

**Howey in the Hills
Charter Review Committee
Meeting
July 28th, 2020**

Call to order

The meeting was brought to order by Berniece Hower at 6:31pm

Committee members in attendance:

Berniece Hower

Pat Miller

Kat Ormsbee

Donna Klein

Graham Wells

Joining the meeting later: Dan Powers

Approval of the Minutes of the meeting held on 7/9/2020

Discussion regarding the minutes and corrections was had. A question from Donna regarding turning the minutes into Town Hall was asked. Berniece will review her files and turn the minutes in accordingly.

Graham made a motion to accept the minutes, Kat seconded, all in favor.

Old Business:

Berniece started the conversation with a request to delete the agreed upon change: *All seats will be filled by the highest number of votes received to fill the appropriate seats.*

Berniece advised that she had spoken with the supervisor of elections and was advised that candidates must pick the seat # they are running for. Graham disagreed stating that the town of Astatula and the town of Windemere and the town of Montverde all have this way of voting.

Graham also advised he has spoken to Tom Wilkes who is the attorney for Windermere and Howey in the Hills and it is perfectly acceptable to have this in the Charter. Berniece is under the impression that the Florida law does not accept this method. A resident, Doug Hower spoke up and advised that he works for the Supervisor of elections. Mr. Hower went into some details about the elections in Astatula. Doug was advised that he is speaking out of order and should leave his comments during the Public Comment portion of the meeting. Berniece and Graham agreed to research their information further to clarify the legality of candidates running for a

**Howey in the Hills
Charter Review Committee
Meeting
July 28th, 2020**

specific seat #'s vs candidates running for any seat with the candidate with the highest # of votes taking the first chair available.

New Business:

Graham Wells provided a comprehensive agenda of items to review for possible change. The following were discussed and voted on.

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**.

After review, Graham recommended a change to the previous agreed upon change.

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, with the signatures to be verified by the supervisor of election not later than noon on the 81st day prior to the date of the general or special election for which qualifying is sought. Not all were in agreement of the proposed change. Berniece will check with the Supervisor of Elections for direction.

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.

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

Howey in the Hills
Charter Review Committee
Meeting
July 28th, 2020

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 meetings without council approval or 5) Brings any action or lawsuit against the Town, its elected officials, executive officers or employees. The Town Council shall be the judge of the grounds for forfeiture of an office and may declare a seat vacant where any member has failed to meet the requirements or has violated any of the provisions stated above. **Agreed**

Filling Vacancies. Whenever a vacancy shall occur on the Town Council, more than 180 days preceding the next general election, by reason of death, resignation or otherwise, it shall be the duty of the Town Council to order an election to fill the vacancy, and until such election is held the Town Council shall fill such vacancy. The newly elected member shall hold the seat for the remainder of the original term. **Agreed**

Should such vacancy occur within 180 days of the next general election, the Mayor shall appoint an elector of the town to fill the vacancy. This appointment is subject to the approval by a majority of the members of the Town Council. The appointee approved in such a manner shall serve in the office until the next general town election. **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. **No change**

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

Howey in the Hills
Charter Review Committee
Meeting
July 28th, 2020

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. No change

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. No change

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 72 hour notice (except in case of extreme emergency). No change*

Rules of Order. *The council shall determine its own rules and order of business. Roberts Rule of Order may be applicable. No change*

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. Except as provided by law, a Council member, absent from the meeting, may enter into discussion by telephone or video conference but may not vote unless present. Agreed*

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.*

Sec. 4. Office of the Mayor

- 1. Mayor and Chief Executive Officer.**

Howey in the Hills
Charter Review Committee
Meeting
July 28th, 2020

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. **No change***

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. **No change***

3. Term of the Mayor.

*The Mayor shall be appointed for a two (2) year term and may be reelected subsequently. **No change***

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. **No change***

5. Powers and Duties of the Mayor

The Mayor shall have the following powers and duties:

- a. *To be the head of town government for all purposes, including but not limited to martial law, civil defense, service of process, execution of contracts, deeds and other legal documents.*
- b. *To be the official spokesperson for the town.*

Howey in the Hills
Charter Review Committee
Meeting
July 28th, 2020

- c. *To take such action in emergency situations as the Mayor may deem necessary. The emergency powers of the Mayor shall not extend beyond the next meeting of the Town Council.*
- d. *To investigate the condition of the town and the town's departments and offices.*
- e. *To call special meetings of the Town Council.*
- f. *To establish the agenda for Town Council meetings.*
- g. *To temporarily fill vacancies occurring among the executive officers of the town.*
- h. *To hire, appoint, suspend and remove all town employees, including the executive officers of the town. Any action taken by the Mayor under this subparagraph in respect to the executive officers of the town shall be subject to the approval of the Town Council.*
- i. *To direct and supervise the administration of all departments, offices and agencies of the town.*
- j. *To attend and preside at all meetings of the Town Council and the Mayor shall be a voting member of the Town Council.*
- k. *To submit to the Town Council and make available to the public a complete report on the finances and administrative activities of the town by December 1st of the same year. The Mayor shall provide other reports requested by the Town Council concerning the operations of the town departments, offices and agencies subject to the Mayor's direction and supervision.*
- l. *To keep the Town Council fully advised as to the financial condition and future needs of the town and make such recommendations to the Town Council concerning the affairs of the Town.*
- m. *To perform such other duties as are specified in this Charter or as may be required by the Town Council. **Agreed***

6. Mayor Pro Tempore; vacancies in office of Mayor.

The Town Council shall appoint from among its members a Mayor Pro Tempore. Appointment of the Mayor Pro Tempore shall be done at the Town Council's first regular meeting following a general election, immediately following the swearing in of any new Council members and the appointment of the Mayor. The Mayor Pro Tempore shall preside at meetings of the Town Council in the absence or temporary

Howey in the Hills
Charter Review Committee
Meeting
July 28th, 2020

*disability of the Mayor and shall have no administrative duties except as required to carry out the responsibilities therein. **Agreed***

In the event that the Mayor dies, resigns becomes permanently disabled, ceases to be qualified or is removed from office, as provided by law, the Mayor Pro Tempore shall become interim Mayor with the full powers and duties of the Mayor as provided by this Charter or other law until the Town Council selects a new Mayor.

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

Section 5. Discussion – does this need to remain as it is generally covered in the first two paragraphs in Article 1, Section 2 & 3 **Agreed**

Sec. 4. - Borrowing.

Bond Issues. *The Town shall have the power to issue negotiable bonds for the purpose of capital acquisitions and for other purposes for the common good. The bonds may have a call provision, and term of any length not to exceed 30 years. The bonds may be general obligation or revenue types. Provided however, the issuance of general obligation bonds shall first be approved by a majority of the votes cast in a referendum on the proposed bond issue.*

Other Borrowing. *Borrowing through other arrangements, such as lines of credit, may be used as necessary in the judgment of the Council. All borrowing whether from bonds, lines of credit, or other sources shall, in the aggregate, not at any time exceed an amount equal to 10 percent of the assessed valuation of the real and personal property within the corporate limits of the Town. **Agreed***

Sec. 5 - Financial Procedures.

Fiscal year. The fiscal year of the Town shall begin on October 1 of each year and end on September 30 of the following year.

Budget. The budget shall be adopted by resolution and shall provide a complete financial plan of all town funds and activities for ensuing fiscal year and, except as

Howey in the Hills
Charter Review Committee
Meeting
July 28th, 2020

~~required~~ by law or the Charter, shall be in such a form as the Town Clerk deems desirable or the Mayor may require. In organizing the budget, the Town Clerk shall receive from each department their budget request by July 1st, with the first budget meeting being held within 15 days of the July council meeting. **Agreed**

It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures for the preceding fiscal year. **Agreed**

Supplemental appropriations. If, during the fiscal year, the Town Clerk certifies that there are available for appropriation, revenues in excess of those estimated in the budget, the council by resolution may make supplemental appropriations for the year up to the amount of such excess. **Agreed**

Reduction of appropriations. If at any time during the fiscal year it appears probable to the Town Clerk that the revenues available will be insufficient to meet the amount appropriated, the Town Clerk shall report to the Mayor and/or Council immediately, indicating the estimated amount of the deficit, any remedial action taken by the Town Clerk and recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may, by resolution, reduce one (1) or more appropriations. **Agreed**

Transfer of Appropriations. Upon written request by the Town Clerk or by action of the town council, the town council may, by resolution transfer part or all of any unencumbered appropriation balance among programs within a department, office, or agency or to another department, office or agency. **Agreed**

Sec. 6 - Administrative.

All departments and offices under the direction and supervision of the Mayor shall be administered by an executive officer, appointed by the Mayor, with the approval of the Council and subject to the direction and supervision of the Mayor. Executive Officers of the Town shall include, but not be limited to, Town Clerk & Finance Director, Director of Public Works and Chief of Police. **Agreed**

Howey in the Hills
Charter Review Committee
Meeting
July 28th, 2020

Temporary Absence

The Mayor shall appoint a temporary replacement to exercise the powers and perform the duties of any town administrative office during a temporary absence or disability. During such absence or disability, the Mayor with the approval of Council may revoke such designation at any time and appoint another individual to serve until the employee returns to active employment. **Agreed**

Town Clerk & Finance Director

The Town Clerk shall be responsible to the council for the proper administration of the Town as stated by the Town Council and to the end shall be required to:

- a. Attend all Council meetings and shall have the right to take part in discussion but may not vote. **Agreed**
- b. See that all laws, provisions of this Charter and acts of the Council are faithfully executed. **Agreed**
- c. Perform such other duties as are specified in this Charter or maybe be required by the Mayor or Council.
- d. ~~Be required to furnish bond in such amount as may be required by the Town Council; which shall be paid for by the Town.~~ **Stike & Agreed**
- e. Prepare the budget annually and submit it to the council and be responsible for its administration after adoption, subject to guidelines established by the Mayor or Town Council. **Agreed**
- f. Submit to the Council and make available to the public a complete report on the finances and administrative activities of the Town as of the end of each fiscal year. **Graham to add verbiage to clarify reports from code.**
- g. Keep the Mayor and Council fully advised as to the financial condition and future needs of the Town and make such recommendations to the council concerning the affairs of the Town as may be deemed (desirable **Delete and change to appropriate**) or necessary.
- h. Sign contracts on behalf of the Town pursuant to the provisions of appropriations, ordinances and guidelines established by Council.
- i. The Town Clerk shall conduct all Town elections. **Graham will review for change in language.**

Howey in the Hills
Charter Review Committee
Meeting
July 28th, 2020

- j. Perform any and all other duties as set forth by the Council in the Policy and Procedure manual. **Agreed**
- k. *The Clerk is the custodian of the Town Seal.* **Agreed to add**

Kat motioned for adjournment; Pat seconded it. All in favor. Berniece suggested some dates for the next meeting with everyone in agreement for 8/11/2020 at 6:30pm.

Minutes submitted by: Donna Klein

Minutes approved by: Berniece Hower
(Chairperson, Berniece Hower)