

Howey in the Hills
Charter Review Committee
Meeting Minutes
7/9/2020

I. Call to order

Berniece Hower called to order the regular meeting of the Charter Review Committee via Zoom conference 6:37on July 9, 2020.

II. Roll call

Berniece conducted a roll call. The following persons were present:

Kat Ormsbee
Donna Klein
Graham Wells
Patricia Miller

III. Approval of the Minutes of the meeting held on 6/29/2020

Berniece reviewed the minutes and requested a change to the minutes to remove the word ownership from:

ARTICLE 2 THE TOWN COUNCIL

Sec. 1 The Town Council and Mayor

*There shall be a Town Council of five (5) members, who shall **be residents** and electors of the town, elected by the qualified voters of the Town.*

All legislative powers of the Town shall be vested in the Town Council, except as otherwise provided by law or this Charter and the Town Council shall provide for the exercise thereof and for performance of all duties and obligations imposed on the Town by law.

Add to the Charter to require residency/**ownership** for a period of twelve months prior to the first day of qualifying (92 days prior to Election Day). Also, add an age requirement of 21 years of age.

Kat motioned, Pat second. All in favor.

IV. Old Business

the last meeting, the committee voted on the wording in black italics below and several other items which have been incorporated in the wording recommended in **red**. Much of this new wording is taken from other charters and adapted for

Howey and is open for discussion whether it should be included or not. Other parts of the existing Charter are shown in **purple** with amendments in **red**.

ARTICLE 1 TOWN BOUNDARIES; CORPORATE AUTHORITY

Sec. 1. Town created, boundaries

The area constituting the corporate limits of the Town of Howey in the Hills is that which is described in the legal description ????????? dated ??????, as well as all subsequent annexations. A description of the Town boundaries shall be on file with the Town Clerk.

We also agreed to add the following sections.

Sec. 2. Powers of the Town

The Town shall have all powers possible for a Town to have under the Constitution and laws of this State as fully and completely as though they were specifically enumerated in this charter.

Sec. 3. Construction of powers

The powers of the Town under this Charter shall be construed liberally in favor of the Town, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power stated in this article.

ARTICLE 2 THE TOWN COUNCIL

Sec. 1 The Town Council

There shall be a Town Council of five (5) members, who shall be residents and electors of the town, elected by the qualified voters of the Town.

All legislative powers of the Town shall be vested in the Town Council, except as otherwise provided by law or this Charter and the Town Council shall provide for the exercise thereof and for performance of all duties and obligations imposed on the Town by law.

V. New business

VI. 1) The committee agreed to use personal emails in sending information to one another. Sending minutes to a different email address delays receipt and review.

2) Graham provided a comprehensive breakdown of the following items to discussed. Items were agreed upon to keep or change accordingly and will be voted on at next meeting.

The Town Council shall consist of five (5) members who shall hold five (5) seats numbered consecutively 1 through 5 and shall be elected for a term of four (4) years. Town Council members shall hold their seats for the term of office for which they are elected. Elections shall be conducted the first Tuesday following the first Monday in November. Agreed

All persons running for the office of Council shall be at least twenty-one (21) years of age, a registered voter and a resident of the Town for at least one year (1) prior to the first day of qualifying period. Twenty five (25) candidate nominating petitions for Town Council elections shall be filed with the Clerk no earlier than noon on the 92nd day prior to the date of the general election or special election, but not later than the 81st day prior to the date of the general or special election for which qualifying is sought. Agreed

Seats 1, 2, and 3 shall be elected in the month of November 2018 and every four (4) years thereafter. Seats 4 and 5 shall be elected in the month of November 2020 and every four (4) years thereafter. All seats will be filled by the highest number of votes received to fill the appropriate seats. Agreed

No more than one (1) family member may hold a seat on the Council. A family member includes parents, siblings, children or spouses. The newly elected Council Members shall take their oath and assume office at the next regular scheduled meeting. Agreed

Sec 2. Vacancies; Forfeiture of Office; Filling of Vacancies.

Vacancies. A Council Members seat shall become vacant upon death, resignation, or removal from office in any manner authorized by law or forfeiture of the office, such forfeiture to be declared by the remaining members of the council. Agreed

*Forfeiture of Office. The Mayor or a Council Member shall forfeit office if the member: 1) Fails to meet residency requirements; 2) Is convicted of a felony; 3) Violates the express provisions of the charter; 4) Fails to attend 3 consecutive regularly scheduled **council** (Possible change, to be revisited) meetings without*

council approval or 5) Brings any action or lawsuit against the Town, its elected officials, executive officers or employees. The Town Council may declare a seat vacant where any member has failed to meet the requirements stated above.

Agreed

Filling Vacancies. Recommend to use the verbiage that is in the current Ordinance.

Agreed

Holding Office. Except where authorized by law, no Council Member shall hold any other elected public office during the term for which the member is elected. No Council Member shall hold any other town office or town employment during the term for which they are elected. **Agreed**

Prohibitions. Except for the purpose of enquiries and investigations, Council Members shall deal with the town officers and employees solely through the Mayor and shall not 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 from asking questions and seeking information to assist in the formulation of sound policies to be considered by Council. **Agreed**

No former member of town council shall hold any compensated appointive office or employment with the town until one (1) year after the expiration of the term for which the member was elected to the town Council. **Agreed**

Sec 3. Procedure

Meetings. The council shall meet regularly on the second and fourth Monday in every month at such times and places as the council may prescribe by rule. Special scheduled meetings shall be held on the call of the Mayor, or a majority of the Council with a 72 hour notice (except in case of extreme emergency). **Agreed**

Rules of Order. The council shall determine its own rules and order of business. Roberts Rule of Order may be applicable. **Agreed**

Voting. Voting on Ordinances and Resolutions, the execution of contracts and all financial matters shall be by roll call and shall be recorded in the minutes. A majority of the council shall constitute a quorum. No action of the council shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present. **Agreed**

We should discuss voting by phone (outside of the Covid-19 exemptions) *(Tabled for next meeting)*

Compensation. The council shall determine the compensation of the Mayor and Council Members by ordinance; the ordinance increasing such compensation shall become effective October 1st of the next budget year. The Mayor and Council Members shall receive their actual and necessary expenses incurred in the performance of their duties of office. **Agreed**

Sec. 2 Office of the Mayor

1. Mayor and Chief Executive Officer.

*The Mayor shall be the Chief Executive Officer of the Town. The Mayor shall be **appointed** by majority vote of the Town Council from its membership at the first regular meeting following the general election, **immediately following the swearing in of any new Council members**. The Mayor shall be responsible to the electorate for the administration of all Town affairs placed in his or her charge by or under this Charter, the Ordinances of the Town or by applicable law. **Agreed***

2. Qualification of Mayor.

*The Mayor shall be an elector of the Town and shall be a member of the Town Council **for a period of one (1) year prior to being eligible for appointment to the office**. If the Mayor shall cease to possess any such qualifications during the Mayor's term of office, the Mayor shall automatically forfeit the office and the Town Council shall select a new Mayor to serve the unexpired portion of the then current term. **All agreed however, wording will be revised.***

3. Term of the Mayor.

*The Mayor shall be appointed for a two (2) year term and may be reelected subsequently. **All agreed with change of "reelected" to "reappointed".***

4. Removal of the Mayor

*The Town Council may, by supermajority vote, remove the Mayor at any regular or special Council meeting with or without cause. Upon removal of the Mayor the Town Council shall select another member of the Town Council to serve as Mayor for the unexpired portion of the then current term. **Agreed**
Change "select" to "Appoint"*

5. Powers and Duties of the Mayor

1. **Recommend deletion of this clause Agreed**
2. *Recommend retain* **Agreed. Remove service of process"**
3. *Recommend retain* **Agreed**
4. *Recommend retain* **Agreed**
5. *Recommend retain* **Agreed**
6. **Recommend discussion – Should each Councilman have that right or a majority of council members shown under Sec 3. Procedures. Agreed, remains**
7. *Recommend retain* **Agreed**
8. *Recommend retain* **Agreed, define executive office in different section**
9. *Recommend retain* **Agreed**
10. *Recommend retain* **Agreed**
11. *Recommend retain* **Agreed**
12. *Recommend retain* **Tabled. It was recommend to change the word "to" to "shall" anywhere the word "to" is used as follows: To appoint, to select, etc.**
13. *Recommend retain* **Change to "The Mayor shall provide other reports as requested by town council. (Graham will revise and return with changes to review)**
14. *Recommend retain.* **Tabled**

Pat requested to stop the meeting.

Items not touched on are to be review at next meeting:

6. Mayor Pro Tempore; vacancies in the office of Mayor. *Recommend retain*

Section 4. Recommend deletion of Section 4 of the Charter in its entirety.

Section 5. Discussion – does this need to remain as it is generally covered in the first two paragraphs in Article 2, Section 1

This concludes the review of the existing Charter. Other item for consideration follow.

The inclusion of financial procedures.

The title and brief duties of the executive officers of the town.

Requirement for a town attorney.

Any other items deemed necessary from any other charter.

The next meeting will be held on July 28, 2020 at 6:30pm

Tabled the vote on the items until the next meeting when changes have made.

VII. Adjournment

Berniece Hower adjourned the meeting.

Minutes submitted by: Donna Klein

Minutes approved by: the committee Berniece Hower

(Chairperson, Berniece Hower)