



2024 Charter Review Committee (CRC)
Joseph E. Johnston III Council Chambers
201 Howell Avenue, Brooksville, Florida 34601

AGENDA

April 11, 2024

4:00 p.m.

A. Call to Order

B. Approval of Minutes

Attachment One: March 26, 2024 CRC minutes

C. Review of draft letter to City Council which includes recommended Charter changes and recommendations for Council consideration

Attachment Two – draft language of letter to Council

D. Additional comments or questions on Charter

E. Determine next steps of Committee

F. Next meeting date: April 18, 2024 at 5:15 p.m.

G. Citizens Input

H. Adjourn

Two or more Council members may participate in this meeting. In accordance with the Americans with Disabilities Act, persons with disabilities needing a special accommodation to participate in this proceeding should contact the ADA Coordinator, no later than 48 hours in advance of the meeting at (352)540-3810. Meeting agendas and supporting documentation are available from the City Clerk's office and on line at www.cityofbrooksville.us. Any person desiring to appeal any decision with respect to any matter considered at this meeting may need a record of the proceedings including the testimony and evidence upon which the appeal is to be based, and, therefore, must make arrangements for a court reporter to ensure that a verbatim record of the proceeding is made.

ATTACHMENT ONE TO 4/11/24 CRC AGENDA

**2024 CHARTER REVIEW COMMITTEE
MEETING MINUTES**

Joseph E. Johnston III Council Chambers
201 Howell Avenue, Brooksville, Florida 34601

March 26, 2024

5:15 P.M.

The Charter Review Committee (CRC) met with Chair Peg Bloomquist, Vice Chair Christopher Licata, III, and Members Brent Young, Sally Sperling, Pat Brayton, Joe Quinn and Tom Barnett. Also present was Nancy Stuparich, City Attorney, Vose Law Firm, David Hainley, City Community Development Director, Jennifer J. Battista, City Clerk/Recording Secretary and Charlene F. Kuhn, City Manager.

Call To Order

Chair Bloomquist called the meeting to order.

Introduction of new CRC Member, Pat Brayton, who was appointed by Council to replace Darren McKethan, who could not serve due to work commitments.

Approval of Minutes - March 5, 2024 CRC minutes

Motion:

Motion was made by Barnett and seconded by Sperling to approve the March 5, 2024 Charter Review Committee minutes. Motion carried 7-0.

Follow up discussion items, questions, comments or suggestions on Items discussed on March 5th CRC meeting:

- How Economic Development policy is regulated

Presentation by: Community Development Director, David Hainley

David Hainley and City Attorney Stuparich went over the Economic Development Element of the Comprehensive Plan (Note: which was distributed to the CRC members)

Committee Member Barnett supported looking for language to be included in the Charter to mandate that City Council have the goal to bring in economic growth. He was particularly interested in goals to promote manufacturing and target industries in certain areas, as a way to stimulate the economy and bring higher paying jobs to the City.

Committee Member Brayton was concerned about putting it into the Charter and it was his understanding that the City has an economic plan implemented by staff directed by the Planning and Zoning Commission and City Council. He felt that would happen whether it was in the Charter or not.

City Attorney Stuparich felt putting it in the Charter would result in the City Council not having the flexibility to be fluid, dynamic and changing with the needs of the community.

Committee Member Quinn advised that the Comprehensive Plan is the vision for the City and that it would be the document, along with policies passed to support it, that would be more specific on items such as growing an economic base.

Vice Chair Licata felt that the Charter is document that creates the Council and the City and how the City will operate. The particular applications are not for the Charter and advised that his earlier proposals were more about how the Council is set up and not specific policies.

Committee Member Sperling felt that it should come down to who is running for Council, what their platform (i.e. supporting economic development) is and if they are elected. Committee Member Barnett felt that the current focus seems to be beautification projects and events that have vendors profiting, but not serious focus on economic development.

Motion:

Motion was made by Barnett and seconded by Quinn to recommend including in the Charter more generic language around economic development.

Amended Motion:

Motion was amended by Barnett to ask the City Attorney to create language to come back to them to promote the idea of economic development in a generic statement in the Charter.

City Attorney requested a definition of “generic”. Vice Chair Licata felt that the idea would be to drive corporations or employers to the downtown, which Barnett confirmed.

Motion died for a lack of a second.

Chair Bloomquist felt that putting that in the Charter would give more importance to drive economic growth.

Motion:

Motion was made by Licata and seconded by Quinn to direct the City Attorney to develop general language that will force Council to pursue a policy that will create corporate employment inside the City limits, will bring large companies to the City to employ people at a higher salary. City Attorney Stuparich felt that it would be more business development than economic development, which Licata confirmed.

Motion carried 5-2, as follows:

Brayton	Nay
Quinn	Aye
Sperling	Aye
Licata	Aye
Barnett	Aye
Young	Nay
Bloomquist	Aye

- Role of a Mayor 2.03

Motion:

Motion was made by Licata to ask the Attorney to bring back language that gives the Mayor more executive authority as far as day to day business and what those duties look like.

Vice Chair Licata clarified that it would be a very weak Mayor but the Mayor would have hire and fire authority over the City Manager. The City Council would no longer have that authority. That Mayor is chosen by the Council, which is how it is how it currently stands. The Mayor is still a member of Council, but he reiterated that the Mayor would have power to hire and fire the City Manager. Discussion ensued regarding what would happen if the Council did not like the Mayor's decision and a possible repercussion might be that Council could remove the Mayor and the Vice Mayor would become Mayor.

After a review of the Charter language, the Committee discussed the fact that there is no provision included in the Charter that allows for Council to demote a Mayor if necessary.

Motion Clarified

Vice Chair Licata clarified his motion to direct the City Attorney to give the Council the ability to remove the Mayor and give the Mayor the ability to remove the City Manager. Motion was seconded by Barnett.

CRC Member Brayton voiced concern that if the Mayor hires a City Manager, then is demoted and the Vice Mayor becomes Mayor, that new Mayor could fire the City Manager and hire a new one. When a new Vice Mayor is promoted to Mayor, another City Manager could be hired and fired.

Vice Chair Licata wondered if there was a desire to amend his motion so that any Council Member has the ability to bring forward to Council the discussion on firing a City Manager.

Vice Chair Licata stated that this, and many of his proposals, are geared to promote accountability and define who is the political person in charge. He stated that there is the thought that the Mayor is the political person in charge, and not the entire Council at large as it currently stands.

City Attorney Stuparich pointed out that firing City Managers will involve severance pay and there will be financial ramifications to the budget. The proposal is that one person, the Mayor, is responsible for that decision, instead of a majority vote of Council as it stands now.

City Attorney Stuparich clarified there are two issues being discussed:

1. Mayor responsible for hiring and firing the City Manager
2. Council the ability to remove the Mayor

Motion further clarified:

After discussion, motion to have the Mayor responsible for hiring and firing the City Manager was made by Licata and seconded by Barnett.

Motion failed 5-2, as follows:

Brent Young	Nay
Tom Barnett	Aye
Chris Licata	Aye
Sally Sperling	Nay
Joe Quinn	Nay
Pat Brayton	Nay
Chair Bloomquist	Nay

City Attorney Stuparich discussed the second part, which would be a change to 2.03 on the election of the Mayor and the fact that there is no provision to allow for the Mayor to be demoted by Council. She would have to research if it would be an ordinance change as well.

Motion

Motion was made by Licata and seconded by Barnett to direct the City Attorney to bring back language to allow City Council to remove the Mayor, allow him to continue to as a Council Member, and provisions to promote the Vice Mayor as Mayor. Vice Chair Licata added that there would be no cause needed. Motion failed 4 – 3, as follows:

Brayton	Nay
Quinn	Nay
Sperling	Nay
Young	Nay
Barnett	Aye
Licata	Aye
Bloomquist	Aye

- *Whether setting salaries of Council Members should be in Charter*

CRC Member Sperling felt that if she is voting to elect someone to office, she did not think that person should set their own salary. The Committee discussed the research from other cities, many of which do have language in the Charter in various formats. Chair Bloomquist called attention to, and the CRC members discussed, the City of Daytona Beach and their code [Note: not Charter] that says:

Sec. 2-56. - Salary review committee.

The city commission shall appoint, no later than one year before each general election of the city, a committee of not less than five members of the community, including not less than two former elected city officials, to serve without pay and at the pleasure of the commission, to conduct a review and make a written recommendation to the commission concerning the salaries for the position of mayor and city commissioner. The committee shall report its finding no later than January 15 of the year in which the general election is held.

City Attorney Stuparich advised that she believed the City of Naples has similar language. Committee Member Barnett felt the current Council salaries were too low and wondered if the CRC had any authority to impact the salary.

Committee Member Barnett called attention to the City's Charter 2.05 and suggested the yellow highlighted change below:

The council may determine the annual salary of council members and mayor or vice-mayor by ordinance, but no ordinance increasing such salary shall become effective until the commencement of the **NEXT OR UPCOMING** fiscal year. Council members shall receive their actual and necessary expenses incurred in the performance of their duties of office as provided by law.

Committee Member Young reminded all that Council is also entitled to full benefits which includes health insurance and enrollment in the Florida State Retirement System.

Vice Chair Licata supported a salary review committee that would research Council salaries on a regular basis and perhaps the committee would have to approve the salary change first before approved by Council ordinance. Committee Member Young stated that when the City does an overall salary study, they could include the Council salaries as well. City Manager Kuhn advised that it is planned to put into the budget to do a salary study in 2025.

City Attorney Stuparich advised on the City of Naples language, as follows:

2.5(2) From time to time, but in no event less often than every four (4) years, [the] city council shall appoint an independent, "Blue Ribbon" committee, consisting of seven (7) Naples residents, for the purpose of studying and making recommendations to the

council on the level of compensation and benefits for the mayor and councilmembers. The first committee shall be appointed no later than February, 1997. If, at any time, the council takes action to change the level of compensation, the salary for the members then sitting on [the] council shall be adjusted beginning on the first day following the next ensuing regular municipal election. The "Blue Ribbon" committee, provided for herein, shall make its recommendation to the council no later than three (3) months prior to the date of the next regular municipal election.

Committee Member Sperling liked the wording and Vice Chair Licata felt that review every 4 years may be too often and wondered if it should be every 6 years. It was brought up that Council could always refuse a raise. Stuparich called attention to related wording in Naples' code regarding Council's ability to reject a raise [Note: Sec 2.5(1)]

The CRC Committee discussed the makeup of the salary committee. Staff could sit on it and be voting or non-voting members, but it should be citizen driven and it was the consensus of the Committee that they be City residents.

Motion:

Motion was made by Sperling and seconded by Licata to word compensation for Council in 2.05 to provide for a blue-ribbon committee and follow the language of the City of Naples.

Motion carried 7-0, as follows:

Brayton	Aye
Quinn	Aye
Sperling	Aye
Young	Aye
Barnett	Aye
Licata	Aye
Bloomquist	Aye

Committee Member Barnett reminded the City Attorney about the change in 2.05commencement of the **NEXT OR UPCOMING** fiscal year.

- Role of CRC

Motion:

Motion was made by Bloomquist and seconded by Licata to have the Attorney look at adding language in the Charter on the role of CRC. Stuparich suggested that it would be best suited for 6.08. [Note: a few minutes later, when City Attorney Stuparich clarified the motion, she stated that it would also be to allow the City Council to convene the Charter Review Committee when needed.]

Motion carried 7-0, as follows:

Young	Aye
Barnett	Aye
Licata	Aye
Sperling	Aye
Quinn	Aye
Brayton	Aye
Bloomquist	Aye

The Charter review being done every four, six or ten years was discussed as well as adding the words “..... or at the discretion of the City Council”.

There was a consensus to keep it at 6 years for Charter Review.

Further research: voluntary service of former Council members on advisory boards

No action taken on this.

Discussion on recommending establishment of ad hoc committee to further research districting concept.

Chair Bloomquist supported looking at this again and have the CRC Committee recommended that City Council to establish an ad hoc committee to further research the districting concept. The Chair and the Committee discussed that this could be important to look into as the City grows to ensure diversity, economic equity and representation. This would be a recommendation to Council and not a Charter change. The City Attorney would come back to the CRC with this language.

Motion:

Motion was made by Bloomquist [Note: in meeting, both Bloomquist and Barnett made the motion.... No official second] to ask the City Attorney to come back with verbiage on a recommendation, not a Charter change, for establishment of an ad hoc committee to future research districting concept in the City of Brooksville. Motion carried 6-1, as follows:

Brayton	Aye
Quinn	Aye
Sperling	Nay
Young	Aye
Barnett	Aye
Licata	Aye
Bloomquist	Aye

Additional comments or questions on Charter

Committee Member Barnett discussed Section 6.05

“No former elected official of the city shall hold any compensated city office or employment until one (1) year after his or her termination from his or her elected position”.

He was opposed to this restrictive requirement and felt it could mean losing the talents of a person who could offer a lot of important input. City Attorney Stuparich advised that this one year sit-out is mandated by State Statute and Barnett advised he would withdraw his concern.

Committee Member Sperling called attention to 2.02 and 2.04 and felt that if you have to be a resident to be elected, you should be required to be a resident for the duration of the term. The Committee discussed this and noted that it is a disqualification for office if they do not live in the City [Note: 2.04(4)]

The section discussed was as follows (specifically yellow highlighted)

2.04 - **The council shall be the judge** of the disqualification of its members and of the grounds for forfeiture of their office. Forfeiture of office by a council member shall be limited to the following:

- (1) Permanent inability to perform official duties.
- (2) Conviction of a felony.
- (3) Neglect of duty for failure to attend a majority of council meetings within the immediate prior six (6) months' term of office without just cause.
- (4) **Council member no longer meets residency requirements of having primary residence within the city limits.**

A member charged with conduct constituting grounds for forfeiture of his or her office shall be entitled to a public hearing on demand and notice of such hearing shall be published in one (1) or more newspapers of general circulation in the city at least one (1) week in advance of the hearing. **Forfeiture of office shall require not less than a four-fifths (4/5) vote of the entire council.**

Committee Member Quinn noted that if Council is the “judge”, they could vote to keep someone on even if they are not a City resident or even if they are convicted of a felony. Committee Members Brayton and Young felt that needed to be changed. City Attorney agreed this should be looked at and she would do research on that.

Determine next steps of Committee – a report to Council will be on the May 6, 2024 Council agenda.

Next meeting date: 4/11/24. It was decided to hold the meeting at 4:00 p.m. Committee Member Barnett would attend via Microsoft Teams.

Citizens Input - None

Adjourn - There being no further business, meeting was properly adjourned at 6:44 p.m.

Recording Secretary

CRC Chair

ATTACHMENT TWO TO 4/11/24 CRC AGENDA

DRAFT for discussion at 4/11/24 CRC meeting

May 1, 2024

Mayor Blake Bell
Vice-Mayor Christa Tanner
Council Member Casey Theryung

Council Member David Bailey
Council Member Thomas Bronson

RE: Final Report of the City of Brooksville Charter Review Committee

Dear Mayor and Council Members:

On behalf of the members of the City of Brooksville Charter Review Committee (“CRC”), we thank you for this opportunity to have served the community by fulfilling the role of the charter review committee in Section 6.08 of the City of Brooksville Charter. The CRC held a total of ___ meetings in Council Chambers and we completed a thorough review of each Section of the existing City Charter. We also considered and debated some suggested changes to the city’s fundamental framework in order to evaluate whether such a change would provide greater accountability, transparency and service to the residents. As a result of our work, the CRC is requesting your consideration of 4 charter changes and 1 recommendation.

1. Business Development. The first charter change relates to the need to promote business development in an effort to grow the city at every opportunity. Although a minor revision to the language in the Charter, we believe the City Council should take every opportunity to encourage economic development by the promotion and encouragement of business opportunities. We are aware that the Florida Legislature recently amended Section 166.041 to include a requirement in subsection (4)(a) that a Business Impact Estimate accompany every adopted ordinance, however, we believe each ordinance should also include a textual finding by the City Council of the ordinance’s impact on business development. Below is language illustrative of our recommendation.

Sec. 2.13. - Ordinances in general.

(a)[Definitions:] "Ordinance" means an official, legislative action of the council, which action is a regulation of a general and permanent nature and enforceable as a local law.

(b)[Form, procedure generally:] Ordinances, including the form, procedure, effective date, action required in ordinance, emergency ordinances, emergency appropriations, budget adoption, reduction of appropriation and limitations shall be as prescribed by general law.

(c)Emergency ordinances: To meet a public emergency affecting life, health, property, welfare or the public peace, the council may adopt one (1) or more

emergency ordinances, but such ordinance may not levy taxes, grant, renew or extend, a franchise, [or] set service or user charges for any municipal services.

(1)Form: An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in the preamble as an emergency ordinance and shall contain, after the enactment clause, a declaration stating that an emergency exists and describing it in clear and specific terms.

(2)Procedure: An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least three-fifths ($\frac{3}{5}$) of all the council shall be required for adoption. After its adoption, the ordinance shall be printed and published as prescribed for other adopted ordinances.

(3)Effective date: Emergency ordinances shall become effective upon adoption or at such other date as may be specified in the ordinance.

(4)Repeal: Every emergency ordinance except emergency appropriations shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance under regular procedures, or if the emergency still exists, in the manner specified in this section. An emergency ordinance may also be repealed by the adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

(5)Emergency appropriations: The council may make emergency appropriations in the manner provided in this section. To meet such appropriations, the council may, by such emergency ordinance, authorize the issuance of emergency notes which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

(6) All adopted ordinances shall include a finding by the City Council regarding whether or not the ordinance promotes business development in the City.

2. Disqualification of Office. The CRC was concerned that there is a lack of guidance and criteria for the City Council to follow in the event that a council member is disqualified from office due to a lack of residency in the city. A requirement for ownership of real property alone may not withstand constitutional scrutiny; however, the CRC would like to include language that provides that residency may be established by evidence of either a lease or ownership of real property located within the city limits. Below is language illustrative of our recommendation. A concern was also raised regarding the ability of the City Council to determine the disqualification of a member and whether that decision-making function should be delegated to a neutral 3rd party or perhaps based on a recommendation of a City Council Committee.

Sec. 2.04. - Disqualification and forfeiture of office.

The council shall be the judge of the disqualification of its members and of the grounds for forfeiture of their office. Forfeiture of office by a council member shall be limited to the following:

- (1) Permanent inability to perform official duties.
- (2) Conviction of a felony.
- (3) Neglect of duty for failure to attend a majority of council meetings within the immediate prior six (6) months' term of office without just cause.
- (4) Council member no longer meets residency requirements of having primary residence within the city limits. Primary residence may be established by owning or leasing residential real property within the city limits.

A member charged with conduct constituting grounds for forfeiture of his or her office shall be entitled to a public hearing on demand and notice of such hearing shall be published in one (1) or more newspapers of general circulation in the city at least one (1) week in advance of the hearing. Forfeiture of office shall require not less than a four-fifths ($\frac{4}{5}$) vote of the entire council.

3. Mayor and Council Member Compensation and Benefits. The second charter change relates to the need to provide for fair compensation and benefits to you, our elected leaders, without the awkwardness of self-promoting pay and benefit increases. We researched how other cities compensate their elected officials and identified language for inclusion in the charter modeled after the City of Naples' Blue Ribbon Committee. The language provides for the appointment of an independent committee to evaluate and thereafter recommend a salary or benefit increase. The independence of the committee eliminates the appearance of self-dealing by the city council. Below is language illustrative of our recommendation.

Sec. 2.05. - Compensation and expenses.

Every two (2) years, the council shall appoint an independent, "Blue Ribbon Committee" consisting of five (5) Brooksville residents, for the purpose of studying and making recommendations to the city council on the level of compensation and benefits for the mayor, vice-mayor and council members. The first Blue Ribbon Committee shall be appointed no later than _____, 202_. The "Blue Ribbon Committee" provided for herein, shall make its recommendation to the council no later than May of each election year. The City Manager or designee shall provide administrative support to the Committee.

The council may determine the annual salary of council members and mayor or vice-mayor by ordinance, but no ordinance increasing such salary shall become effective until the commencement of the fiscal year. Council members shall receive their actual and necessary expenses incurred in the performance of their duties of office as provided by law.

4. Role of the Charter Review Committee. The third charter change is a request to further define the role of the Charter Review Committee. Its intended purpose is to evaluate what may not be working or impeding efficient operation of city government and update language that may no longer apply due to statutory changes. Below is language illustrative of our recommendation.

Sec. 6.08. - Charter review.

(a) Effective following the Charter Review Process in 2000, and every six (6) years thereafter, at the first regularly scheduled council meeting in January, the council shall appoint a committee of not less than seven (7) members, all of whom shall be City residents, who shall review the charter. The charter review committee shall report to the council no later than the first regularly scheduled

council meeting in May of its review year. The role of the charter review committee is to consider, discuss and thereafter prepare a report identifying: ~~charter review committee shall prepare a report which shall include, but not be limited to, the following:~~(1)Whether or not the charter needs revision and why.(2)If the report states that the charter needs revision, the report shall state specifically what revisions need to be made.

(b)If a charter revision is recommended by the charter review committee, the council, no later than the first regularly scheduled meeting in June of the review year, shall by a majority vote of the entire council determine whether or not to submit a revised charter for a referendum vote at the next scheduled election, or a special election called for that purpose.

Should you agree with our recommendations, please direct the City Attorney to prepare an ordinance containing the ballot title and summary for presentation to the electorate at the next election in November 2024.

In addition to these recommended charter changes, the CRC is recommending that the City Council create an ad hoc committee to continue to evaluate the benefits of having 3 single member districts and 2 members elected at large. This is a fundamental change to the framework that the city has followed since adoption of the city's first charter. Because of the importance and magnitude of such a change further study and review is needed, and thereafter presentation to the electorate for approval if the city council agrees that such a change is beneficial to the community as a whole, ensuring diversity and economic inclusion in elected city representatives.

Again, on behalf of each member of the CRC, I would like to thank the City Council for the opportunity to serve on this important committee. I would also like to thank City staff for their diligent assistance in our efforts and my fellow committee members.

Sincerely,

Peg Bloomquist

Cc: CRC Members
City Manager
City Attorney