

**CHARTER REVIEW COMMITTEE MEETING
MONDAY, JULY 12, 2021 9:30 A.M.
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

A G E N D A

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE TO THE FLAG**
- 3. APPROVAL OF MINUTES**
 - A) July 6, 2021
- 4. OLD BUSINESS**
 - A) Continuing to review the Charter
- 5. NEW BUSINESS**
- 6. ADJOURNMENT**

This is a Public Meeting. Should any interested party seek to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings and that, for such purpose he may need to ensure that a record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Anyone who needs a special accommodation for this meeting may contact the City's Americans with Disabilities Act (ADA) Coordinator at 978-4920 at least 48 hours in advance of the meeting.

**CHARTER REVIEW COMMITTEE MINUTES
TUESDAY, JULY 6, 2021 - 9:30 A.M.
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

PRESENT: Nancy Cook, Chairman; Ken Daige, Vice Chairman; Members: Linda Hillman, Jeff Stassi, and Alternate Member, Mark Mucher **Also Present:** John Turner, City Attorney and Tammy Bursick, City Clerk

1. CALL TO ORDER

Chairman Cook called the meeting to order at 9:30 a.m.

2. APPROVAL OF MINUTES

A) June 29, 2021

Mr. Daige made a motion to approve the minutes. Mrs. Hillman seconded the motion and it passed unanimously.

3. PUBLIC COMMENT

None

4. NEW BUSINESS

5. OLD BUSINESS

A) Review of Charter

1. Recall

This item was not discussed at today's meeting.

2. Compensation for City Councilmembers

Mr. John Turner, City Attorney, reported that the members received a survey that was done that includes what surrounding cities and town, salaries are for their Mayor and City Council. He said that these are from all types of different governments that cover every aspect. The City of Stuart's Mayor and City Councilmembers make \$18,000 a year, which is probably a comparable City to the City of Vero Beach.

Mr. Stassi expressed the salary is based on the responsibilities of the Mayor and City Council. He said that the City of Vero Beach has a \$60 million budget and the Mayor and City Council should be paid accordingly.

Mrs. Hillman was looking through the survey and noticed that there was a Council-Manager form of government, Council-Weak Mayor form of government, a Council-Strong Mayor form of government, then a hybrid. She said that there were three (3) cities who had a hybrid form of government and asked what that was.

Mr. Turner explained the difference between a Strong and Weak Mayor form of government and felt that the City of Vero Beach was somewhere in between. The Mayor signs contracts and has certain duties that are permitted according to their Ordinances and Resolutions. Some cities elect their Mayor, which usually leads to a strong Mayor type of government. He expressed again, that this City is in the middle.

Mr. Mucher commented that the Mayor probably spends more time in the office than the Councilmembers do. He agreed that everyone seems to draw a parallel between them and the Town of Stuart. He said that Ft. Pierce pays their elected officials more and it is probably because their city is bigger and they have utilities. He said maybe they should be comparing themselves to Stuart.

Mr. Daige wanted to get something passed by this Committee and to recommend it to City Council, which might include what salary increase that the City employees receive every year. He asked do they want to increase the base right now, then how much more should the Mayor's and City Councilmember's salaries be increased.

Mr. Mucher suggested making it a two (2) year cost of living adjustment. He said give the Council what the employees made last year and then give them the same as what the employees are going to receive this year.

Mr. Daige said that sounds reasonable to him.

Mr. Mucher explained that the reason this was put in the Charter was so Councils down the road could not raise their own salaries.

Mr. Daige was in favor of keeping that in the Charter. He said that whatever the Committee decides about concerning increasing Council's salary would have to go on the ballot.

Mr. Mucher recalled that they also talked about having the Charter reviewed every five (5) or seven (7) years instead of waiting another 15 years to review it.

Mr. Stassi felt if the Council has not had a raise in over 10 years so that needs to be looked at. He suggested looking at the salary range of between \$1,300-\$1,500 for the Mayor and \$900-\$1,200 for the City Council moving forward.

Mr. Daige had no problem with assigning a dollar amount to their recommendation.

Mr. Stassi felt that they should be looking at a two (2) year bump or whatever a comparable raise is. He suggested recommending that the Mayor's salary be \$1,300 and that the City Councilmember's salary be \$1,075.

Mr. Mucher commented that they still would not even be making minimum wage when you consider how many hours that they put in.

Chairman Cook agreed that the salary needs to be increased if they want to find good people to serve the City and when they consider how much time is involved.

Mr. Daige reiterated that a numerical number is reasonable.

Mr. Mucher commented that other people can look at their own income and see that these numbers are low.

Mr. Daige commented that in order to do a good job on Council you have to devote a lot of time to do it right. He felt that this was reasonable to send to the City Council and they would be able to understand it.

Mrs. Hillman agreed that the number that they were talking about is fair. She would like to see them go back and be given what the employees were given last year and then give them the cost of living for this year.

Chairman Cook made a motion that the Mayor's salary be increased to \$1,300 and that the City Councilmember's salary be increased to \$1,075 and they should get the CPI index increase for the last year or what the employees received last year, which was 3%. Then whatever is given to the City employees going forward should also be given to the City Council. Also, the Charter should be reviewed again in a timely manner. Mr. Daige seconded the motion and it passed 5-0 with Mr. Mucher voting yes, Mr. Stassi yes, Mrs. Hillman yes, Mr. Daige yes, and Mrs. Cook yes.

The Committee discussed how many years should go by before the Charter is reviewed again. The Committee agreed it should be reviewed every five (5) years. They said that something as important as the Charter should be reviewed every five (5) years and waiting any longer than that is not good City business.

Chairman Cook made a motion that the Charter of the City of Vero Beach should be reviewed every five (5) years. Mrs. Hillman seconded the motion and it passed unanimously.

3. Continuation of Charter Review

The next Section in the Charter that was discussed was Article III, Section 3 – Charter Officers, who are the City Manager, City Clerk, and City Attorney.

The job description for the City Attorney was discussed.

Mr. Turner felt that it was up to the City Council to make sure that the City Attorney was doing the job that they want him/her to do and taking care of whatever business needs to be taken care of. He handled the job as City Attorney for a full year by himself and it was not easy at times because this is an active City Council and an active City. He said that he now has a good Assistant City Attorney, so things are getting taken care of.

Mr. Mucher asked Mr. Turner how he felt about hiring outside attorneys. Does he recommend doing as much in-house work as possible? He has always thought the County should have a qualified person as their attorney that knows about imminent domain.

Mr. Turner explained that sometimes there is a need to hire outside counsel when they are dealing with complicated issues. He said right now they have outside counsel for labor issues and utility matters. He said if there is a need to hire an outside attorney it is taken to Council for their authorization to retain that firm or individual.

Mr. Mucher wondered if the Charter gives the Charter Officers enough direction to consider when hiring an assistant on a regular basis.

Mr. Turner said that it might be important to make a recommendation to Council that when hiring a City Attorney that they have expertise in the municipal government field. He said it is not something that needs to be in the Charter, but should be considered when reviewing applications. Also, they should be looking at how many years that person has been a member of the Florida Bar Association.

Mr. Mucher had some concerns with hiring a City Attorney who had minimum qualifications that continuously goes out and hires outside counsel when something comes up.

Mr. Turner agreed that if a vacancy occurs they want to make sure that the City hires a qualified person for the position.

Mr. Mucher asked if there were certifications or areas of expertise that should be required for hiring an attorney working for government.

Mr. Turner commented that he holds a local government board certification.

Mr. Mucher recommend that be mentioned when hiring a new City Attorney.

Mr. Turner agreed it was important to recommend that the City Attorney be board certified or recognized by Florida law.

Mr. Daige explained that when there is a vacancy for a Charter Officer the City Council is knowledgeable about what they are looking for and what that individual has to do. He felt it is pretty basic when they talk about the powers of the Charter Officers. He doesn't see the City Council wanting to make any changes with the Charter Officers. He is fine with this section.

Mr. Stassi commented that perhaps the proper place would be to include these things in the job description for the City Attorney.

Mr. Daige did not want to tie their hands moving forward.

Mrs. Hillman asked how this Committee feels about the Charter Officers also being the Canvassing Board. She has some doubts with being a Charter Officer and also taking on the responsibility of the Canvassing Board.

Mr. Turner explained how that Canvassing Board works and that they make sure everything is followed by law.

The Commission took a ten-minute recess at 10:37 a.m. The meeting reconvened at 10:57 am. The City Attorney wanted to make sure that legally this Committee could continue meeting after their sunset date had passed. The City Council at their June 15, 2021 meeting gave the Committee the authority to meet until the July 20th City Council meeting is heard and at that meeting the Council will discuss extending the deadline of the Charter Review Commission.

The Committee talked about sending a Progress Report to the City Council. It was noted that Council does receive copies of the Committee's meeting minutes. The Clerk will meet separately with Chairman Cook and Vice Chairman Daige in coming up with a progress report that will be submitted to the City Council.

Mr. Daige made a motion that the Chairman of the Charter Review Committee go over the highlights that the Committee has discussed at their last number of meetings with the City Council and ask that the City Council consider extending the time frame in which the Committee can continue meeting. Mr. Stassi seconded the motion.

Mr. Mucher agreed that they are only two-thirds through the Charter and he hoped they could prove to Council that they need an extension to finish their review.

Mr. Daige commented that Council will either accept what they have to say about the extension or not.

The Committee set their next meeting for July 12th at 9:30 a.m.

The motion passed unanimously on a roll call vote.

Mr. Stassi suggested that the Canvassing Board look at what is in the Charter now and come back to the Committee with some revisions on the proper wording concerning Section 4.06 where it talks about the Canvassing Board.

Mrs. Hillman commented that the issue was should the Charter Officers be the Canvassing Board or should the Canvassing Board be an outside entity itself.

Mr. Stassi said that he sees the integrity with the City Attorney and City Clerk's office that they are sufficient for the role. He doesn't think that the City should endure the expense in hiring someone to take on that role.

Mr. Daige was fine with their Charter Officers serving as the Canvassing Board because in effect they do represent the City. He said that the County has an elected official serve on their Canvassing Board, which may be something they could look at. He felt that anytime the City has something on the ballot, even though the County Canvassing Board will be handling the Election, that a City representative should be present. He is not pleased with turning their Election over to the County without having a Canvassing Board member present.

Mr. Turner suggested giving him some time to see what the State law says about this.

Mr. Mucher explained that the Canvassing Board was originally designed when the City had March elections. He would trust a judge as their representative (referring to the present County Canvassing Board, which consists of a Judge, Elected Official, and Supervisor of Elections).

Mr. Daige brought up that when Mrs. Hillman was running for City Council there was a discrepancy involved in the way the qualifying papers were filled out.

Mr. Mucher wondered if the Charter should be consistent with the present Ordinance that is in place that outlines Election procedures.

Mr. Turner explained if it is not addressed in the Charter, but addressed in the Ordinance, it is lawful. Their Ordinance addresses Election procedures. He said that the Ordinance could not be inconsistent with the Charter.

Mr. Daige expressed that the Charter does talk about the Canvassing Board and their duties. He wondered if there should be another reference in that section that speaks about the Ordinance in place.

Chairman Cook asked the City Attorney and the City Clerk to bring back clarification on that.

Mr. Daige commented that the duties of the Canvassing Board when they have met in the past have sometime entailed making some prudent decisions.

Mr. Turner agreed that this section of the Charter needed to be looked at. He said it has not been addressed for over 10 years and there have been issues raised and examined since that time.

Chairman Cook agreed that this was a good opportunity to look at this section of the Charter.

Mr. Turner said that he and the City Clerk will help the Committee in formulating some suggested changes on the Canvassing Board portion of the Charter and hopefully have something to them by their next meeting. He said that they will also have some terms from the Ordinance that will be included and helpful for this section.

The Committee moved on to discussion of Section 5.05 – Limitation on alienation of city-owned real property. *(a) Except as provided in subsection (b), the following parks and public lands may not be sold, leased, traded, or given away by the city unless such sale, lease, trade, or gift is approved by a vote of the electors of the City of Vero Beach. The properties are as follows: (listed in the City Charter).*

Mr. Daige felt that they needed more time to talk about this. He knows that there are some concerns in the community about City protected property that is being looked at for non-profit use. He said that some people are worried about more land being given away to non-profit groups.

Chairman Cook agreed that there is a lot of interest in retaining City properties and not dividing them up to non-profit organizations.

Mrs. Hillman referred to the list of protected properties and said that she was not sure where Pine Terrace Park, Van Busch Park, and Lake Rose were located.

Mr. Daige referred to the maps that were provided to the Committee showing where these different locations are.

Mr. Mucher explained that the Lake Rose area is behind Taco Bell on Route 60 and Van Busch Park is that large circle area at Bethel Creek.

Mr. Daige added that Pine Terrace Park is northeast of 29th Avenue and the Park is in the center of 29th Avenue. He mentioned that there are still other properties that are not protected.

The Committee agreed that they will continue talking about this Section at their next meeting.

6. CHAIRMAN'S MATTERS

7. MEMBER'S MATTERS

8. ADJOURNMENT

Today's meeting adjourned at 11:16 a.m.

/tb