

**CITY OF MOUNT DORA, FLORIDA
CHARTER REVIEW COMMITTEE
MINUTES MAY 23, 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. Chairperson Tipton called to order the May 23, 2024 Charter Review Committee meeting in the City Hall Council Chamber.

ROLL CALL WITH DETERMINATION OF QUORUM

Members Present

Lynn Tipton, Chairperson, District 2
Adrian Coombes, Vice-chair, District 3
Frances "Frank" Kirwin, District 4
Ozell Ward, District 5
Keashawn "Kay" Volmar, At-large
Thomas Hudson, At-large

Also Present

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

Members Not Present

Gregg Joshua Hemingway, District 1

APPROVAL OF MINUTES

A. May 9, 2024 Charter Review Committee Minutes

MOTION BY VICE-CHAIR COOMBES TO APPROVE THE MINUTES FROM THE MAY 9, 2024 CHARTER REVIEW COMMITTEE MEETING; MR. KIRWIN SECONDED THE MOTION. MOTION PASSED WITH A UNANIMOUS VOICE VOTE.

PUBLIC PARTICIPATION

Chairperson Tipton opened public comment. No one spoke. Chairperson Tipton closed public comment.

NEW BUSINESS

Chairperson Tipton briefly described the concept of the cover memo that would be submitted to City Council with the Charter Review Committee's report.

The Committee reached a consensus that gender neutral language would be recommended to Council, using the pronouns "they/them."

A. Preamble

The Committee reached a consensus that they would provide a Preamble to Council. Committee members reviewed the Preamble examples that had been distributed for their review, and the draft Preambles submitted by Committee members. They narrowed their focus to the draft Preambles submitted by Committee members.

They discussed the value of a Preamble, noting that it is an appropriate place to include content that may not belong in other sections of a charter. They discussed Preamble length and considered the phrases and concepts they felt were of value to the Preamble. They favored the word "stewardship."

The Committee's discussion resulted in the following Preamble draft:

“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. Mount Dora is ”Someplace Special.” We seek to ensure that our history, arts, culture, quality of life and commitment to social equity endure. Our charter aspires to enshrine these values to preserve and strengthen all that is best about our City.”

B. ARTICLE I. ESTABLISHMENT OF ENTITY

Chairperson Tipton confirmed the Committee had no recommendations for Section 1. Corporate Boundaries or Section 2. Powers.

The Committee considered whether Section 3. Government should be altered, and finally agreed there were no recommendations for that section.

C. ARTICLE II. LEGISLATURE

The Committee agreed to recommend a change in Article II, Section 4. City Council in consideration of allowances for attendance through electronic communication technology. The City Attorney presented draft language striking the final sentence in Section 4, “Members of city Council may not vote in absentia,” and replacing that sentence with, “So long as a physical quorum of the city council is present, a member of the city council may attend, participate and vote by available audio/video teleconferencing, but only if that member's physical absence arises from an exceptional or extraordinary circumstance which shall be determined in the good judgment of the quorum of city council members physically present.”

The Committee had no changes to recommend for Section 5. Qualifications.

The Committee had previously considered changes to Section 6. Compositions; districts, relevant to discussion of a Council of five members rather than seven. The Committee was advised that a change to this section would not take effect until after the next two election cycles. Committee members discussed changes that could be made regarding the role of mayor, expressing concern over the perception of mayoral powers. Some members favored a mayor elected among the Council. It was suggested that education might clarify the understanding of the mayor role.

The Committee discussed the pros and cons of at-large representation rather than district representation. They considered the potential for varying levels of accountability and district advocacy with at-large representatives rather than district-specific representation. They acknowledged certain things are not controllable by legislation.

It was suggested that the role of mayor may be clarified in the Duties and Prohibitions clause under ARTICLE IV. MAYOR.

The Committee expressed consensus that there are no recommended changes for Section 6 at this time, although the Committee, in their report to Council, may mention areas they believe should be examined more thoroughly regarding the composition of districts and the role of mayor.

The Committee had no recommendations for Section 7. Vice-mayor or Section 8. Meetings.

Chairperson Tipton told the Committee that the addition of Prohibitions under Section 9 will require renumbering. The title “Duties” would be (a) under Section 9 with “Prohibitions” following as (b).

The Committee discussed penalties for violations of the Charter. Public reprimand, censure, or monetary fines were mentioned. The process for removal from office is governed by State law. The Committee discussed self-policing under Home Rule. They reviewed the section of Daytona Beach’s code of ordinances, which addresses the matter in a manner similar to that which the Committee is discussing, and they considered the difficulties of enforcement. The appropriate role of the City Attorney was discussed.

The Committee agreed that (b) Prohibitions would be included in their report recommendations to City Council.

The Committee agreed they wish to recommend replacing the current Charter Review clause under ARTICLE II. Section 9. Duties with the following: “The City Council shall cause this charter to be reviewed from 2024 no less than every five years thereafter, by ad hoc committee and the city attorney.”

The Committee considered deviating from the Roman numeral number system, but decided against it.

D. ARTICLE III. ELECTIONS AND VACANCIES

The Committee agreed on a change to the first sentence of **Section 11. General and special elections** so that it reads **“A general election shall be held biennially on the first Tuesday after the first Monday in November.”**

Section 12 would be revised with the following subheadings:

(a) Terms. The term of each city council office, including the office of the mayor, shall be four (4) years. However, all office holders shall continue in office until the office holder's successor is appointed or sworn to office, unless the office holder's office is declared vacant pursuant to this Charter. All elected councilmembers, including the mayor, shall assume office and be sworn at the first regularly scheduled meeting following certification of the election results.

(b) Staggered terms. All members of the city council, including the mayor, shall each serve staggered terms. In 2024 and every four years thereafter, the mayor, the representative of district 1, the representative of district 4 and the representative of district 5 shall be elected. In 2022 and every four years thereafter, the representative of district 2, the representative of district 3 and the at-large representative shall be elected.

(c) Term limits. The mayor, any district representative and the at-large representative may only serve twelve (12) consecutive years. The time served by a person appointed or elected to fill the remainder of a vacant position shall be included in the twelve-year limitation.

Committee members discussed the benefits and drawbacks of term limit lengths.

Section 17. Vacancies

The Committee considered Section 17. Vacancies. Chairperson Tipton brought up various reasons this section is important. Abundant absences make for a less effective Councilmember. The Committee considered the expense of special elections.

Chairperson Tipton confirmed the Committee by consensus agreed with the recommendation of (a) and (b) below for Section 17. Vacancies:

(a) Vacancies. The office of any councilmember shall become vacant upon the member's death, resignation, removal from office in any manner authorized by law, or by forfeiture of office.

(b) Forfeiture of office. A councilmember's forfeiture of office shall be declared by resolution of the remaining councilmembers under the following circumstances:

(1) By absence. A councilmember shall forfeit their office if the councilmember is absent from four (4) consecutive regularly scheduled council meetings without good cause as determined by the city council. The council may, in its discretion, declare a member's forfeiture if the councilmember misses four (4) non-consecutive meetings within a calendar year.

(2) By disqualification. Any councilmember who is a district representative shall forfeit their office upon establishing a permanent residence outside the district they represent.

The Committee considered the appropriate number of days of vacancy in relation to the timing of an election to fill the vacant seat.

The Committee agreed upon the following text for (c).

(c) Filling vacancies. A vacancy in the council other than the mayor's seat shall be filled by appointment of a qualified person by a majority vote of the remaining members of city council to serve until the next biennial general election, at which time the vacant position shall be filled by a vote of the electors for the remainder of the original term, if any. If the city council fails to appoint a successor to serve to the date of the next general election within sixty (60) days following the occurrence of the vacancy, the election authority shall call a special election to fill the vacancy as soon as practical.

The Committee discussed what must be accomplished within their final meetings. The final opportunity for discussing changes will be June 7th.

The Committee discussed a recommendation for ARTICLE IV. MAYOR that emphasized the ceremonial role of the mayor.

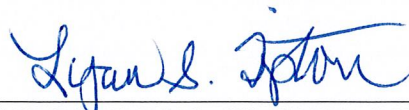
ANNOUNCEMENT OF NEXT SCHEDULED MEETING DATES

The Committee set the following meeting dates and times: Thursday, May 30th from 2 pm until 6 pm; Monday, June 3rd from 1 pm until 3 pm; and Thursday, June 6th from 3 pm until 5 pm.

ADJOURNMENT

MOTION BY MR. KIRWIN TO ADJOURN; MR. WARD SECONDED THE MOTION. MOTION PASSED WITH A UNANIMOUS VOICE VOTE.

There being no further business for discussion, the meeting adjourned at approximately 5:25 p.m.



LYNN TIPTON, CHAIRPERSON
2024 Charter Review Committee



JEANANN HAND, CITY CLERK
City of Mount Dora