

**CITY OF MOUNT DORA, FLORIDA
CHARTER REVIEW COMMITTEE MINUTES
APRIL 25, 2024, 3:00 P.M.**

**Mount Dora City Hall
510 North Baker Street
Mount Dora, FL 32757**

CALL TO ORDER

Having been duly advertised as required by law, at 3:00 p.m. Vice-chair Coombes called to order the April 25, 2024 Charter Review Committee meeting in the City Hall Council Chamber.

ROLL CALL WITH DETERMINATION OF QUORUM

Members Present

Adrian Coombes, Vice-chair, District 3
Gregg Joshua Hemingway, District 1
Francis “Frank” Kirwin, District 4
Thomas Hudson, At-large

Also Present

Vince Sandersfeld, Acting City Manager
Patrick Brackins, City Attorney
Jeanann Hand, City Clerk

Members Not Present

Lynn Tipton, District 2
Ozell Ward, District 5
Keashawn “Kay” Volmar, Mayoral Appointee

APPROVAL OF MINUTES

A. April 18, 2024 Charter Review Committee Minutes

MOTION BY MR. HEMINGWAY TO APPROVE THE MINUTES FROM THE APRIL 18, 2024 CHARTER REVIEW COMMITTEE MEETING; MR. HUDSON SECONDED THE MOTION. MOTION PASSED WITH A UNANIMOUS VOICE VOTE.

PUBLIC PARTICIPATION

Vice-chair Coombes opened public comment. No one spoke. Vice-chair Coombes closed public comment.

NEW BUSINESS

Vice-chair Coombes reminded the Committee that they had decided to complete their review of Articles I and II at a later meeting. He announced Ken Parker’s visit to speak to the Committee on May 9th.

Mr. Coombes reviewed the preamble assignment. Mr. Brackins told Committee members he would provide preamble examples to them.

Committee members acknowledged receipt of an email from a resident who communicated his thoughts on the Committee’s task. The email is attached to the minutes as Exhibit A.

A. Charter Review: Article III-Elections and Vacancies

Committee members acknowledged the need for a revision to the current Charter’s **Section 11. General and special elections**, which states “a general election shall be held each year.” Committee members discussed options for filling a seat if a position is vacated.

Vice-chair Coombes mentioned the current **Section 12. Terms** leaves open the possibility for an individual to serve 24 years, since the stated 8-year term limit applies only to a particular seat. Mr. Coombes also suggested removing the language that was written specifically to guide the City through its transition in term lengths, since the language had served its purpose and was no longer

necessary.

Committee members reviewed **Section 17. Vacancies** and discussed options for filling vacated seats. Members considered filling a vacated seat by Council appointment of the candidate who placed second in the election, or by Council receiving applications from those who wish to serve and appointing from the applicant pool. Committee members wished to save the City from the expense of a special election. Committee members discussed the value of staggered terms. Mr. Brackins informed Committee members about various ways this challenge had been addressed in other municipalities.

Committee members favored the process of appointing from the pool of submitted applications. After choosing an applicant, Councilmembers would make a nomination and vote on the appointment of the desired applicant. The chosen applicant would take seat until next general municipal election. Their re-election would follow the City's regular election schedule.

Mr. Brackins would provide for the Committee's review draft language of Sections 12 and 17 according to the Committee's discussion.

Mr. Kirwin suggested the sections about absences should be modified to allow for attendance and/or participation by electronic communication technology such as Zoom. The Committee and Mr. Brackins discussed allowances and limitations for electronic communication technology.

Committee members suggested the term limit language in the last paragraph of Section 12 should not include "...in the same position," and that the word "not" should be stricken from the last sentence so that a partial term that occurs as the result of a vacancy would contribute to the measurement of the overall term limit.

The Committee reviewed and discussed **Section 16. Removal**. Mr. Hemingway expressed concern over the lack of recourse available should an official's behavior be found unacceptable for their office.

Mr. Brackins would provide the Committee a broad non-interference clause that the Committee could customize to what they believe is best for the City's Charter.

B. Charter Review: Article IV-Mayor

Mr. Kirwin distributed a draft of his suggestions for this section, which included the powers already listed in the Charter as a. through h., with the addition of prohibitions listed in his draft. Mr. Kirwin's draft is attached to the minutes as Exhibit B. The Committee discussed reasons certain duties are performed by the Mayor. The Committee discussed purchasing limits and signing authority. Florida Statute requires the head of the city government sign plats. Checks and balances were discussed. The Committee was in favor of prohibitions applying to councilmembers as well as the mayor. They discussed reasons why certain items are or are not included in the Charter.

Non-interference language would be included in Article II.

The Committee discussed what would be appropriate to include in their recommendations to Council. They also discussed appropriate communications with the City Attorney.

C. City Attorney and Staff Reports

Mr. Brackins would provide to the Committee drafts of preambles, a draft for Article II, Section 9, possible solutions for language regarding voting in absentia, and information on staggered elections.

The Committee briefly reviewed statistics from the 2022 District 3 election.

Mr. Sandersfeld would provide maps of the Mount Dora districts with population counts from the last Census.

The Committee was provided with printed copies of preamble drafts submitted by Mr. Kirwin

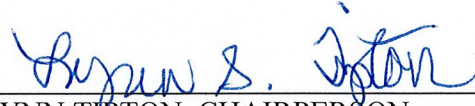
and Mr. Coombes, which are attached to the minutes as Exhibit C and Exhibit D.

ANNOUNCEMENT OF NEXT SCHEDULED MEETING DATE

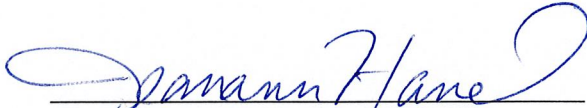
A. May 2, 2024, 3:00 p.m.

ADJOURNMENT

There being no further business for discussion, Vice-chair Coombes adjourned the meeting at approximately 4:48 p.m.



LYNN TIPTON, CHAIRPERSON
2024 Charter Review Committee



JEANANN HAND, CITY CLERK
City of Mount Dora

EXHIBIT A

Hand, Jeanann

From: Mark Slaby <markslaby@gmail.com>
Sent: Thursday, April 25, 2024 8:38 AM
To: Kvolmar97@gmail.com; GJ Hemingway; tipster5fla@gmail.com;
adriancoombesmdpz@gmail.com; Fkirwin1@gmail.com; ozchrtrev24@gmail.com;
thudson009@comcast.net
Cc: Hand, Jeanann
Subject: Charter Review Work - Thoughts

**** This message originated outside of the City of Mount Dora network. Please think before you click. ****

Team,

Thanks for taking time to work on this important task.

Over the years, I've noted a few things and wanted to share them with you for your consideration as you review. Most of these items have come out from conversations with people who have asked me about x, y or z... I found some other cities, notably, Winter Park to find examples. I did not go too deep into the reasoning — feel free to individually contact me (sunshine) if you care to talk more on this or any other issue.

I'm being as brief as I can here to not belabor a point.

Best,
Mark Slaby
Citizen of Mount Dora
352 973 1604 Phone/text

Item 1.

Article III - Section 17. Filling Vacancies... This might need your review since terms are for four years now. Would it be ok that if, say, a seat opens up early in the term that the seat is filled as provided and the special election is on the next 2 year cycle... so that the city would not incur costs of a special election. Just look it over to see if there is a way to avoid special elections.

Item 2.

Term limits/terms- 8 years is what we have now... but with At large, Districts and Mayor — without moving one could serve 24 years — might want to change it to be more absolute. The citizens wanted term limits — and this does not match

Also — small item — but the phase in of the 4 year terms is done and the paragraph in the Charter for that could be removed or cleaned up... in 2075, for example, we don't need to know how the phase in worked in 2021-2023...

EXHIBIT A

Example

Sec. 2.04. - Term of office.



- (a) *Term.* The term of office of any person or persons elected commissioner or mayor at any general election held in the city shall be three (3) years and shall commence and begin on the date of the first city commission meeting following certificate of the election results.
- (b) *Term limits.* Consecutive terms of any Member of the City Commission and the mayor shall be limited to four (4) consecutive full terms in office, either as Mayor or Commissioner or any combination thereof. The time served by a person appointed, or elected to fill a vacancy on the City Commission shall not constitute a full term of office. The time served by a City Commissioner or Mayor who resigns or otherwise vacates office shall constitute a full term in office regardless of the time served.

Item 3.

Use of resources by Council Members acting individually — not as Council Members. City Attorney and City Manager work for the Council, not any of the people individually. I remember a conversation with James Homich many years ago (so I may be wrong on the details) but there was a case somewhere with a School Board where the individual members, meeting with the Superintendent, were basically getting a count of votes on things without the sunshine — the point for me is more a waste of City Manager time — SEVEN council members with meeting time with the City Manager going over things that could be taking care of once at a public meeting. — Not sure how to solve that in the Charter but just know that the citizens of the city are getting less manager time for doing the job with the SEVEN members getting more than needed.

Similar for the Attorney — Mr. Crail is sending out \$ on attorney fees — some council members are burning up attorney time — the attorney is for the Council — not individuals. Not sure how to handle that. The City Attorney currently might be able to offer ideas on how the Charter might be a good spot for a fix.

Example:

ARTICLE VII. - PROHIBITIONS



[Section 7.01. - Established.]



- (a) *Appointment and removals.* Neither the mayor nor the council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the city administrator or any of the subordinates are empowered to appoint, but the council or mayor may express their views and full and freely discuss with the city administrator, anything pertaining to appointment and removal of such officers and employees.
- (b) *Interference with administration.* Except for the purpose of inquiries and investigations, the mayor[,] the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city administrator solely through the administrator, and neither the mayor, the council, nor its members shall give orders to any such officer or employee, either publicly or privately. Nothing in the foregoing is to be construed to prohibit individual members of the council or the mayor from closely scrutinizing by questions and personal observation, all aspects of city government operations so as to obtain independent information to assist the members in the formulation of sound policies to be considered by the council. It is the express intent of this Charter, however, that recommendations for improvement in city government operations by individual councilmembers or the mayor be made to and through the city administrator so that the administrator may coordinate efforts of all city departments to achieve the greatest possible savings through the most efficient and sound means available.

Item 4

I cringe when staff recommends the auditor and the rubber stamp of Council approves the recommendation. Not that the staff are crooks, but a Charter should be the place to safeguard citizens... and what better way for dastardly things to occur as when the Council — often not accounting/financial people — have to hire an

EXHIBIT A

auditor... Listen to the recordings of the last appointment or two of auditors “I trust staff to pick the auditor to audit themselves” was the theme...

Sec. 2.17. - Annual financial audit.

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In accordance with the general laws of the state, there shall be an annual financial audit to be completed, within six (6) months after the end of the fiscal year, by an independent certified public accountant. The city commission shall institute a competitive selection process and to this end shall establish an auditor selection board consisting of five (5) members. One (1) member of this board shall be a city commissioner appointed by the commission. The remaining four (4) members shall be residents of the city who have the qualifications of electors therein and are not city employees. This board shall be charged with the responsibility to solicit proposals and to screen and evaluate the proposals received. The auditor selection board shall submit its recommendations to the city commission which shall then select an auditor and award a contract for a term not to exceed three (3) years.

Item 5

The last few election cycles have seen direct contributions to candidates from political organizations — if you want nonpartisan elections, seems more teeth is needed.

Sec. 3.01. - Nonpartisan elections.

% ☒ ☑ ☐ ☑ ☑

- (a) All qualifications and elections for the office of city commissioner or mayor shall be conducted on a nonpartisan basis without regard for or designation of political party affiliation. Upon qualifying for office through the election, a candidate for the office of city commissioner or mayor shall not:
 - (1) Campaign and/or publicly represent or advertise herself or himself as a member of any political party; or
 - (2) Accept campaign contributions from any political party.
- (b) A candidate for commissioner or mayor who violates a provision of this section shall be liable for a civil fine of up to \$1,000.00 per violation. The city commission shall adopt an ordinance describing the procedure to determine violations, provide due process, and set fines.

Item 6.

Compensation of Council. Language that says something like this would be good. — “Compensation is X monetary only. No other benefits to Council members...” The attorney should be able to assist with some tighter language.

The ability of council to get “more” than just the direct monetary Compensation is not good for oversight. In the past, Council members were able to use the clinic and pay a fee. Where does objectivity go when you participate in something that you review (budgetary)? Will you vote to end the clinic if it is shown to not be a good fit for the city? I see an appearance issue. Independent oversight, not participatory oversight.

Remember — The Charter protects the citizens in cases where someone might act in selfish best interest.

It is the clinic now.. in the future...(made up examples)... Get the city rate for gas at the motor pool, get to participate in the ‘free massages for employees’, “Free 3 hours of legal advise for all employees”.

I’m not making a character comment on those that have used the clinic — they see no problem in it as they are thinking that if there was a vote — they would be angelic and impact themselves and family negatively to close the clinic if that was the best path at the time. I’m just saying that there might be a Council person someday that is just after the ‘Gimme stuff’ ... and staff might also be inclined to dream up more “Gimme stuff” if they know that they can get the Council members hooked into it too which would preserve that item.

Item 7.

Council Make Up

EXHIBIT A

4 districts, 2 at large and 1 mayor seemed better to me... (I'd think that a 5 person council would be politicians might lose their mind)... I don't expect you to come up with that as a recommendation but most cities have smaller councils. The representation is not much different.. 20,000 people represented by 5 or 7 members is not materially different. When we get to 30,000, should we have 9 members? No.... Not expecting this to go through — just pointing it out.

EXHIBIT B

ARTICLE IV: Mayor

Section 18: Powers, Duties and Prohibitions

The mayor shall have the following powers and duties:

(a)through (h)

Prohibitions

(a) The elected or appointed mayor shall hold no other office during the term of duty.

(b) The elected or appointed mayor shall not in any manner dictate the appointment or removal of any city administrative officers or employees whom the manager is empowered to appoint.

(c) The elected or appointed mayor shall not deal in any manner with the city officers and employees who are subject to the direct or by authorized supervision of the manager. The mayor may not give orders to such officers or employees, either publicly or privately.

This should also be reworded and added the Article II Section 9 directing Council.

Some line of punishment might also be considered. Often there is no power to a restriction if there is no penalty attached.

EXHIBIT C

We the people of the City of Mount Dora, Florida, under the constitution and laws of the State of Florida do hereby adopt this charter to secure the benefits of local self-government and provide for honest and accountable council-manager government. By this action we aim to encourage and protect our unique environment, cultural and architectural history, social diversity with justice and equality for all community members. We intend this charter to provide a government that responds to the will and values of the people, promotes social equity, improves efficiency, authority and provides responsibility and cooperation.

EXHIBIT D

Hand, Jeanann

From: adriancoombesmdpz@gmail.com
Sent: Wednesday, April 24, 2024 12:51 PM
To: Hand, Jeanann
Cc: 'Patrick Brackins'
Subject: Draft City of Mount Dora Charter preamble

**** This message originated outside of the City of Mount Dora network. Please think before you click. ****

Jeanann, (Patrick FYI)

Following on from last week's Charter Review Committee meeting, here is a draft effort at a Charter preamble for Mount Dora for consideration by members at one of our upcoming Charter Review meetings.

Suggested Mount Dora Chart preamble

Since the first charter was awarded to the City of Mount Dora, Florida in 1910, residents and visitors alike have highly valued the historical ambience of our town, which is further enhanced by its unique geographical location on the shores of Lake Dora. In the minds of our citizens, Mount Dora is "**Someplace Special**". The vision and legacy of our founding families continues to serve as a beacon for how we want our City to continue to be seen in the future. With a strong National reputation as a City that values the arts, Mount Dora is regularly cited as one the best small towns/cities to visit in the USA. Our Charter serves to guide both our citizens and elected officials to ensure that our history, arts, culture and ambience, combined with a welcoming attitude to all visitors, is enshrined in a way that preserves and strengthens all that is best about our City for the future.

Regards
Adrian Coombes