

CHARTER REVIEW COMMISSION
SEPTEMBER 15, 2011

ATTENDEES:

BCC Chairman Brenda Carey
County Manager Jim Hartmann (late)
County Attorney Bryant Applegate
Chief Deputy Clerk Bruce McMenemy
Eva Roach, Deputy Clerk

CHARTER COMMISSION:

District 1 - Tom Boyko
 - Jeffrey Bauer
District 2 - Imogene Yarborough
 - Mark Wylie (late)
 - Patti Green
District 3 - Michael Bowdoin
 - Kimberly Carroll
District 4 - Bob McMillan
 - Larry Strickler
District 5 - Sherry Bellomo
 - Stephen Coover
 - James Dicks

Absent: Regina Bereswell
 Daryl McLain
 Allen Sneath

The following is a non-verbatim transcript of the **CHARTER REVIEW COMMISSION ORGANIZATIONAL MEETING**, held at 7:00 p.m., on Thursday, September 15, 2011, in the Seminole County Services Building at Sanford, Florida.

WELCOME AND COMMENTS

Commissioner Brenda Carey expressed the BCC's appreciation for the Charter Review Commission (CRC) members' willingness to serve. She stated the charter is reviewed by a 15 member

committee every six years. She added Seminole County's charter is similar to the Constitution and it is the basis for which they govern and it is the foundation and principles that Seminole County has used to develop their Administrative Code. The BCC believes the CRC should have a really good reason to make changes to the charter and all ideas should be completely vetted and debated, and the pros and cons should be reviewed before leaving this committee. The charter is not a place to set rules, regulations, or policies as the County has an Administrative Code that deals with that.

Jim Hartmann, County Manager, entered the meeting at this time.

Commissioner Carey concluded the CRC may conclude that the Charter is fine the way it is and it doesn't need changing. The committee members have a very diverse background and will review and analyze ideas in different ways. At the request of Commissioner Carey, each Board member introduced themselves and gave a brief professional background.

ELECTION OF OFFICERS

Commissioner Carey opened the floor for nominations for the Chairman of the Charter Review Commission.

Larry Strickler nominated Stephen Coover.

Motion by James Dicks, seconded by Michael Bowdoin to close the nominations for Chairman.

The Commission voted unanimously for Mr. Coover for the position of Chairman.

Commissioner Carey opened the floor for nominations for Vice Chairman.

Stephen Coover nominated Larry Strickler.

Motion by James Dicks, seconded by Stephen Coover to close the nominations for Vice Chairman.

The Commission voted unanimously for Mr. Strickler for the position of Vice Chairman.

Mark Wylie entered the meeting at this time. At the request of Commissioner Carey, Mr. Wylie introduced himself and gave a brief professional background.

Mr. Coover assumed the position of Chairman, and Larry Strickler assumed the position of Vice Chairman.

SUNSHINE LAW

Bryant Applegate, County Attorney, addressed the Commission to give an explanation of the Sunshine Law. He submitted a sheet (received and filed) that includes commonly asked questions relating to the Charter Review Commission. He stated he is planning to be in attendance for one or two meetings until the CRC retains counsel. He displayed a PowerPoint Presentation (received and filed) and reviewed the Subject Matters;

Government in the Sunshine Law; Penalties; Voting Conflicts; Public Records and Related Topics. A pamphlet pertaining to the Florida Commission on Ethics and booklet containing the Charter Review Commission; Government in the Sunshine Guidelines; Charter Review Commission Timeline; Seminole County Information; and Florida's Charter Counties were received and filed.

**ADMINISTRATIVE/FINANCIAL SUPPORT
FOR CHARTER COMMISSION**

Jim Hartmann, County Manager, addressed the Commission to advise his office will provide meeting room space and the Clerk's Office will be taking the minutes and the meeting will be recorded. He stated his office needs to know well in advance when the meetings are going to occur. He said his Senior Coordinator, Sharon Peters, will make sure that the minutes get out and other administrative matters are transmitted to the CRC accordingly. The CRC will be hiring outside counsel to give them advice. He added he and Mr. Applegate will provide what they can as far as support but they will not have staff to staff the CRC, however, they will be available when needed for questions. The County has the ability to put the CRC's work on the website as well as their names and contact information. His office will need to know if the CRC members do not want their contact information on the website. A budget number has not

been established for the CRC and the driving cost will be the legal representation.

Upon inquiry by Mr. Boyko, Mr. Hartmann advised if the CRC decides not to make any changes, he wouldn't think they would need counsel. The CRC is going to have to define how they are going to operate.

Bob McMillan stated he feels that the CRC will need counsel to work through what it is they are thinking about and whether or not they want to do it.

Tom Boyko discussed the issues that the last Charter Review Commission had with their counsel as to whether or not the items discussed were constitutional.

Mr. Hartmann stated he feels the CRC will make a very wise choice in making sure that the new counsel will be the appropriate person. Discussion ensued.

Mr. Applegate stated the Charter says the CRC **may** hire an attorney and they do not have to employ an attorney if they do not feel it is necessary. He stated he will be happy to answer questions as it relates to Sunshine Law, procedures, public records law and things that he feels will not impose a conflict of interest from his office.

Upon inquiry by Mr. McMillan, Mr. Applegate advised if the CRC needs support, the County Manager's office will provide that.

Commissioner Carey, Mr. Applegate and Mr. Hartmann left the meeting at this time.

GENERAL DISCUSSION

Vice Chairman Strickler recommended waiting until the CRC gets to the point where they think they need counsel. He stated he would hate to hire someone and this group decides that they don't need to change anything; and they have been paying legal fees for something and then realize they don't need it.

Mr. McMillan stated the CRC can hire someone and then only use them when they need counsel. The CRC tends to meet not very often in the beginning and then more often in July and August and it behooves everyone to try to move as quickly as possible in preventing the crunch at the end if there are things they want to get done. Mr. McMillan discussed how previous CRC attorneys were hired.

Sherry Bellomo stated she feels it is very important that the CRC start off very aggressively to make sure that they are not running behind schedule. She stated if they do the meetings promptly and they identify the areas that they need legal counsel, then they will have an idea of the person they want to hire.

Tom Boyko stated the public may come in with a good suggestion and the CRC feels that might be a good idea. He stated at that point, if the CRC has no other items, that is the

time they need counsel. He stated he feels they should look for counsel when they know what the issues will be.

Mr. McMillan stated he doesn't know if there is a downside with getting someone on contract and then calling them when the CRC needs them.

Upon inquiry by Ms. Bellomo, Mr. McMillan advised the CRC can hire someone and say that they will be paid hourly if and when that attorney is needed.

Upon inquiry by Michael Bowdoin, Chairman Coover advised there is not a big group of people who specialize in this and finding someone local is going to be a job. He stated it sounds like the CRC needs to work on getting an attorney and he would like to appoint a subcommittee of two people to prepare a draft request for qualifications. He recommended that Mr. McMillan be on that committee.

Mr. McMillan stated he can check with Mr. Applegate to see what Orange County has done in the past.

Mr. Strickler stated there are several charter counties in close driving distance.

Mr. Boyko stated when they seek an attorney, there won't be a retainer fee but that person will work on the basis as the CRC needs them.

Chairman Coover stated he assumes that the County Attorney's office will write up the contract.

Upon inquiry by Mr. Bowdoin, Chairman Coover advised the CRC will not have to put this out to bid.

Mr. McMillan stated he can check with the County Attorney's office to check with other counties and cities that have had Charter Review Commissions in the last ten years to see who their counsels were.

The CRC members had **no objections** with Mr. McMillan and Mr. Coover working with the County Attorney's office to try to obtain a list of qualified attorneys to bring to the next meeting and then they can figure out how they are going to take it from there.

SUBJECTS FOR NEXT MEETING

Chairman Coover requested that all the Commission members read the charter by the next meeting and then review other charters to see if there is anything the CRC wants to discuss.

Mr. Strickler stated he read the County's charter and if he went through other Charter counties and made some comparisons and contrasts, that doesn't mean that those are necessarily things they do or do not want, but it provides a starting point to compare contrasts. He stated some of the public's ideas may not be important enough to go into the charter and that should be discussed.

Chairman Coover stated the documents that were submitted to the committee are the same as the city of Sanford, and he found

himself using the other charters to try and develop a subject matter that the committee decides they want to tackle so that they don't have to reinvent the wheel. He requested that each committee member do their homework before the next meeting and then submit it during that time. He said he would also like to have a public meeting to invite the public to present any issues that they would like the committee to review. After the steps have been taken and they still do not have any subject matters, the handwriting is on the wall. If they do have things, hopefully, they will have an attorney on board and they will be able to work through the issues.

Ms. Bellomo recommended that each committee member review other county charters and then they can compare and compile that information.

Mr. Boyko stated the other counties have different circumstances, therefore, he would recommend the committee needs to study their own charter to see if there is anything there. There will be people attending the public hearing to bring up issues.

Mr. McMillan stated the CRC looked at the other charters and not all of the other governments are structured like Seminole County. Rather than looking at the details of those charters, they can look at the bigger picture of what the

different structures are and how do they structure their government.

Chairman Coover stated there were a few minor changes made to the charter since it began. The biggest areas that were changed had to do with the eastern boundary, gambling, and ethics issues.

FUTURE MEETING SCHEDULE

Chairman Coover discussed with the CRC how they are going to set meetings. He said with so many members having conflicts with their schedule, he would like the County Manager's office to coordinate with everyone by e-mail, and based on how many members they can get, schedule it and there are no hard feelings if a member cannot attend. If anyone wants to communicate anything to the committee and if they can't come, they can do that through the County.

Mr. McMillan stated he finds it useful to establish a schedule and then all the members will know what date they need to attend. Whenever a meeting is set up ad hoc and if the room is not reserved in advance, it will be hard to get the members together. Discussion ensued relating to which day of the month meetings will be held, the time and how often meetings will be held each month.

It was the **consensus** of the CRC to schedule the meetings on the second Thursday of each month at 6:30 p.m.

Chairman Coover stated he and Mr. McMillan will work in trying to obtain a list of attorneys that the committee can review at the next meeting. The attorneys will make presentations at the following meeting and the committee can discuss at that time scheduling a public meeting.

Upon inquiry by Mr. Boyko, Chairman Coover advised the CRC will need to obtain an attorney that has experience in ballot writing and possible litigation. The CRC will vote on an attorney after their presentations.

Upon inquiry by Mr. Bowdoin, Chairman Coover advised since there are attorneys on the committee, he doesn't foresee any conflicts with the attorneys specializing in this field as they are in different jurisdictions.

Imogene Yarborough advised the second Thursday dates for 2011 are October 13, November 10, and December 8.

Mr. McMillan asked if the CRC would like to schedule the public meeting on one of those dates.

Chairman Coover stated he will check to see if Mr. Applegate is comfortable with handling the public hearing for November 10. He stated the CRC will not have an attorney at that time and all they will be doing is taking input, therefore,

they will only need to get clarification on what the public is trying to say.

Mr. McMillan stated notices will need to be sent out as well as other things for public meetings and it would be best to find a date and start scheduling it.

Mr. McMillan stated he would like to see a report back as to which amendments brought forth at the last CRC meeting passed and which didn't; what the votes were; if they had to be implemented, how were they implemented; and were they implemented in a way that met the intent of the public. He stated the voters passed some amendments at one time and some of them were overturned on Constitutional grounds. The CRC may want to review those to see if those are something they want to fix, put back on the ballot or just drop. There were things the public voted on and passed and they indicated that they want them in the charter and they are not in there because of defects or draftsmanship.

Mr. Boyko stated there are footnotes in the charter now and the footnotes tell exactly what was on the ballot and what happened to it.

Mr. McMillan stated he believes the County Manager can put together what was on the ballot, what passed and did not pass, what the votes were and which ones were overturned.

Chairman Coover stated he will try to put together an agenda and get it out as soon as he gets the information together.

Upon inquiry by Mr. McMillan, Chairman Coover advised he and Mr. McMillan will get with the County Attorney's office to come up with a list of attorneys' names and bring that back at the next meeting as well as figuring out the process they will be going through.

Ms. Yarborough recommended that each committee member check their numbers and address to see if there are any corrections as her address is wrong.

Chairman Coover stated his home information is on the list and he doesn't want it on the website.

Mr. McMillan stated there should be a way the public can communicate with them. He stated the County could give the committee members a County e-mail address for the purpose of receiving correspondence that has to do with the work of the Charter Review Commission. The Committee can access that from offsite by having the County forward things to the members' e-mail addresses without giving out their personal e-mail addresses. He stated he is certain that the I.T. staff can set that up somehow and have a County e-mail address.

Ms. Bellomo requested that her company name be deleted from the list.

Chairman Coover stated he will have the County Manager's office contact each committee member to get what they want shown on the CRC list as well as obtaining County e-mail addresses.

Upon inquiry by Mr. Boyko, Chairman Coover reiterated that the CRC will review the charter and bring back some topics that they want to discuss. He stated he found that if there are a lot of topics, subcommittees can be set up and those members who have experience in the areas can tackle it better.

Chairman Coover declared the meeting adjourned at 8:20 p.m., this same date.