



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

AGENDA

April 18, 2024

5:15 p.m.

- A. Call to Order
- B. Approval of Minutes

Attachment One: April 11, 2024 CRC minutes

- C. Approval of final draft letter to City Council which includes recommended Charter changes and a recommendation for Council consideration

Attachment Two – Final Draft Letter to Council

- D. Final comments or questions on Charter
- E. Determine whether additional CRC meetings are needed (May 1st is only date available for use of the Council Chambers)
- F. Discussion of CRC Chairman and committee attendance at the May 6, 2024 City Council meeting (7:00 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 - 4/18/24 CRC AGENDA PACKET

**2024 CHARTER REVIEW COMMITTEE
MEETING MINUTES**

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

April 11, 2024

4:00 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. Committee Member Tom Barnett was absent. Also present was Nancy Stuparich, City Attorney, Vose Law Firm, Jennifer J. Battista, City Clerk/Recording Secretary and Lisa Morris, Deputy City Clerk.

Call To Order

Chair Bloomquist called the meeting to order.

Approval of Minutes

Motion was made by Brayton and seconded by Quinn to approve the March 26, 2024 CRC minutes. Motion carried 6-0.

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

(In italics is the draft letter topic. The Committee discussion on each is held after each topic)

*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 (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.

The Committee discussed #6 underlined above as the suggested change to the Charter. It was discussed whether it was needed in the Charter or whether the same emphasis on business development can be achieved by ordinances. Discussion followed on whether putting it in the Charter will force Council to think about business development growth as well as give Council an idea of its importances to voters when it goes to the general election on the ballot.

Motion:

Motion was made by Licata and seconded by Quinn to accept the language offered for #6 as submitted: (6) All adopted ordinances shall include a finding by the City Council regarding whether or not the ordinance promotes business development in the City. Motion carried 4-2.

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 (4/5) vote of the entire council.

The Committee discussed the proposed language underlined above, as well as whether it should take a 3/5th vote of Council instead of a 4/5th vote of Council (last sentence). Regarding residency, it was discussed who should be the judge of whether a Council Member no longer lives in the City. The possibility of the City Attorney using an investigatory and fact-finding avenue was discussed, as well as using a Special Magistrate Hearing Officer which would cost the City money. It was clear that conviction of a felony would not be an issue, since by nature of a conviction, that person by law would be removed from office.

Motion:

Motion was made by Licata and seconded by Brayton to reject the language proposed and change the last sentence of #4 to read “...three-fifths (3/5) vote of the entire Council”. Motion carried 5-1.

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.

The committee discussed the above underlined language addition. It was discussed how frequently the Blue Ribbon Committee should meet. It was pointed out from the March 26th CRC meeting minutes, that the words “next or upcoming” should be added as follows *no ordinance increasing such salary shall become effective until the commencement of the **next or upcoming** fiscal year.*

Motion:

Motion was made by Licata and seconded by Brayton to change the first sentence from Every two (2) to Every four (4); to put the date for the first Blue Ribbon Committee being appointed no later than January, 2025 and to add the word “upcoming” to the last sentence. Motion carried 5-1.

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.

The Committee discussed the proposed language change underlined and struck through above. The committee discussed that they wanted future CRCs to understand their roles and to be able to identify what is wrong in the Charter but to also be able to explain why it is wrong.

Motion:

Motion was made by Licata and seconded by Quinn to approve the suggested language with the additional words “and why” added so that it reads as follows: *.(2)If the report states that the charter needs revision, the report shall state specifically what revisions need to be made **and why**.* Motion carried 6-0.

Additional Recommendation:

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.

The committee discussed the above additional recommendation to City Council , which will not be a Charter amendment change. The Committee did not remember discussing at the past CRC meeting that they would be suggesting any districting recommendations for the ad hoc committee to consider. The ad hoc committee could come up with those recommendations on their own as their research determines.

Motion:

Motion was made by Licata and seconded by Young to approve the language proposal with removing the numbers (... **3** single member districts and **2** members elected at large.) Motion carried 5-1.

Additional comments or questions on Charter - None

Determine next steps of Committee – the final draft of the letter to Council will be reviewed at the April 18, 2024 CRC meeting.

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

Citizens Input - None

Adjourn - There being no further business, meeting was properly adjourned at 5:11 p.m.

Recording Secretary

CRC Chair



ATTACHMENT TWO - 4/18/24 CRC AGENDA PACKET

City of Brooksville

201 Howell Avenue,
Brooksville, FL 34601

Phone: (352) 540-3810
Fax: (352) 544-5424

May 1, 2024

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

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 6 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.

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(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.

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(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.

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(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 with the authority of an elected City Council to determine the disqualification of a member, and recommended changing the voting requirement to a 3/5 vote of the entire Council. This second Charter change could be accomplished as follows:

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.

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)~~ three-fifths (3/5) vote of the entire council.

3. Mayor and Council Member Compensation and Benefits. The third 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 four (4) years in January, the City 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 January 31, 2025. The "Blue Ribbon Committee" provided for herein, shall make its recommendation to the Council no later than May 1st 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 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.

4. Role of the Charter Review Committee. The final Charter change is a request to further define the role of the CRC. The intended purpose of the CRC is to evaluate what may not be working or otherwise impeding efficient operation of city government as well as to update language that may no longer apply due to statutory changes. Below is language illustrative of our final 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. (2) If the report states that the charter needs revision, the report shall state specifically what revisions need to be made and why.

(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 evaluate the benefits of having single member districts and members elected at large. This issue raises a fundamental change to the current manner of selecting the city's elected officials, which has been in effect since adoption of the city's first charter. Because of the importance and magnitude of such a change further study and review is needed before a recommendation can be made, and thereafter presentation to the electorate for approval. Such a change may be 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, Chairman
2024 Charter Review Committee

Cc: CRC Members
City Manager
City Attorney