

**CITY OF DELTONA, FLORIDA  
CHARTER REVIEW COMMITTEE MEETING  
THURSDAY, AUGUST 1, 2013**

The Organizational Meeting of the Deltona Charter Review Committee was held on Thursday, August 1, 2013 at the 2<sup>nd</sup> Floor Conference Room, 2345 Providence Boulevard, Deltona, Florida.

**1. CALL TO ORDER:**

The meeting was called to order at 6:00 p.m. by Chief Assistant City Attorney Wade Vose.

**2. ROLL CALL:**

Michael Kiepert	Present
Michael Kerns	Present
Beverly Spitz	Present
Jean Armstrong	Present
Paula Rossiter	Present
David Dapore	Present

For the record, everyone that spoke prior to David Dapore are committee members. Mr. Dapore is an alternate.

**3. WELCOME AND INTRODUCTIONS:**

Atty. Vose introduced himself and stated that he would be serving as General Counsel and acting as Facilitator for the Charter Review Committee.

Mr. Kiepert stated he has lived in Deltona since 2000. He's been a Regional Manager for a lighting company out of California; works out of his home; is president of the HOA for one of Florida's homes.

Mr. Kerns stated that he's lived in Deltona before it was a city, since 1985. Works in Orlando and DeLand, splits his time.

Ms. Spitz stated that she's been a resident of Deltona since 1980, long before Deltona was incorporated as a city. She is a retired owner of Duke's ABC Doors, which is a garage door company.

Ms. Armstrong stated that she is the broker/owner of Century 21 Armstrong Team Realty. She has lived in Deltona since 1995.

Ms. Rossiter stated that she's officially lived in Deltona since 2008 but had her house built in 2000.

Mr. Dapore stated he's lived in Deltona since 2003 and he's the Director of Finance for a construction company in Titusville. He's married and has 5 grown sons.

**4. SELECTION OF CHAIRPERSON, VICE-CHAIRPERSON:**

Atty. Vose suggested selecting a Chairperson and Vice Chairperson at this point in the meeting.

**Motion by Michael Kiepert, seconded by Beverly Spitz to appoint Jean Armstrong as Chairperson. Motion carried unanimously.**

**Motion by Jean Armstrong, seconded by Beverly Spitz to appoint Michael Kiepert as Vice-Chairperson. Motion carried unanimously.**

**5. OVERVIEW OF PROCESS:**

Atty. Vose stated in his role as a Facilitator he will keep everyone focused and on track, and will allow the committee to engage in discussion. He'll make sure everyone has a chance to speak and be heard.

Stated that the overview of the process that the Charter Review Committee will be following in going through their job of reviewing the Deltona Charter will be very basic.

Atty. Vose further suggested that the Committee use a consensus decision making process rather than a voting on each recommendation. A yet to be determined level of agreement should exist before adoption of any recommendations.

He pointed out that the process the review committee will follow is a three step process:

1. Reviewing the Charter, taking recommendations from the City Commission, taking recommendations from the public, their recommendations and taking your thoughts upon review of the charter; and
2. Formulating what is the will of this committee's recommendations and taking them to the City Commission; and
3. The City Commission will take those recommendation sift through them and modify, or not modify them, and put them on the next ballot in November 2014.

That the changes only become effective if the majority of the voters vote for those changes. If the measure fails then the charter is not amended.

Atty. Vose stated May-July, 2014 is the deadline for the Committee to make their recommendations.

Atty. Vose stated that single subject rule does not apply to charter amendments.

## **6. "GOVERNMENT IN THE SUNSHINE" LAWS:**

Atty. Vose handed out the 2013 Sunshine Law Overview which is a handout provided by the Attorney General's Office.

He stated that the Charter Review Committee is an advisory board of the City of Deltona covered by the Sunshine Law and that it applies both to elected and appointed boards. He pointed out that the boundaries of the Charter Review Committee are very similar to the City's Commission. That these are the laws that will cover this committee and it applies to any two members of the same board having any communication discussing any matter that could come before the board.

Atty. Vose explained open meetings and open records laws in Florida which has the strongest Government in the Sunshine Laws of any state. The people's business needs to be done in the public, at a time and place that anybody can attend. The definition of a meeting is when two (2) or more people from the same Board come together whether by email, phone, or in public and communicate about anything that could conceivably come before the Committee in the course of its business. This does not prohibit members of the Committee from seeing each other outside regular meetings. He stated the members can communicate with the facilitator, members of the public, city staff, and Commissioners (only one at a time). Atty. Vose stated if you want information distributed to the Committee members, submit the information to the Legal Department and he'll see to it that it gets distributed to all the members.

All the Charter Review Committee meetings will be noticed and the meetings will be accessible to all people. Atty. Vose stated the members are not required to retain any Charter Review Committee documents they receive, but must retain their own notes. Notes taken by the board members are considered to be public records and must be made available to anyone requesting them (including emails).

Members inquired as to having the City issue email addresses for them. Attorney Vose stated he would look into this.

Atty. Vose stated the penalties for violating the sunshine law range from jail time to fines.

Mr. Kerns asked how long he had to make his notes available and Atty. Vose stated once the Charter Review Committee has completed its work all materials, notes, and any other documentation they've collected will be turned into the City Clerk's office to determine its retention.

Atty. Vose distributed the handout 2013 Open Government Update which also talks about the Sunshine Law and Public Records.

## **7. BACKGROUND INFORMATION MUNICIPAL CHARTERS:**

Atty. Vose stated the City Charter is like the Constitution to the City. The Charter establishes the structure and function of government and if there isn't a good foundation the government

body isn't going to work well. The general idea of the charter is not to legislate. The Charter should be simple and not loaded down with a lot of details that change over time. The only way to change the charter is through a vote of the citizens. The charter should allow enough flexibility for the elected officials to deal with issues as they arise. It should also be clear, consistent, and unambiguous.

Basic information was given to the Charter Review Committee members as Atty. Vose went through the overview.

Atty. Vose stated that the members need to discuss when they want to address the issues brought up by the City Commissioners.

He also pointed out that subject matter is going to come up as the committee discusses the Charter.

## **8. ESTABLISHMENT OF GROUND RULES:**

The Committee agreed to the following:

- That when reviewing the Charter the “meat and potato” items need to come first and then the housekeeping items will be taken care off.
- That anything and everything that needs to be checked and reviewed will be sent directly to Atty. Vose.
- That as a courtesy to each other everything the members get should be reviewed before coming to the meeting.
- That for the next meeting members should consider bringing in their thoughts of the type of methodology the committee should follow while working through the charter changes.
- That all of the suggestions submitted by the City Commissioners should be put together and in order.
- That the members of the Charter Review Committee be given time to review the suggestions submitted by the City Commissioners, compare them to the charter and bring thoughts and ideas to the next meeting.
- That all members of the Charter Review Committee will have a right to be heard at the meetings even if, as alternates, they cannot vote.
- Citizen input will be welcomed and encouraged at every meeting with a maximum time limit of three minutes per person. Speakers will be asked to complete a

“Request to Appear” form (similar to the one used at the regular City Commission meetings) before the meeting is called to order, and once called upon they will identify themselves for the record before speaking.

**9. MEETING SCHEDULE:**

After discussion as to how often the Charter Review Committee should meet and where the meetings should be held it was agreed that the next meeting will be held on Wednesday, August 21, 2013 at 6:00 p.m. on the 2<sup>nd</sup> Floor Conference Room.

It was further agreed that at the next meeting Atty. Vose will propose alternative calendar dates.

**10. GENERAL DISCUSSION:**

Atty. Vose brought the committee’s attention to some of the suggestions he had received from three (3) members of the City Commission – Commissioner Schleicher, Vice Mayor Denizac and Commissioner Nabicht.

He pointed out that one of the recommendations from Commissioners Schleicher and Nabicht were that some of the provisions of the Charter be removed.

Mr. Kiepert stated that during the first charter review the form of government was never discussed and he would like to suggest to this committee that this is an issue that needs to be addressed and discussed.

Mr. Kiepert also suggested that the last meeting of the Charter Review Committee should be a joint meeting with the City Commission. Atty. Vose stated that he would look into that but informed that ultimately it would be the City Commission’s decision to meet with them.

Atty. Vose also suggested the idea of the committee making a presentation to the City Commission at one of their regular meetings and pointed out that then that meeting would not be subject to the 3-minute time period for speaking.

a) List of some of the issues identified for immediate discussion:

- Establishment of ground rules
- Frequency of Charter Review Committee meetings
- Where the Charter Review Committee meetings will be held
  - Commission Chambers
  - 2<sup>nd</sup> Floor Conference Room
- City’s metes and bounds (legal descriptions)
  - Deleting it in its entirety from the Charter
  - Possibility of moving them into an appendix
  - Putting them somewhere where they can be maintained

- Form of government
  - Mayor – Council
  - City Manager – Council
- Revision of residency requirement for Charter Officers
  - City Manager
  - City Attorney
- Compensation for Mayor and members of the City Commission
- Charter Amendment and Review
  - Size of Charter Review Committee
  - Clarification of Role of Committee
  - Dissolving the Charter Review Committee

b) General order of discussion

- Subject matter
- Discussion by Charter Review Committee
- Open for public comments (3 minutes)
- Close public comments
- Finish discussion
- Make and approve motion(s)\

It was the consensus of the committee that the Mayor – Council issue be the first item to be discussed, since it seems that residents don't know and understand who's in charge.

**11. ADJOURNMENT:**

**Motion by Beverly Spitz, seconded by Michael Kiepert, to adjourn the meeting.**

There being no further business, the meeting adjourned at 7:40 p.m.

Approved this \_\_\_\_\_ day of August, 2013.

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**Jean Armstrong, Chair**  
**City of Deltona Charter Review**  
**Committee**

**ATTEST:**

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**Gladys N. Merced, Legal Assistant**

**Recording Secretary**