

**CHARTER REVIEW COMMITTEE 2019  
4:00 P.M. MONDAY, FEBRUARY 11, 2019**

**CITY HALL – COUNCIL CHAMBERS  
9101 BONITA BEACH ROAD  
BONITA SPRINGS, FL 34135  
MEETING WILL BE TELEVISED**

- 1. Call to Order by Chairman Jacke McCurdy**
- 2. Roll Call**
- 3. Approval of minutes of January 14, 2019 Committee Meeting**
- 4. Review 2010 Charter Election Results**
- 5. Discuss comments/suggested changes and address questions**
- 6. Discuss City Council's vote on 2020 election**
- 7. Discuss timeframe for joint meeting with City Council**
- 5. Public Comments**
- 6. Next meeting March 11, 2019 at 4:00p.m.**
- 7. Adjournment**

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ANY PERSON REQUIRING SPECIAL ACCOMMODATIONS AT ANY OF THE MEETINGS BECAUSE OF A DISABILITY OR PHYSICAL IMPAIRMENT SHOULD CONTACT MEG WEISS, DIRECTOR OF ADMINISTRATIVE SERVICES, AT 239-949-6262, AT LEAST 48 HOURS PRIOR TO THE MEETING. IF A PERSON DECIDES TO APPEAL A DECISION MADE BY THE COUNCIL IN ANY MATTER CONSIDERED AT THIS MEETING/HEARING, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS TO BE MADE, TO INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH ANY SUCH APPEAL IS TO BE BASED.

NOTE: THIS MEETING IS TELEVISED ON COMCAST, CHANNEL 98. AGENDAS ARE AVAILABLE FOR VIEW, AND THE MEETING CAN BE VIEWED AT [WWW.CITYOFBONITASPRINGS.ORG](http://WWW.CITYOFBONITASPRINGS.ORG)

**CHARTER REVIEW COMMITTEE 2019  
MONDAY, JANUARY 14, 2019  
4:00PM**

**CITY HALL – COUNCIL CHAMBERS  
9101 BONITA BEACH ROAD  
BONITA SPRINGS, FL 34135  
MEETING WILL BE TELEVISED**

**1. Call to Order by Chairman Jacke McCurdy**

Chairman Jacke McCurdy called the meeting to order at 4:00 P.M.

**2. Roll Call**

Chairman McCurdy and all Members were present.

**3. Introduction of Members and Alternates (Each member gives a short presentation of their experience and training)**

4:03:28 PM Each committee member stated their names and provided a brief summary of their background.

**4. Election of Vice Chairman to serve upon absence of the Chairwoman**

Committee Member Dror nominated Jesse Purdon; John Jenkins seconded the motion; and the motion passed unanimously.

**5. Confirmation of contact information – phone, email, U.S. mail**

4:11:46 PM Committee Members Barbara Craig and Russ Winn corrected their contact information.

**6. Overview of Government in the Sunshine Laws by City Attorney Derek Rooney**

4:12:49 PM City Attorney Derek Rooney provided an overview of the Sunshine Laws and further discussed restrictions to the Members while they served on the Committee.

**7. Discussion of Council Charge to the Committee in Resolution No. 18-75**

4:23:32 PM City Manager Hunter reviewed the history and process of the Charter Review as well as the objectives.

**8. Discussion of Joint Meeting with City Council**

4:27:48 PM The committee members discussed a joint meeting potentially in April or prior to "end of season".

**9. Discussion of Plan for Reviewing Charter Sections**

**10. Public Comments**

**11. Schedule of Future Meetings – 2<sup>nd</sup> Monday of month at 4pm – 2/11/19**

The next meeting was scheduled for Tuesday, February 11, 2019.

**12. Adjournment**

There being no further items to discuss, the meeting adjourned at 4:35

P.M.

Respectfully submitted,

\_\_\_\_\_  
Charlen Wade, Deputy City Clerk

APPROVED:  
CHARTER REVIEW COMMITTEE

Date: \_\_\_\_\_

AUTHENTICATED:

\_\_\_\_\_  
Jacke McCurdy, Chairman

**CHARTER AMENDMENT ONE**  
**CLARIFY COUNCIL FORM OF GOVERNMENT**

Section 8 of the Charter shall be amended to clarify that unless explicitly stated otherwise in the Charter, the terms City Council or Council as used throughout the Charter shall mean the Mayor and six City Council members collectively as one governing body and, thereafter, City Council may adopt by ordinance appropriate amendments to the City Charter to correct usage to this intent.

YES (83.44%)  
NO (16.56%)

**CHARTER AMENDMENT TWO**  
**TERM LIMITS**

Section 13(c) of the Charter shall be amended that no one can serve more than eight consecutive years (two terms) in the singular position of Mayor or Council, or more than sixteen consecutive years (four terms) in any combination of the positions. After two years out of office, an individual may re-qualify for any seat on the City Council as a Council member or as Mayor.

YES (56.91%)  
NO (43.09%)

**CHARTER AMENDMENT THREE**  
**REFERENDUM SPENDING; CAMPAIGN SPENDING**

Section 15 of the Charter shall be amended to modify referendum and campaign spending limits by increasing the maximum cap annually based on the Consumer Price Index for All Urban Consumers (CPI-U) or three (3%) percent, whichever is less.

YES (56.44%)  
NO (43.56%)

**CHARTER AMENDMENT FOUR**  
**DECREASE RUN-OFFS WITH MULTIPLE CANDIDATES**

Section 17 of the Charter shall be amended that instead of 50% plus one voter, the person with the highest number of votes cast for the seat shall be elected. A run-off will be held in the event of an exact tie on the earliest date that the run-off election can be conducted.

YES (62.35%)  
NO (37.65%)

**CHARTER AMENDMENT FIVE**  
**DEPUTY MAYOR / FILLING VACANT COUNCIL SEATS**

Sections 18 and 21 (C) of the Charter shall be amended to clarify that the Deputy Mayor is elected by City Council and, if a vacancy occurs, the Deputy Mayor serves as Mayor unless the vacancy is more than 180 days, in which case the seat is filled by special election for the remainder of the term.

YES (89.10%)  
NO (10.90%)

**CHARTER AMENDMENT SIX**  
**VOTING REQUIREMENTS**

Section 26 of the Charter shall be amended to permit voice votes instead of roll calls on certain votes taken by City Council, and require a majority of the eligible voting Council members present rather than an affirmative vote of four members to be valid and binding. Voting on ordinances shall continue to be by roll call for first, second and final reading and recorded in the minutes, or when requested by a Council member.

YES (39.40%)  
NO (60.60%)

**CHARTER AMENDMENT SEVEN**  
**ORDINANCE REQUIREMENTS**

Section 27 of the Charter shall be amended to permit the City Council to adopt resolutions to establish, alter, or abolish any City department office, or agency; or to grant, renew, or extend a franchise, instead of enacting an ordinance.

YES (40.19%)  
NO (59.81%)

**CHARTER AMENDMENT EIGHT**  
**ORDINANCE REQUIREMENTS IN GENERAL**

Section 29 of the Charter shall be amended to eliminate the mandatory thirty day waiting period on every ordinance and publication requirements after passage having an effective date in accordance with state law or ten days after enactment. Nothing precludes City Council from adopting an ordinance with a different effective date, consistent with state law.

YES (46.46%)  
NO (53.54%)

**CHARTER AMENDMENT NINE**  
**CITY CLERK AND FINANCE DIRECTOR AS TWO SEPARATE OFFICES**

Section 37 of the Charter shall be amended to distinguish the functions and responsibilities of the City Clerk and Finance Director as separate City officers.

YES (56.74%)  
NO (43.26%)

**CHARTER AMENDMENT TEN**  
**CHARTER REVIEW COMMITTEE**

Section 57 of the Charter shall be amended to establish a Charter Review Committee, appointed by City Council, to meet at least every ten years to consider and make recommendations to City Council relative to the City Charter.

YES (85.80%)  
NO (14.20%)

## Recommended Changes or Comments on City Charter

- Add Annexed Properties – COMPLETED – Section 6
- Check ordinance for Super majority to vote on height, consider adding to the Charter. Add super majority (5 votes) on all land, development and zoning. Naples and possibly Collier do this.
- Section 7 - Should historical information that has expired be included i.e. Page 17 Section 7 “For the period of 5 years for the date the City was created,.....”
- Section 13 (c) – ensure constitutional amendment compliance and change wording if necessary
- Section 15 – Any beneficial ownership and any pact supporting a candidate must file within 7 days of expenditure or a timely basis based on the election date. i.e. expenditure of \$500+ must be reported within 3 days
- Section 15 (b) - Are spending limits even allowed given the Supreme Court’s decision in Citizens United that spending is a protected form of free speech? – submitted to City Attorney to address to committee
- Section 17 – Look into Instant Run Off possibilities for races with multiple candidates – contacted Supervisor of Elections to see if they have the capabilities of this
- Section 19 – Compensation for City Council members and when and how they should get an increase since COLA for employees has been removed. Requested research of other local municipalities. Suggested average of employee increases annually.
- Section 21(c) – wording of the 180 confusing, recommended more plain language
- Section 24 – Add discussion meeting to allow council members to meet on subject matter and discuss with no voting. Meetings will be recorded, determine min or max attendees allowed and the minutes would be approved by City Council
- Section 29 - Given the movement of newspapers to digital formats, is it possible to redefine publishing to allow for notices to be posted on line on the City’s website? – submitted to City Attorney to address to committee
- Section 29 (c) – Regarding ordinance effective 30 days after adoptions; Is there some logic to having a 30 day wait period for ordinances to become effective after being passed by Council? I just have never seen this regarding ordinances

- Section 33 – Comment 1 - remove indefinite term and replace with a specific term. Comment 2 – no changes to this section
- Section 36 (c) – Change wording to “shall have the right to participate in non-policy discussions and, at the invitation of council, policy matters.”
- Section 46 (f) – Do research to see if this is excessive. What are Naples, Estero, Fort Myers Beach, etc. doing?
- Section 47 – possibly change from 3 years to 5 years
- Ask the Supervisor of Election if the ballot will read the changes as one whole vote or will each change will be a vote – 2010 ballot read each change as a separate vote and we are confirming with Supervisor of Election this can be the same.
- Section 56 – Review communities with more expansive ethics codes such as Tallahassee and Naples and recommend adding the following three items to the charter
  - Voting conflicts shouldn’t be on the committee or advocating for something you have an interest in – FL law allows for this. Shouldn’t just be exempt from the vote, should be all discussion and vote.
  - Regarding zoning – political contributions should be disclosed by applicant and voting party to include individual contributions or through pacts.
  - No meetings should be allowed with applicants who submit projects for approval; eliminate ex parte.
  - Meetings outside of public meetings that require notice between officials, including council persons, with developers and other parties interested in zoning variances for purposes of development of property..
  - Disclosure of such meetings by council persons prior to any consideration by the council of such variances and not simply recusal of a council person before a vote.
  - Upfront disclosure of political contributions made to council persons by developers including PACs which are contributing to council persons on behalf of a developer before any consideration of zoning variances.
- Section 57 – is 10% too high or should it be a more reachable %? Given the number of registered voters in Bonita Springs, that seems an unreasonable burden on citizens. Please confirm at the next meeting that the Committee can recommend if it chooses a change to this requirement.