



**FORT MYERS BEACH
CHARTER REVIEW COMMISSION (CRC)
MINUTES**

Town Hall – Council Chambers
2523 Estero Boulevard
Fort Myers Beach, Florida 33931

Thursday, January 22, 2015

I. CALL TO ORDER

The meeting was called to order at 9:00 a.m. Chair Babcock. Members present: Tom Babcock, Miffie Greer, Dan Hughes, Jay Light, and Dan Parker.

Council Liaison: Rexann Hosafros

Staff: Michelle Mayher

Town Attorney: Derek Rooney

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF FINAL AGENDA

IV. PUBLIC COMMENT

No public comment.

V. APPROVAL OF MINUTES of January 8, 2015

MOTION: Mr. Parker moved to approve the minutes; second by Mr. Hughes.

VOTE: Motion passed unanimously.

VI. DISCUSSION OF NEW SECTION ON CANVASSING BOARD

Town Attorney Rooney questioned who and how many people should be on the canvassing board. Chair Babcock replied that previous discussions regarding composition of the Board included the Town Manager, Town Clerk, and the longest term Town Council Member. Town Attorney Rooney will craft language.

VII. REFERENDUM SPECIAL ELECTION

A. Worksheet Discussion

- Section 11.03(b) - Financial Procedures - Long-Term Debt

Town Attorney Rooney commented that if section 11.03 remained in the charter, he would not reference specific statute sections, but he would refer to the Florida constitution and general law. Discussion was held regarding revenue bonds, specific language, pros, and cons. Consensus was reached to table the discussion until February 12, 2015. Mr. Hughes stated he would clean up the language for the rationale.

- Section 13.01 - Charter Amendments - Clerical Changes

Town Attorney Rooney revealed that clerical changes must go through the amendment process. Discussion was held concerning combining clerical changes with substantive changes if both appeared in the same section.

B. Agree on Schedule for Completion of Work to Schedule a Referendum Special Election

Discussion was held concerning a timeline for a special election for Town Hall. Ms. Rischitelli discussed available revenues, dedicated funds, expectations, and education. Consensus was reached to table the discussion until next meeting to allow Ms. Rischitelli to research options.

VIII. DISCUSS THE FOLLOWING WORKSHEETS FOR SECTIONS: 4.01(c); 4.02; 4.03; 4.04(b) & (c); 4.05(a); 4.07(d); 4.07(e); 4.12; 4.13.

Discussion was held regarding prioritizing and minimizing substantive changes and removing residency requirements for Town Council candidates.

MOTION: Mr. Light moved to eliminate the change in 4.01(c) residency requirements; second by Mr. Hughes.

VOTE: Motion passed unanimously.

Chair Babcock reviewed changes to 4.02 and 4.03 Mayor and Vice Mayor.

MOTION: Mr. Light moved to approve combining the wording of 4.02 and 4.03 and to approve putting on a referendum; second by Mr. Hughes.

VOTE: Motion passed unanimously.

Discussion was held regarding adding a new 4.04(b) and referencing Florida Statute 100.361 for penalty of violating charter. Town Attorney Rooney recommended adding section 100.361 Florida Statute as may be amended. Discussion was held concerning recalls and conflicts of interest.

MOTION: Mr. Light moved to make the proposed new section an addendum to paragraph (a), violations of this paragraph of the charter shall constitute malfeasance within the meaning of Section 100.361 Florida Statute as may be amended; second by Mr. Hughes.

VOTE: Motion passed unanimously.

VOTE: Motion passed unanimously.

Mr. Light stated that verbatim had to be removed in the rationale to reflect the change.

Chair Babcock reviewed 4.05(a) compensation and discussion concerning language ensued.

MOTION: Mr. Parker moved to go forward with 4.05(a); second by Ms. Greer.

Discussion regarding compensation adjustments was held.

MOTION: Mr. Parker moved to change the language to read: Effective April 1, 2016, base pay for the Mayor will be \$19,200 annually and Council members will be \$16,800 annually as compensation for their services. Compensation shall be revised annually based on across-the-board adjustments budgeted for staff and administered at the same time as Town employees; second by Ms. Greer.

VOTE: Motion passed unanimously.

It was determined that members were voting on the proposed changes, not the rationale.

Ms. Greer remarked that she would have 4.07(d) excused absences changes by the next meeting.

MOTION: Mr. Parker moved to accept 4.07(e) forfeiture of office, second by Mr. Light.

VOTE: Motion passed unanimously.

Discussion was held concerning the word journal in 4.12 rules and journal and language around the policies and procedures manual.

MOTION: Ms. Greer moved to delete all references to journal and the final sentence shall read: The Town Council shall maintain a Policies and Procedures Manual that provides guidelines for how it will operate; second by Mr. Parker.

VOTE: Motion passed unanimously.

Mr. Parker reviewed the change to 4.13 concerning voting quorum. Discussion was held regarding majorities, emergency situations, quorums, and conflicts of interest.

MOTION: Mr. Light moved to table the discussion and revisit; second by Mr. Parker.

VOTE: Motion passed unanimously.

IX. UPDATE CHARTER LOG - Substantive Changes

X. UPDATE CHARTER LOG - Clerical Changes

XI. MEMBER'S ITEMS

No member items.

XII. SET NEXT AGENDA DATE AND ITEMS - February 12, 2015 at 9:00 a.m.

Complete discussion on long-term debt, complete list of substantive changes, add substantive change 4.07(d) and revisit 4.13, and discuss compilation of changes.

XIII. ADJOURNMENT

Chair Babcock adjourned the meeting at 12:00 p.m.

Adopted 2/12/15 With/Without changes. Motion by Greer/Parker

Vote: 5-0

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