

## **CHARTER REVIEW COMMITTEE (CRC)**

**March 12, 2020**

Members Present: Marie Bushey, Marty Danaher, Christine Elnitsky, Eric Preston, Patricia “Trish” Tudeen, Terry Dallas and Kirk Jones. Absent were Sally Gillespie, Marvel Richards, and Lisa Martin. Facilitator, Marilyn Crotty, announced that Ken Bohannon had resigned from the committee and was not present. City Clerk, Kelly McQuillen was also present.

**Public Comment:** A resident would like to see the minutes of the CRC made available to the public. City Clerk, McQuillen spoke to new agenda management software, expected in April, that will facilitate making agendas and minutes available to the public. In the meantime, Ms. McQuillen committed to sending the minutes to the speaker.

Several members of the committee inquired about Mr. Bohannon’s resignation and what, if anything, would be done to fill his position on the committee. The facilitator answered that was a decision to be made by the Commissioners. Mr. Bohannon was an “at large” appointment made by Commissioner McGuirk. The consensus from the Committee was that introducing a new member at this point might prove counter-productive to completing the review as planned. Someone new to the process might revisit resolved issues and want to start from the beginning.

The facilitator reviewed the preliminary recommendations agreed to at the February 27 meeting. Most notable were:

- Commissioners will ALWAYS be elected in a general election by the people. No longer may a race be decided following the primary results.
- The duties of the City Manager, City Clerk and the City Attorney were reworded.
- “Board of Elections” (County) will be changed to the “City Canvassing Board” (composed of the City Clerk and 2 Commissioners not on the ballot) and will be the body charged with certifying local election results.
- The wording was changed as it relates to newly elected Commissioners taking office.

The committee recommends adding a new Article titled PUBLIC PARTICIPATION. And also recommended that the City Charter be reviewed every five years beginning in 2026.

Current Chapter 14, sections 183, 185, 192, 194, 195, 205 and 208 were discussed and deleted. Most are covered in State Statutes. Section 206 “Saving Clause” will be changed to “Severability”. Ms. Crotty will research Section 207, as there was question concerning its need to be included and the language currently in the Charter.

The committee recommended that the fiscal year dates be included (Oct. 1 – Sept. 30.) and language from the model charter was used to define the annual budget message responsibilities.

Chapter 15 covering the Utilities Commission (UC) was the result of a special act of the Florida Legislature and deal with the business practices and powers given the UC. It is not typically part of a City Charter and neither the facilitator, nor the committee felt they had the expertise, or responsibility to review or amend.

The City Attorney and the UC Attorney sent a position statement to the committee suggesting that reviewing and possibly recommending changes to Chapter 15 was not a responsibility of the Charter Review Committee. The facilitator will include a statement to that effect in the final report to the City Commission.

Marty Danaher pointed out that there is currently no provision in Chapter 15 of the Charter outlining the UC selling of assets or lands. Should these sales have the knowledge and approval of the citizens? He would suggest that topic be added.

Marie Bushey noted that there seemed to be no provision for UC investment in infrastructure and recommended that be considered.

This meeting marked the end of the review of the current charter. Additions to the Charter suggested by the facilitator and Sally Gillespie will be deferred to the March 26 meeting due to Ms. Gillespie's absence.

Mr. Danaher thought it prudent to suggest that the City's already defined 24 neighborhoods be considered as criteria for the redrawing of zones following the upcoming census.

The meeting closed with Mr. Danaher asking "How do we make the City Commission comply with the City Charter?" The facilitator replied that it is law that the Commission be governed by the City Charter and the Comprehensive Plan. She suggested that the citizens must actively monitor compliance.

### [New Smyrna Beach City Charter \(2014\)](#)