



# City of Daytona Beach Shores

*"Life is Better Here"*

*"A Premier, Friendly Place to Be"*

## **AGENDA CHARTER REVIEW COMMITTEE MARCH 26, 2008**

**1:30 p.m., Community Center, 3048 S. Atlantic Ave.  
Daytona Beach Shores, FL 32118**

Upon being recognized, a member of the public shall proceed to the podium and give his or her name and address and may, thereafter, speak for a maximum of three minutes on any matter relevant to a specific agenda item. In accordance with Section 2-2, during periods set aside for public discussion of any nature, any person desiring to speak shall secure the permission of the presiding officer by first silently raising his hand and being recognized. The use of profanity, obscene language, threats or any violent or abusive conduct by any person shall constitute a violation of this section. It shall be the duty of the Director of Public Safety, upon the order of the presiding officer at any such meeting, to forcibly, if necessary, evict any person violating the provisions of this section from the Council Meeting Hall. Any such violation shall subject the offender, upon conviction thereof, to a fine and/or imprisonment as prescribed by Section 1-8.

CALL TO ORDER:

APPROVAL OF MINUTES: March 12, 2008

REVIEW OF CITY CHARTER

ADJOURNMENT:

Notice is hereby given to all interested parties that if a person should decide to appeal any decision made at the aforementioned meeting of the City Council, such person will need a recording of the proceedings conducted at such meeting, and for such purpose he or she may need to ensure that a verbatim record of the proceedings was made; such record to include testimony and evidence upon which any appeal shall be based. Please be advised that all City Council Meetings are tape recorded.

Note: Individuals covered by the Americans with Disabilities Act of 1990 in need of accommodations for this public meeting should contact the Office of the City Clerk at the address and telephone number noted at least seven working days prior to the meeting.

**MINUTES**  
**CHARTER REVIEW COMMITTEE**  
**MARCH 26, 2008**  
**3048 S. Atlantic Ave. Daytona Beach Shores, FL 32118**

**CALL TO ORDER:** The meeting was called to order at 1:30 p.m. by Chairman John Ersland. Committee members present: John Ersland, Bill Dryer, Marian Fasick and Anne DiGaetano. Member excused: Marilyn Wheeler. Staff present: Sandra Ambrose, City Attorney, Michael Booker, Steve Whitmer and Cheri Schwab.

**APPROVAL OF MINUTES:** March 12, 2008

Mr. Dryer asked to clarify section 2.19 to include the titles of City Manager and City Attorney for authentication by signatures for ordinances and resolutions.

**Mr. Dryer moved, seconded by Ms. DiGaetano to approve the minutes with the addition mentioned above. The motion passed unanimously.**

**REVIEW OF CITY CHARTER -**

3.07 Departments of the city.

The City Attorney advised the committee that this section should be changed to better clarify the departments. The word administration in the first sentence could be changed to the word executive and the sentence could end after the words public safety department. The second sentence could be deleted entirely. The third and final sentence would delete the word administrative and replace it with executive. Audience member Paul deMange clarified the historical intent of the second sentence requiring the council to have a four-fifths vote to ensure that the public safety department remained intact. **Mr. Dryer moved, seconded by Ms. Fasick to delete the word administrative and replace it with executive in all instances; to end the first sentence after the word public safety department; and to delete the entire second sentence. The motion passed unanimously by a roll call vote.**

3.08 – Department heads.

There was discussion regarding the deletion of the second sentence, but it was decided not to alter this section.

4.01 Duties and responsibilities.

The City Attorney advised the committee that only the first two sentences were needed in this section. The remaining ones could be deleted. **Ms. DiGaetano moved, seconded by Ms. Fasick to amend Section 4.01 deleting everything beginning with the third sentence No contract... and leaving the first two sentences. The motion passed unanimously by a roll call vote.**

## Article V Civil Service.

City Attorney Ambrose stated that the City didn't have a formal civil service system and this section could be deleted. Mr. Ersland inquired if the City should create a formal civil service system. City Manager Booker responded when the Charter was first created, this item was important for the security of its employees. In today's environment there are many federal and state laws in place to protect the rights of employees. Mr. Ersland asked if there would be a negative perception from employees if this section were removed. City staff felt that employees are well protected with current policies and laws. Audience member Paul deMange reminded the committee to keep in mind that present day operations were running smoothly but changes are happening in the state legislature. Ann Duffy inquired if the federal law would supersede the City Charter and a positive reply was given. Gene Duffy stated that the voters may not understand this item and would need to be educated prior to voting day. The City Attorney reiterated, if this section was kept in the Charter, a true civil service system would need to be created.

**Mr. Dryer moved, seconded by Ms. DiGaetano to strike Article V in its entirety from the charter. The motion passed unanimously by a roll call vote.**

Section 6.01 did not need to be addressed.

## 6.05 Uniform filing and election dates.

Chairman John Ersland informed the committee that the City Council after hearing a presentation by Supervisor of Elections, Ann McFall, would prefer to change the election dates to even numbered years. This change would extend the current terms by one year. The changes needed in this section would be: (a) replace the word odd with even and add the following language - as authorized in accordance with state and county election schedules and regulations. Paragraphs 1, 2, and 3 would be deleted.

(b) This sentence could end after the words "with normal business hours" and the remaining words deleted.

Sub paragraphs (c) and (d) could be deleted entirely as these are stated in federal election laws.

Audience member Paul deMange inquired about the other options that the Supervisor of Elections presented to the council. He felt the committee should discuss those also. The chairman replied that since council seemed to agree on changing to the even numbered years, the committee was looking at those changes. At this time, the City Clerk displayed the five options for changing the election dates and briefly explained each one.

Mr. Gene Duffy asked for a grammar change in section (b). It should read pay fees to the city clerk not with the city clerk.

Mr. Dryer stated that he understood elections from both sides of the argument. In odd numbered years, the only concern is about local politics. In even-numbered years, turnout has been historically larger but there are more issues to research. He read a few statistics on voter turnout to the committee. He stated that he personally favored changing to even numbered years in order to encourage greater voter participation. The board also agreed on choosing the option for even numbered years.

Audience member Molly Zurheide commented that she felt our citizens did not like to stand in a line waiting to vote and would be against the change to even-numbered years.

Mr. Gene Duffy responded that an absentee ballot could be requested.

**Ms. DiGaetano moved, seconded by Ms. Fasick to amend section 6.05 as follows: (a) replace the word odd with the word even in accordance with state and county election schedules and regulations (b) Candidates shall file such papers and pay such fees as may be required by law to the clerk during normal business hours. The remaining words in this section should be deleted. Sub paragraphs c and d should be deleted entirely. The motion passed unanimously by roll call vote.**

Section 6.02 Primary and general election.

The following motion resulted from the discussion of section 6.05.

**Mr. Dryer moved, seconded by Ms. DiGaetano to change the date from November 1997 to November 2010. The motion passed unanimously by a roll call vote.**

6.06 Canvassing board.

The committee had a brief discussion regarding the canvassing board. If the election date was changed to even-numbered years, the county canvassing board would take over the duties of certifying absentee and provisional ballots. **Ms. Fasick moved, seconded by Mr. Dryer to delete the first sentence of Section 6.06 and to amend the second sentence to read "The City Council shall certify election results." The motion passed unanimously by roll call vote.**

6.07 Election regulations.

The City Attorney advised the committee that this section could be deleted due to state and federal election laws. **Mr. Dryer moved, seconded by Ms. DiGaetano to delete section 6.07 in its entirety. The motion passed unanimously by roll call vote.**

6.08 Judge of qualifications.

The City Attorney advised the committee that this section also could be deleted due to state and federal election laws. **Mr. Dryer moved, seconded by Ms. Fasick to delete section 6.08 in its entirety. The motion passed unanimously by roll call vote.**

Article 7

The committee agreed to look at Article 7 at the next scheduled meeting. The City Attorney advised the members to bring back any items they would like to see added to the charter. This is the section for miscellaneous items such as the composition and meeting frequency of the Charter Review Committee.

ADJOURNMENT: The committee meeting ended at 3:02 p.m.

**ATTEST: CITY OF DAYTONA BEACH SHORES**

\_\_\_\_\_  
Cheri Schwab, Recording Secretary

\_\_\_\_\_  
John Ersland, Chairman