

Howey-in-the Hills Charter Review Committee Meeting
Meeting Minutes
September 1, 2020 at 6:30 pm

The meeting was called to order by Chairperson, Berniece Hower at 6:45

Committee members present:

Pat Miller
Kat Ormsbee
Dan Powers
Graham Wells
Donna Klein

The meeting immediately moved into discussion.

Old Business

Berniece introduced Supervisor of Elections, Alan Hays as her guest speaker to assist her with her insistence that language be added and/or changed to items previously voted on.

Discussion commenced regarding the following:

Berniece is of the opinion that the current description of the Town Clerk duties under descriptor (g) *Be the Elections Officer for the town and conduct all Town elections*, allows for the town to bypass use of the Lake County Elections. The committee disagreed with her understanding of the Duties and that it does not allow for the town to hold in house hand ballot elections and that it only encompasses the Clerk to administer and oversee the election qualifications.

Mr. Hays provided information to the matter. The ensuing discussion determined that the current request for Charter revision will be changed to state the following:

Change from:

(g.) Be the Election Officer for the town and conduct all Town elections.

Change to:

(g.) Be the Elections Qualifying Officer for the town.

ARTICLE 2. THE TOWN COUNCIL

Sec. 1 The Town Council

Paragraph 5

"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.

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The committee previously voted 5 to 1 (Berniece was not in agreement) to change the current voting requirement for candidates running for individual seat numbers to allow candidates to run for any vacant seat with the highest number of votes winning the seats. Berniece has again stated she believes this is against State Statutes. Berniece spoke of hand ballots used in Astatula with Graham explaining that Astatula does not use hand ballots and has not had any elections in recent years as the council members have been unopposed and elections have not been held. He also advised that if there were candidates that ran opposed there would be an election and it would be held through Lake County Elections as required by law.

The ensuing discussion determined that the current request for Charter revision will remain as voted and agreed upon with a 5 to 1 vote during previous meetings and that the attorney will review for correctness and legality prior to presenting the Town Council.

Berniece also wanted to change the language in the following that which was all agreed upon including her in prior meetings.

ARTICLE 4 MISCELLANEOUS PROVISIONS

Sec. 1. Qualified Voters

For Town elections, any person eighteen (18) years or older, who is a registered voter, residing in the Town of Howey in the Hills limits at the time of a municipal election shall be deemed a qualified elector authorized to vote in such municipal elections.

Berniece wanted to add to “any person eighteen (18) years or older, who is a *Florida* voter.

Mr. Hays provided opinion concerning the language and a request to minimize any misunderstanding.

Committee members advised that the provisions in the Charter were voted on with a majority and that it will stand as voted on with no changes unless the attorney advises of changes needed.

Mr. Hays quoted Statute 97.041 addressing requirements and suggested we make the Charter line up with the Statute.

Most of the committee stood firm with no change made.

It was suggested that we move on from the discussion, allow for Mr. Hays to leave the meeting and return to the agenda. All were in favor. Mr. Hays said his goodbyes and left the Zoom meeting.

Approval of Minutes:

Kat made a motion to approve the minutes. Pat seconded the motion.

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The committee in a vote of all in favor approved the 7/28/20 minutes.

Graham made a motion to approve the minutes. Kat seconded the motion
The committee in a vote of all in favor approved the 8/11/20 minutes with changes.

New Business

Graham provided an updated copy of the Charter from the previous meeting for review with minor changes to discuss and a strike through copy showing the areas of changes made. Following discussion, the amendments approved by the committee are shown below.

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.

Graham advised that the metes and bounds (survey) description of the town is not accurate. He has been in contact with a surveyor and Town Planner Tom Harowski. Preliminary suggestions of cost of \$10k were discussed. Graham has advised the Mayor to allow for budgeting for the proper survey to be conducted to legitimize the town boundaries.

The following paragraphs were discussed with proposed additions shown in non-italics;

*Unless approved by the Council, any Town official or employee, acting in his/her official capacity, is forbidden from doing business with a firm in which he/she has a material interest, or The Town shall make no transactions with a firm in which a Town official or employee's spouse, parent, sibling or child has a material interest. Nor shall an official or employee acting in a private capacity transact business with the Town. The Town official must declare the interest and recuse himself/herself from any vote. Any Town official or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section with the knowledge, express or implied, of the person or corporation contracting with or making a sale to the Town shall render the contract or sale voidable by the Mayor or the Town council. **Agreed to change***

Town Clerk/Finance Director

- g. Be the Elections Officer for the town and conduct all Town elections. **Agreed to change to "Be the Elections Qualifying officer for the Town."**

Public Works Director

The Public Works Director shall be responsible for the management and operation of the public works department as set forth by the policy and procedure manual. The duties of the Public Works Director shall include but are not limited to construction improvements, repair, maintenance of town facilities (including parks, playgrounds, cemetery and public facilities) and

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overseeing of code enforcement. *The Public Works Director shall report directly to the Mayor.*
Agreed to change

Requirement for a Town Attorney.

The Town Council shall contract with an Attorney in good standing with the Florida Bar to provide legal services to the Town. The Attorney shall be a licensed, practicing Attorney. The Attorney shall serve as legal advisor to the Town in all its legal matters. When such advice is required, the Mayor will make the request and the advice shall be submitted by the Town Attorney in writing to the Mayor and Town Council. All requests for legal advice or other contact with the attorney shall be ~~at the~~ approved by the Mayor or a majority of the Council. It shall be the Attorney's duty to prepare, draft and review Ordinances, Resolutions, Contracts and Agreements, legal papers pertaining to bonding issues, and other matters for the municipal government. Added strike through for grammar, agreed to changes and agreed to add or a "majority of the council" to read as; "All requests for legal advice or other contact with the attorney shall be approved by the Mayor or majority of the council".

Graham will provide a new copy of the Charter and a copy of the strike through version showing the changes that were made to the Town Attorney to review for legality with explicit instructions not to change any language or words. The estimated time for review is approximately 2 weeks turn around. Once the attorney reviews and sends back approved, we can send to Town Council to process. Any comments received will be discussed at the next meeting.

The floor was open for comments:

Jamie Troyer stated she appreciated everything we were doing.

The next meeting is scheduled for 9/15/20 at 6:30pm.

Kat made the motion to adjourn the meeting; Dan seconded the motion

Berniece adjourned the meeting.

Minutes submitted by Donna Klein

Minutes approved by _____
Chairperson, Berniece Hower