinances which describe how a candidate may "otherwise qualify"?
3. Should the number of votes required for election remain a majority or change to a plurality of votes cast?
4. If there is a tie in an election, how should the run-off election be handled or should it be decided by lot as allowed by state law?
5. Should the city manager be required to be a resident within one year of appointment?
6. Should the Charter be revised to preclude the ability of voters to have an initiative and referendum on the budget, a capital program, any ordinance or resolution relating to appropriation of money, levy of taxes, or salaries of city officers, employees, or agents, professional or otherwise?
7. Should the council lose its existing power to remove any city administrative officers or employees whom the manager or a subordinate has power to appoint?
8. Should the existing provisions specifying powers of the council regarding franchises be eliminated, including limitations on the length of time such franchises may last?
9. Should the requirement for periodic review of the Charter be eliminated? If not, how often should such reviews be conducted?
10. Should the issue of term limits be addressed in the Charter revisions?

Technical Issues

1. The section providing an oath of office should not be deleted.
2. In the event of a vacancy on the council which leaves an even split of votes between remaining members, how can the council function until the next general election if no agreement can be reached on a candidate acceptable to both factions?
3. Authority was deleted for council to make appointments of city engineer and city auditor although council's power to appoint the city attorney is provided under 5-2(a) and authority to employ and retain engineers, auditors, and attorneys and other professional advisors and consultants is

provided under 4-9. The requirement that such appointments be based upon merit and fitness alone has been eliminated.

4. Language allowing an ordinance to change the method of qualification for candidates should be reviewed to assure compliance with state law.
5. Should language be added to allow less than a majority of the council to vote to establish the date of an adjournment?
6. Revise language in proposed 4-3 to clarify current language stating “for a term of one (1) year or until his/her successor shall be appointed and qualified.” Consider adding “whichever is earlier”.

Clarifications/Explanations Needed

1. Why delete the powers of council to set its own rules and to punish its own members and compel attendance?
2. Why delete existing language in the current charter as reflected in proposed 4-1 that states “unless prohibited by or contrary to the provisions of this [Charter]”?
3. Why do procedures regarding vacancies no longer deal with disability of a council member?
4. Why delete the requirement that council’s appointments of attorney, engineer and auditor be based on merit and fitness alone?
5. Why was language added in proposed 6-1 stating “Notwithstanding the provisions set forth at Sections 4-2 and 4-4 of this Charter”?
6. Why was the requirement for a merit system and a personnel system deleted?
7. Why was the ability of council to confirm appointment of department heads eliminated?
8. Despite the deletion of specific language giving the council power (a) to create and abolish city offices and prescribe the powers and duties of such offices, and (b) to request financial reports other than the annual audit, does the council retain these powers under the Florida Home Rule Act?
9. Why are the provisions requiring certain city employees to be bonded being eliminated?
10. Why are the existing provisions dealing with procedures for adopting ordinances and resolutions being deleted?
11. Why are the provisions requiring appointment of and setting the duties of a city clerk and city treasurer being eliminated?
12. Why delete an annual performance review for the city manager?

13. Why delete the provisions currently set forth in Section 18-1 regarding required record keeping?
While state law establishes procedures for record retention, existing provisions in the Charter do not seem to conflict with or be superseded by state law.