

CHARTER REVIEW COMMITTEE (CRC)

May 14, 2020

All Committee Members Participated in a virtual “Zoom” meeting online: Marie Bushey, Marty Danaher, Christine Elnitsky, Eric Preston, Patricia “Trish” Tudeen, Terry Dallas, Kirk Jones, Sally Gillespie, Marvel Richards, and Lisa Martin. Facilitator, Marilyn Crotty, City Clerk, Kelly McQuillen and City Attorney, Carrie Avallone also participated.

A half dozen members of the public logged into the session and were invited to speak during public comment. Two people offered the following comment:

Palmer Wilson had reviewed the Charter Changes and suggested that:

- SEC 2.07: “moral turpitude” should be replaced with more specific language
- SEC 2.09: it should stipulate that internal investigations be contracted to professional investigators.
- SEC 5.04:
 - ❖ the City should divest themselves of leases.
 - ❖ it should stipulate that fair market value be used when selling city-owned property
 - ❖ remove leases from the requirement for a referendum vote
 - ❖ the details for all city leases should be easily available to the public

Joe Dlubac thanked the committee members for their service to the City and suggested the following:

- Article 4 should include the Finance Director as a Charter officer in the City
- No City Charter Officer or Commissioner should be a convicted felon
- The City manager should serve 12 months (instead of 6) before being reviewed for performance to allow the manager to work through an full annual process

Committee member Lisa Martin had reviewed the complete Charter and forwarded an email to each committee member, the facilitator, the City Clerk and the City Attorney. She had numerous questions and suggestions that were each addressed by the Facilitator. A summary of the points addressed follows:

- “New Smyrna Beach” will be replaced with “the city of New Smyrna Beach”
- Dashes between section numbers and following text will be removed
- References to votes of the City Commission will stipulate “3 yes votes” for passage.
- The first occurrence of a title in a section will stipulate “City Manager” and will allow for the usage of “manager” in subsequent references within the document
- Including an organizational chart in the Charter or as part of the annual budget presentation was discussed and discarded
- SEC 3.03 add specific requirements for City Clerk
- A suggestion that language be included in the Charter to prohibit the same accounting firm from auditing both the City and the Utilities Commission was discussed and discarded. The consensus was that the possibility of using the same firm showed no conflict.
- SEC 5.04 suggested that only leases over one year in duration require a referendum vote by the people was discussed and discarded.
- A suggestion was made to insert “FEMA Compliance” into SEC 5.01 was discussed and discarded. Sally Gillespie who authored this section had submitted specific language to a

prominent land use attorney, who reviewed and made suggestions related to wording. Changing the wording might leave the entire section vulnerable to legal challenge.

- Several questions and suggestions concerning local elections were discussed and it was determined that the language, as written and amended by the Committee should remain unchanged.
- Thinks there should be stipulated term limits for members of City Advisory Boards was discussed and discarded.
- There was another discussion about the Committee reviewing and possibly suggesting changes to section 8 concerning the Utilities Commission. Again, it was the strong suggestion of the facilitator and the City Attorney that Section 8 be left as written.
 - ❖ See discussion at [March 12 Meeting](#) and follow-up at [April 30 meeting](#)

The additions to the Charter, presented and approved at the April 30 meeting were added to Article V and were reviewed by the committee. All agreed to leaving Article V, as written.

Completed with their review of the facilitator's report and having reviewed the amended Charter, the committee discussed possible implementation strategies looking forward to the amended Charter being included on the ballot in November.

- The report and the revised Charter will be submitted to the City Commission for its review before a joint meeting of the Commission and the Charter Review Committee scheduled for May 28.
- The Commission may accept all, some, or none of the recommendations in the report.
- The City Commission will need to adopt an ordinance that will include the ballot language.
- The usual process of two public hearings on the ordinance with an opportunity for public comment will be held and final approval from a majority of the Commission will be required to place any items on the ballot.

There are over thirty major changes to the Charter recommended by the committee. Including thirty-plus questions on the November ballot would be onerous, so the committee is recommending that the City Commission engage in a robust public information effort to educate the voters prior to the election and that voters be asked to vote on a single question to adopt the proposed Charter in its entirety.

Eric moved and Trish Tudeen seconded his motion to accept the facilitator's report. A roll call vote was unanimous to accept the report and amended City Charter. The facilitator asked if any of the committee members would be submitting a minority report on any issue and found there will be none.

There was discussion concerning whether the joint meeting on May 28 would be held in person or virtually. The consensus of the committee was strongly in favor of a virtual meeting. Kelly McQuillen committed to the public being invited to participate in the virtual meeting.

The committee thanked the facilitator for her leadership during the review. The facilitator complimented the committee on their commitment to the City and the task they had accepted. Both the facilitator and the committee complimented each other on the Charter being submitted to the City Commission and, ultimately, the voters in New Smyrna Beach.