

**JOINT MEETING OF THE DELTONA CITY COMMISSION
AND THE DELTONA CHARTER REVIEW COMMITTEE
MONDAY, MARCH 10, 2014**

A Joint Meeting of the Deltona City Commission and the City's Charter Review Committee was held on Monday, March 10, 2014 at the City Hall Commission Chambers, 2345 Providence Blvd. Deltona, Florida.

1. CALL TO ORDER:

The meeting was called to order at 5:30 p.m. by Mayor John Masiarczyk.

2. ROLL CALL:

Deltona City Commission:

Mayor	John Masiarczyk	Present
Vice Mayor	Heidi Herzberg	Present
Commissioner	Webster Barnaby	Present
Commissioner	Zenaida Denizac	Present
Commissioner	Fred Lowry	Present
Commissioner	Chris Nabicht	Present
Commissioner	Nancy Schleicher	Present
City Manager	Dave Denny	Present
City Attorney	Becky Vose	Present
City Clerk	Joyce Raftery	Present

Also Present: Deputy City Manager Dale Baker; and Deputy City Clerk Mitch Honaker.

Charter Review Committee:

Chairperson	Jean Armstrong	Present
Vice Chairperson	Michael Kiepert	Present
Voting Member	Michael Kerns	Present
Voting Member	Paula Rossiter	Present
Voting Member	Beverly Spitz	Present
Alternate Member	Carolyn Carbonell	Present
Alternate Member	David Dapore	Present

3. PLEDGE TO THE FLAG:

The City Commission, Charter Review Committee, and staff said the pledge to the flag.

4. BUSINESS:

A. Discussion re: recommendations from the Charter Review Committee.

Charter Review Committee Chairperson Jean Armstrong stated that City Attorney Becky Vose would read each question, which would be followed by comments and discussion. Mrs. Vose

stated that the Charter Review Committee (CRC) had four (4) recommended Charter amendment questions for the November ballot, and that City staff had one (1) recommendation due to the change to State law pertaining to the election qualifying period.

The Commission, Charter Review Committee, and staff discussed each Charter amendment question.

Question #1: City Charter Amendment Removing Initial Incorporation and Transition Provisions and Boundary Descriptions.

The Commission and CRC discussed language that needs to be removed because it is outdated or no longer legal to have in the Charter, and removing some of the original transition language.

Question #2: City Charter Amendment Changing City Manager Residency Requirement from City to County.

The Commission and CRC discussed changing the requirements from the City Manager being required to live within the City limits of Deltona to living in Volusia County and the reasons the CRC unanimously voted to recommend the change, the CRC considered changing the residency requirement for the City Attorney and then decided not to include the City Attorney living requirement as an amendment, the purpose of the joint meeting just being to accept the CRC report, the possibility of a City Attorney area radius living requirement instead of just Volusia County, the CRC discussing Volusia County being able to best serve Deltona's needs, and the Commission discussing the City Attorney living requirement during the Commission's final Charter Review meeting.

Question #3: City Charter Amendment Removing Term Limits on Mayor and City Commissioners.

The Commission and CRC discussed eliminating the term limits on the Mayor and Commissioners, time involved with being a City Commissioner, letting the voters decide if a Commissioner should serve another term or not, and the reasons the CRC recommended the elimination of term limits.

Question #4: City Charter Amendment providing for Forfeiture of Office upon Violation of Charter.

The Commission and CRC discussed an amendment to provide for forfeiture of office upon violation of the City Charter and the reasons for it, how a violation would be determined, the Commission acting as a quasi-judicial body to police itself, wording of the forfeiture of office question to go on the ballot, procedures for enforcing the forfeiture of office, previous incidents of Commission members violating the Charter, looking at other city's policies on forfeiture of office upon violation of their City Charter, this type of policy having a positive impact on the Commission and City Manager's working relationship, the formality of having the forfeiture of office policy being a preventative measure, the City Attorney preparing a formal legal opinion on

the duties of the City Manager and the duties of elected officials, the wording of the recommended Charter amendment, Commissioners thoroughly reading and understanding the Charter, and the City Attorney looking into the financial portion of enforcing the proposed Charter amendment for discussion at a future meeting.

The Commission and CRC discussed using the Charter as a roadmap for discussions, being able to hold the Commission more accountable for its actions, discussing the process of the recommended Charter amendment at a future Commission meeting, obtaining interpretations from the City Attorney's office to clarify and add more substance to the amendment, pros and cons of an elected official not having term limits, adhering to the tenants of the City Charter, possibly adding the following language "upon findings of a violation to the City Charter", directing staff being a violation of the Charter and adding consequences to those that violate the Charter, the financial costs of enforcing the Charter, the current Charter providing the Commission with policing authority, not considering costs when deciding on a violation of the City Charter, stipulations for legal representation by in-house counsel or an outside attorney, the current policy concerning in-house legal representation concerning ethics complaints as compared to a Charter violation, and establishing an internal forfeiture of office upon violation of the City Charter policy.

Question #5: City Charter Amendment Concerning Qualifying Period.

The Commission and CRC discussed amending the City Charter language to allow for the setting of qualifying periods by ordinance so the City Charter would not conflict with current or future Florida Statutes, the recommendation being a Charter housecleaning amendment, possibly funneling Question #5 into Question #1 which deals with changing and deleting outdated language throughout the Charter, the recommended change not having to be addressed again unless the State changes a Statute, and possibly wording the Charter to follow the qualifying dates set by the Volusia County Supervisor of Elections or by Florida Statutes.

The Commission and CRC discussed temporarily releasing the CRC members, and when to formally sunset the Charter Review Committee.

After discussion, the Commission concurred to sunset the Charter Review Committee at the first reading of the ordinance of the referendum of ballot language for the 2014 General Election.

The Commission thanked all of the members of the Charter Review Committee for its time and commitment devoted to discussing issues and providing recommendations for amending the City of Deltona Charter.

Mayor Masiarczyk discussed the upcoming funeral for Captain Brannon's mother being on Thursday, March 13, 2014 in Cocoa Beach, the Commission possibly traveling together to the funeral service, and the City Manager arranging transportation and providing coordinating information to the Commission by email.

Mayor Masiarczyk also discussed the current Charter policy on qualifying to run for a Commission office, his attendance at an upcoming Tourist Development Committee (TDC) meeting, the tourist development tax which should come to Deltona, and asking the TDC for a more definitive answer on Deltona's portion of the tax dollars.

Commissioner Schleicher discussed current Commission members running for electoral offices outside of Deltona.

The Commission and staff discussed the qualifying period for running for Deltona City Commissioner, a possible vacant seat due to the Charter qualifying period, the public not being allowed to vote on a vacant seat for almost two (2) years if the vacancy occurs with less than two (2) years left on the Commissioner's term, and the City Attorney researching the issue.

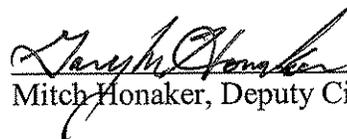
Commissioner Barnaby stated that in regards to him running for County Council that there is a second option of him resigning from running for that office.

The Commission and staff discussed the complexity of the legal aspects surrounding the issue, when someone could be appointed or elected to replace a vacant Commission seat, and possibly amending the Charter to prevent future qualifying issues. Mrs. Vose stated she had a conversation with the Supervisor of Elections, who was hoping that for the good of Deltona Commissioner Barnaby would consider submitting his resignation before the end of the qualifying period with an effective date of November 10th which would create an open seat that could be placed on the November ballot.

5. CITY MANAGER COMMENTS:

6. ADJOURNMENT:

There being no further business the meeting adjourned at 6:38 p.m.



Mitch Honaker, Deputy City Clerk