

**CITY OF MOUNT DORA, FLORIDA
CHARTER REVIEW COMMITTEE
MINUTES JUNE 3, 2024, 1:00 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 1:00 p.m. Chairperson Tipton called to order the June 3, 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
Gregg Joshua Hemingway, District 1
Frances “Frank” Kirwin, District 4
Ozell Ward, District 5
Keashawn “Kay” Volmar, At-large (arrived at 1:15 p.m.)
Thomas Hudson, At-large

Also Present

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

APPROVAL OF MINUTES

A. May 30, 2024 Charter Review Committee Minutes

MOTION BY VICE-CHAIR COOMBES TO APPROVE THE MINUTES FROM THE MAY 30, 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

A. Review Proposed Language Changes Section by Section

Mr. Brackins reported to the committee that no gender-related pronouns are present in the current version of the charter.

A draft report was distributed to committee members. Mr. Brackins provided information about the format and content of the report. The draft report is attached to the minutes as Exhibit A.

Mr. Brackins delivered information related to the draft being presented to the committee. He pointed out formatting information. Key language for the committee to review today are the ballot titles and summaries. Titles must be 15 words or less, and summaries must be 75 words or less. He explained it is not the committee’s task to create the fiscal impact statement for each item. Spanish translations will not be done until Council decides what they will be adopting.

All approved minutes will be exhibits to the report, as will two presentations that were shown at committee meetings.

The committee reviewed the setup of the matrix that will be provided with the report and offered feedback regarding its final format. They discussed the use of legal size paper. It was decided the most important characteristic for the matrix is that it would be easy to read.

The committee agreed upon leaving the “No Changes” section out of the matrix and to have the change matrix included as one of the exhibits to the report.

The suggested workshop on the role of the mayor will be included in the committee’s cover letter recommendations outside of the proposed changes to the charter document. **The committee agreed to suggest a town hall meeting with public participation on this topic.**

The committee considered the cover letter. It includes the committee’s recommendations for the city manager evaluation matrix, and more in-depth orientation and training for elected officials.

The committee discussed the availability of city manager evaluation criteria as an easily-accessible public record. Mr. Sandersfeld described the current evaluation methods, tools, and timelines. Staff evaluations are conducted according to policies and job descriptions.

The committee agreed that committee members’ names would be listed beneath Chairperson Tipton’s name on the cover letter.

1. Preamble

The committee considered the Preamble. A period would be added after “SOMEPLACE SPECIAL.”

Committee members were informed about the verb forms used in the titles.

2. Section 4 City Council

The committee acknowledged a typographical error that would be corrected in the Introduction, changing “case” to “cast.”

The content of this section was explained more clearly to committee members who were not present for the earlier discussion of this section.

The committee discussed necessity for a physical quorum in order for a virtual attendee to vote, and the requirement for the body to vote that the physical absence and virtual attendance is an exceptional or extraordinary circumstance.

3. Section 9(a) Charter Review

The committee saw no need to change the draft for Section 9(a).

4. Section 9(b) Non-Interference

The committee discussed grievance investigations and the appropriate roles for attorneys, the human resources staff, and insurance involvement. The committee saw no need to change the draft for Section 9(b).

Chairperson Tipton would provide at the June 6th meeting a paragraph for the cover letter similar to the following: “As part of the discussion of non-interference and the role of the manager over employees, the committee did discuss a possible review of the city’s

grievance procedures and recommends that an additional review take place that would include the consideration of employee committees.”

The committee saw no need to change the draft for Section 9(b).

5. Section 12-Renumbering and Increasing Term Limits

The committee saw no need to change the draft for Section 12.

6. Section 17-Vacancies

The committee agreed to add the word “Council” to the title before the word “Vacancies.”

The committee agreed to add the word “council” to the introduction before the word “vacancies.”

The committee agreed to add the word “COUNCIL” to the ballot title before the word “VACANCIES.”

The committee agreed to add the word “council” before the word “vacancies” in the description.

The last sentence in Section 17(c) will be changed to say, “If a vacancy in the office of the mayor occurs, the vice-mayor shall assume the office of the mayor for the remainder of the mayor’s original term, and the council office held by the vice-mayor shall be filled in the manner provided in section 7 of this charter.”

7. Section 20 and 21-Appointment/Removal-Supermajority

The title of this page of the report will be amended to add the words “of City Manager” after the word “Removal,” and a superfluous period would be removed.

The committee saw no need to change the draft for Sections 20 and 21.

ANNOUNCEMENT OF NEXT SCHEDULED MEETING DATES

The committee’s final meeting will be held Thursday, June 6th from 3 pm until 5 pm.

MOTION BY MR. WARD TO EXCUSE VICE-CHAIR COOMBES’S ABSENCE AND PARTICIPATION DIGITALLY FOR THE MEETING ON JUNE THE 6TH, IF NECESSARY; MR. HEMINGWAY SECONDED THE MOTION. MOTION PASSED WITH A UNANIMOUS VOICE VOTE.

Staff provided information regarding parking for Thursday’s meeting, which will occur while construction is taking place outside City Hall.

PUBLIC PARTICIPATION

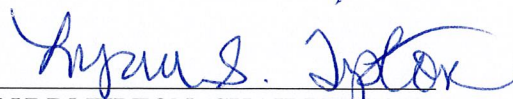
Chairperson Tipton opened public comment. No one spoke. Chairperson Tipton closed public comment.

Chairperson Tipton offered the committee members a final opportunity to propose changes. No further changes were proposed.

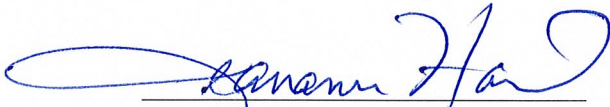
ADJOURNMENT

***MOTION BY MS. VOLMAR 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 2:35 p.m.



LYNN TIPTON, CHAIRPERSON
2024 Charter Review Committee



JEANANN HAND, CITY CLERK
City of Mount Dora

CHAIR LYNN TIPTON
VICE CHAIR ADRIAN COOMBES
KEASHAWN "KAY" VOLMAR
GREGG JOSHUA HEMINGWAY
FRANCIS "FRANK" KIRWIN
OZELL WARD
THOMAS HUDSON



**CITY OF
MOUNT
DORA**

CITY OF MOUNT DORA

2024 CHARTER REVIEW COMMITTEE

FINAL REPORT

THE FINAL REPORT OF THE MOUNT DORA 2024 CHARTER REVIEW COMMITTEE PROPOSING TO AMEND THE MOUNT DORA CHARTER TO: PROVIDE A PREAMBLE; REMOVE THE PROHIBITION ON VOTING IF NOT PHYSICALLY PRESENT; ESTABLISH THE CHARTER REVIEW COMMITTEE IN JANUARY; CREATE A PROHIBITION OF INTERFERENCE BY CITY COUNCIL MEMBERS EXCEPT THROUGH THE CITY MANAGER; RECOGNIZE GENERAL ELECTIONS ARE HELD BIANNUALLY; INCREASE TERM LIMITS TO TWELVE (12) CONSECUTIVE YEARS; REPEAL AND REPLACE CHARTER LANGUAGE REGARDING THE FILLING OF VACANCIES AND HOLDING SPECIAL ELECTIONS; AND REQUIRING A SUPERMAJORITY VOTE OF COUNCIL – 5 MEMBERS – TO APPOINT OR REMOVE THE CITY MANAGER.

Table of Contents

SECTION I – COVER LETTER _____ Error! Bookmark not defined.

**SECTION II – SUMMARY OF CRC PUBLIC MEETINGS AND
PUBLIC HEARINGS** _____ Error! Bookmark not defined.

**SECTION III – AMENDMENTS RECOMMENDED BY THE 2024
CRC TO BE PLACED ON THE 2024 GENERAL ELECTION
BALLOT BY THE CITY
COUNCIL** _____ Error

! Bookmark not defined.

QUESTION #1 _____ Error! Bookmark not defined.

QUESTION #2 _____ Error! Bookmark not defined.

QUESTION #3 _____ Error! Bookmark not defined.

QUESTION #4 _____

QUESTION #5 _____

QUESTION #6 _____

QUESTION #7 _____

QUESTION #8 _____

Spanish Translation of Ballot
Questions _____

- 32 -

**SECTION IV – MATRIX OF AMENDMENTS RECOMMEND BY
2024 CRC** _____ Error!

Bookmark not defined.

SECTION V - EXHIBITS

A. MINUTES OF ALL MEETINGS HELD BY 2024 CRS_

**B. PRESENTATIONS PROVIDED TO CRC DURING PUBLIC
MEETINGS** _____



**CITY OF
MOUNT
DORA**

City Hall
510 N. Baker St.
Mount Dora, FL 32757

Office of the City Manager
352-735-7126
Fax: 352-383-4801

Customer Service
352-735-7105
Fax: 352-735-2892

Finance Department
352-735-7118
Fax: 352-735-1406

Human Resources
352-735-7106
Fax: 352-735-9457

Planning and Development
352-735-7112
Fax: 352-735-7191

City Hall Annex
900 N. Donnelly St.
Mount Dora, FL 32757

Parks and Recreation
352-735-7183
Fax: 352-735-3681

Public Safety Complex
1300 N. Donnelly St.
Mount Dora, FL 32757

Police Department
352-735-7130
Fax: 352-383-4623

Fire Department
352-735-7140
Fax: 352-383-0881

Public Works Complex
1501 Robie Ave.
Mount Dora, FL 32757
352-735-7151
Fax: 352-735-1539

W. T. Bland Public Library
1995 N. Donnelly St.
Mount Dora, FL 32757
352-735-7180
Fax: 352-735-0074

Website:
www.cityofmountdora.com

June 6, 2024

Dear Mayor and Council Members:

On behalf of the Charter Review Committee, we greatly appreciate the honor of serving together for this review. We met, discussed, reviewed research and listened to legal and municipal experts. While we did not have a large amount of public comments, we did read and listen to those comments shared with us. You will find our recommendations attached.

We also believe it is our responsibility to share recommendations beyond the charter itself, as the document is most successfully implemented and upheld through effective administration. We are sharing these points in order of the charter's articles in the hopes they will help the council and municipal government going forward.

Proposed preamble: having reviewed the preambles of other cities in Florida, we find that this declaration allows the citizens to state common beliefs, commitments and visions for Mount Dora.

Article II: We are in consensus that a workshop should be held by the Council to discuss the options for electing a mayor under the Council-Manager form of government. The Committee discussed this with Mr. Ken Parker, Coordinator for the ICMA-FCCMA Senior Advisors Program. Whether directly electing the mayor, using a rotational election for a one- or two-year



CITY OF
MOUNT
DORA

term, or electing the mayor from within the council may prove a timely and helpful discussion for the council and the public. Further, the committee is making the recommendation for term limits to be extended to twelve years (12) due to the need for continuity in leadership and vision as Mount Dora experiences growth and development.

Article IV: the committee spent a great deal of time discussing misinformation and the lack of public knowledge and understanding of the city's forms of government and respective roles of its elected officials. We recommend a townhall-style workshop with public participation to go over these roles thoroughly and to provide additional information on the city's website regarding the mayoral and council roles and responsibilities, and those of the charter officers and Clerk. Perhaps the workshop can be video recorded and maintained on the website for future access.

In addition, as we discussed the need for the non-interference clause in this article, we further believe that if it is adopted by voters, it then necessitates education. When the council holds its organizational sessions following elections, the form of government, said roles and responsibilities, and role of the city manager should be fully discussed with new council members, and reviewed by existing council members.

Article V: The committee spent time discussing the need for regular evaluative procedures to help the council and manager with key management strategies and goals. A performance matrix is recommended to assist the council and manager with discussions on effective and timely communications, sharing of information, goal implementation and other criteria.



CITY OF
MOUNT
DORA

We appreciate the opportunity to share these recommendations in the spirit of improving Mount Dora's governance. It has been an honor to serve on this committee; we each took our charges seriously and have been deliberate in our review. We are available to discuss these recommendations in greater detail should that be desired.

Sincerely,

Lynn Tipton
Chairperson

Ballot Title, Summary and Proposed Amendment – Preamble

A. Introduction.

This Charter amendment would create a preamble to the charter. Many other municipalities have preambles, but the City of Mount Dora's charter does not. While the preamble does not create any specific rights or duties, it provides a statement of who Mount Dora is and its goals.

B. Ballot Proposal: The ballot title and question for Question #__ are as follows:

CREATING A PREAMBLE TO THE CHARTER OF THE CITY OF MOUNT DORA

Amending the charter by creating a preamble, stating the values, goals and purposes of the charter and acknowledging that Mount Dora is "SOMEPLACE SPECIAL". This charter amendment does not create any new rights, duties, obligations, or prohibitions.

Budget Director's estimated financial impact: _____.

_____ Yes

_____ No

C. Text Revisions: Part I, Preamble of the Mount Dora Charter is created. (Underline text is added to the charter).

PART I - PREAMBLE

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.

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately _____, which represents _____.

Ballot Title, Summary and Proposed Amendment – Section 4

A. Introduction.

This Charter amendment would remove the prohibition on members of the city council being able to cast votes *in absentia*. The pandemic and advances in technology have created the possibility of having members who are physically absent being able to fully participate in city council meetings. Removing the prohibition means that whether a member may participate and vote while not being physically present will be determined in the future by the general law of the State of Florida.

B. Ballot Proposal: The ballot title and question for Question #__ are as follows:

REMOVING THE PROHIBITION ON VOTING IN ABSENTIA

Amending the charter by removing the prohibition on city council members voting *in absentia*. This amendment will cause the determination of whether a member of the city council can participate and vote while not physically present will be determined by the general law of the State of Florida.

Budget Director's estimated financial impact: _____.

_____ Yes

_____ No

C. Text Revisions: Art. II., Sec. 4, is amendment, Preamble of the Mount Dora Charter is created. (Underline text is added to the charter and ~~striketrough~~ text is removed).

Art. II., Sec. 4

The city council shall consist of seven (7) members, including the mayor. The mayor shall be considered a member of the city council for all purposes. ~~Members of the city council may not cast votes in absentia.~~

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately _____, which represents _____.

Ballot Title, Summary and Proposed Amendment – Section 9(a) – Scheduling Charter Review

A. Introduction.

This Charter amendment would amend when the charter review ad hoc committee would be formed and establish the year from when the review period would begin.

B. Ballot Proposal: The ballot title and question for Question #__ are as follows:

AMENDING THE MONTH FOR ESTABLISHING THE CHARTER REVIEW COMMITTEE

Amending Section 9, to establish the charter review committee in January instead of April, and to amend the year from which the establishment of the committee begins.

Budget Director's estimated financial impact: _____.

_____ Yes

_____ No

C. Text Revisions: Art. II., Sec. 9, amending the month establishing the charter review committee. (Underline text is added to the charter and ~~striketrough~~ text is removed).

Art. II., Sec. 9

The city council shall cause this charter to be reviewed ~~in 2014~~from 2024 no less than once every 5 years thereafter, by ad hoc committee and the city attorney. The city council may also cause the Charter to be reviewed as necessary at its direction. The ad hoc committee shall be appointed no later than the first regularly scheduled meeting of ~~April~~ January. The report of the ad hoc committee shall be presented to the city council no later than the second regularly scheduled council meeting of June.

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately _____, which represents _____.

Ballot Title, Summary and Proposed Amendment – Section 9(b) – Non-Interference

A. Introduction.

This Charter amendment would create a prohibition on members of the city council interfering with the administration of the City except through the City Manager. Many cities operating under the council-manager form of government have a charter provision prohibiting members of the city council from interfering with the operations of the City except through the City Manager. Creating this prohibition is consistent with best practices and the majority of other cities having this form of government. This amendment would also renumber Section 9.

B. Ballot Proposal: The ballot title and question for Question #__ are as follows:

RENUMBERING AND PROHIBITING CITY
COUNCIL MEMBERS FROM INTERFERING
WITH OPERATIONS EXCEPT THROUGH CITY
MANAGER

Amending Section 9, renumbering, and adding a prohibition on city council members interfering with city operations except through the City Manager.

Budget Director's estimated financial impact: _____.

_____ Yes

_____ No

C. Text Revisions: Art. II., Sec. 9, creating Section 9(b) and renumbering section. (Underline text is added to the charter and ~~strikethrough~~ text is removed).

Art. II., Sec. 9

(a) Duties.

- (1) The city council shall, by resolution, annually adopt a budget which is consistent with state law, city policy and procedures, and generally accepted accounting principles.
- (2) The city council shall annually cause to be conducted an audit of the accounts and records of the City of Mount Dora. The audit shall be performed by an independent certified public accountant, who shall be engaged for a term of no longer than five successive years, and who may not be engaged for an immediately successive term of any length following any five successive years, including any years served prior

to the adoption of this provision. Upon receipt of the auditor's annual report, the city council shall adopt, by resolution, time parameters and procedures for the correction of all deficiencies noted in the auditor's annual report.

- (3) The city council shall create and maintain a codification of ordinances. The codification shall contain those ordinances designated by the city council in its sole and absolute discretion. The city council shall annually cause the codification established hereunder to be reviewed under the supervision of the city attorney. The city shall also periodically update the codification established hereunder. A report of the codification review shall be presented to the city council no later than the first regularly scheduled council meeting of August.
- (4) The city council shall cause this charter to be reviewed in 2011 and no less than once every 5 years thereafter, by ad hoc committee and the city attorney. The city council may also cause the Charter to be reviewed as necessary at its discretion. The ad hoc committee shall be appointed no later than the first regularly scheduled council meeting of April. The report of the ad hoc committee shall be presented to the city council no later than the second regularly scheduled council meeting of June.
- (5) The city council shall individually make appointments to all boards and ad hoc committees created by the city council based upon procedures from time to time be established by the city council.

(b) Prohibitions.

- (1) Interference with administration. Except for the purpose of inquiries and investigations authorized by the city council, the city council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager; neither the city council nor its members shall directly issue orders to these staff members, publicly or privately. This provision shall not be construed to restrict individual councilmembers from actively monitoring city operations, including asking questions and engaging in discussions with the city manager regarding matters concerning supervised employees, and to offer opinions and recommendations on such matters. Suggestions for improvement in city government operations from individual council members shall be made through the city manager so that the city manager may coordinate efforts of all city departments to achieve the greatest possible savings through the most efficient and sound means available.

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately _____, which represents _____.

Ballot Title, Summary and Proposed Amendment – Section 11– Biannual General Elections

A. Introduction.

This Charter amendment corrects changes made to the election cycle in 2019 to reflect that general elections will be held biannually. would amend when the charter review ad hoc committee would be formed and establish the year from when the review period would begin.

B. Ballot Proposal: The ballot title and question for Question #__ are as follows:

CORRECTING THE CHARTER TO REFLECT
GENERAL ELECTIONS ARE HELD
BIANNUALLY

Amending Section 11 to correctly reflect general elections are held biannually.

Budget Director's estimated financial impact: _____.

_____ Yes

_____ No

C. Text Revisions: Art. III, Sec. 12, amending to reflect biannual general elections. (Underline text is added to the charter and ~~striketrough~~ text is removed).

Art. III., Sec. 11

A general election shall be held ~~each year~~ biannually on the first Tuesday after the first Monday in November. Special elections, other than those expressly provided for herein, may be called for by the city council as the city council, in its sole and absolute discretion, deems necessary.

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately _____, which represents _____.

Ballot Title, Summary and Proposed Amendment – Section 12– Renumbering and Increasing Term Limits

A. Introduction.

This Charter amendment provides subheadings, brings the language up to date, and increases the term limits from eight (8) consecutive years to twelve (12) consecutive years.

B. Ballot Proposal: The ballot title and question for Question #__ are as follows:

INCREASING THE TERM LIMITS TO TWELVE
CONSECUTIVE YEARS AND ADDING
SUBHEADINGS

Amending Section 12 to increase the term limits to twelve (12) consecutive years, adding subheadings, and bringing language up to date.

Budget Director's estimated financial impact: _____.

_____ Yes

_____ No

C. Text Revisions: Art. III, Sec. 12. (Underline text is added to the charter and ~~strikethrough~~ text is removed).

Art. III., Sec. 12. Terms.

(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 ~~for a three (3) year term beginning in 2021 and thereafter, beginning in 2024,~~ for four (4) year terms. ~~In 2022 and every four years thereafter,~~ 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 ~~for four (4) year terms beginning in 2022.~~

(c) Term limits. The mayor, any district representative, and the at-large representative may only serve ~~eight (8)~~ twelve (12) consecutive years ~~in the same position~~. The time served by a person appointed or elected to fill the remainder of a vacant position shall ~~not~~ be included in the eight-year limitation.

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately _____, which represents _____.

Ballot Title, Summary and Proposed Amendment – Section 17– Vacancies

A. Introduction.

This Charter amendment repeals and replaces the current Section 17 language regarding vacancies in office and the holding of a special election to fill a vacancy. The amendment further creates subheadings and reorganizes the language of the current charter regarding vacancies and forfeiture from office.

B. Ballot Proposal: The ballot title and question for Question #__ are as follows:

REPLACING AND REORGANIZING CHARTER
LANGUAGE REGARDING VACANCIES AND
SCHEDULING SPECIAL ELECTIONS

Amending Section 17 to clarify requirements for filling vacancies and holding special elections, reorganizing section with subheadings.

Budget Director's estimated financial impact: _____.

_____ Yes

_____ No

C. Text Revisions: Art. III, Sec. 17. (Underline text is added to the charter and ~~strikethrough~~ text is removed).

Art. III., Sec. 17. Vacancies.

~~The office of any councilmember, including the office of the mayor, who dies or resigns, or who is removed from office, or who is absent from four (4) consecutive regularly scheduled council meetings, shall be declared vacant by resolution of the remaining councilmembers. The office of any councilmember, including the office of the mayor, who is absent from four (4) nonconsecutive regularly scheduled council meetings during a calendar year, may be declared vacant by resolution of the remaining councilmembers. The office of any councilmember who is a district representative, and who establishes a permanent residence outside of the district which the councilmember represents, shall be declared vacant by resolution of the remaining councilmembers.~~

~~Should the office of any councilmember, including the office of the mayor, be declared vacant more than one hundred eighty (180) days prior to the first Tuesday after the first Monday of the immediately following November, the city council shall call for a special election to fill the vacancy for the remainder of the term of the office vacated.~~

~~Should the office of any councilmember, not including the mayor, be declared vacant less than one hundred eighty (180) days prior to the first Tuesday after the first Monday of the immediately following November, the mayor shall appoint, with the approval of city council, an elector of the city, who is qualified to hold the particular office declared vacant, to fill the vacancy.~~

~~Should the office of the mayor be declared vacant less than one hundred eighty (180) days prior to the first Tuesday after the first Monday of the immediately following November, the vice mayor shall assume the office of the mayor. The council office held by the vice mayor shall be declared vacant and shall be filled in accordance with this section.~~

~~Any city council office, including the office of the mayor, filled by appointment pursuant to this section shall be open for election on the first Tuesday after the first Monday of the immediately following November, whereupon the office will be filled for the unexpired portion of the existing term or for a full term, whichever is applicable.~~

- (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.
- (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, to be held as soon as practicable. If a vacancy in the office of the mayor occurs, the vice-mayor shall assume the office of the mayor for the remainder of the mayor's original term, and the council office held by the vice-mayor shall be filled in the manner that the vacancy of a councilmember is filled as provided in this paragraph.

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately _____, which represents _____.

Ballot Title, Summary and Proposed Amendment – Sections 20 and 21 – Appointment/Removal - Supermajority

A. Introduction.

This Charter amendment provides that the City Manager shall be appointed and removed by a super majority vote of the City Council, meaning five (5) members of the City Council must vote to appoint or remove the City Manager. .

B. Ballot Proposal: The ballot title and question for Question #__ are as follows:

REQUIRING SUPER MAJORITY VOTE OF CITY
COUNCIL TO APPOINT OR REMOVE CITY
MANAGER

Amending Sections 20 and 21 to require a super majority vote of the city council, five (5) votes, to appoint or remove the City Manager.

Budget Director's estimated financial impact: _____.

_____ Yes

_____ No

C. Text Revisions: Art. V. Secs. 20-21. (Underline text is added to the charter and ~~strikethrough~~ text is removed).

Art. V., Sec. 20. Appointment.

The city council shall, by a super majority (five (5) members) vote of the full council, appoint a city manager.

Art. V., Sec. 21. Removal.

The council may remove the city manager by a super majority (five (5) members) vote of the full council. However, upon demand by the city manager, a public hearing shall be held prior to a vote to remove the city manager. The public hearing shall be held, at a city council meeting, not earlier than fifteen (15) days nor more than thirty (30) days after the demand is served. The demand must be in writing and served upon the mayor. The city manager shall continue to receive full salary until removed from office.

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately _____, which represents _____.

[illegible]