

**CHARTER REVIEW COMMISSION**  
**SEPTEMBER 22, 2005**

ATTENDEES:                   BCC Chairman Carlton Henley  
                                  County Manager Kevin Grace  
                                  County Attorney Robert McMillan  
                                  Sandy McCann, Deputy Clerk

CHARTER COMMISSION:       District 1 - Tom Boyko  
  Richard Harris  
  Jane Hammontree  
                                  District 2 - John Horan  
  Linda Dietz  
  Sidney Miller  
                                  District 3 - Pamela Ohab (Late)  
  Grant Maloy  
  Ben Tucker  
                                  District 4 - Jimmy Ross  
  Larry Furlong  
  Earl McMullen  
                                  District 5 - Ashley Johnson  
  Jeff Triplett  
  Egerton van den Berg

The following is a non-verbatim transcript of the **CHARTER REVIEW COMMISSION ORGANIZATIONAL MEETING**, held at 7:05 p.m., on Thursday, September 22, 2005, in the Seminole County Services Building at Sanford, Florida.

**WELCOME AND COMMENTS**

At the request of Commissioner Carlton Henley, each Board member gave a brief bio of themselves. Commissioner Henley welcomed the members of the Charter Review Commission and expressed the BCC's appreciation for their willingness to serve. He said the Commission could have a significant impact on County government.

**ELECTION OF OFFICERS**

Commissioner Henley opened the floor for nominations for the Chairman of the Charter Review Commission.

Larry Furlong nominated Sid Miller.

Grant Maloy nominated Ben Tucker.

Jimmy Ross nominated Richard Harris.

John Horan nominated Edgerton van den Berg.

Mr. Miller stated due to his schedule, he will withdraw his name from the voting and would support Mr. van den Berg as Chairman.

Commissioner Henley closed the floor for nominations for Chairman.

Mr. Harris withdrew his name from the voting.

Six members voted AYE for Egerton van den Berg and seven members voted for Ben Tucker, whereupon Mr. Tucker assumed the position of Chairman.

Chairman Tucker opened the floor for nominations for Vice Chairman.

Grant Maloy nominated Egerton van den Berg for Vice Chairman.

Chairman Tucker closed the floor for nominations for Vice Chairman.

The Commission voted unanimously for Mr. van den Berg, whereupon he assumed the position of Vice Chairman.

**SUNSHINE AND PUBLIC RECORDS LAWS**

Robert McMillan, County Attorney, addressed the Commission to give an explanation of the Sunshine Law, advising there is a memo in the Home Rule Charter Book (received & filed) that includes commonly asked questions regarding same.

Pam Ohab entered the meeting at this time.

Upon inquiry by Chairman Tucker, Attorney McMillan advised members can use e-mail, but they must also e-mail a copy to the public record. He further advised that violations of the Sunshine Law could result in individual members being personally fined and/or given criminal penalties. He said each individual

would have to defend themselves should a complaint be brought against them.

Attorney McMillan advised that each member is required to vote on everything before them unless there is a conflict of interest and then they must file a conflict of interest form. He added that his office will assist with that paperwork.

**ADMINISTRATIVE/FINANCIAL SUPPORT  
FOR CHARTER COMMISSION**

Kevin Grace, County Manager, addressed the Commission to advise he anticipates personally working with the Commission and his office will provide administrative support, research and organization of the agenda and meeting room space. He said the Clerk's Office will be taking the Minutes and the meeting will be recorded. He further said that if for some reason he is out of town, one of his Deputy County Managers will attend the meeting. He further advised that the BCC has set aside \$15,000 in the budget for support of the Commission. If more money is needed, he can go back to the BCC for additional funding. In the past, the Commission retained their own attorney and he requested direction on same.

Attorney McMillan explained that his office cannot represent the Commission because of the conflict of interest. He stated Attorney Harry Stewart represented the three previous Commissions; however he believes he is now in Broward County.

Mr. Maloy suggested looking at local attorneys.

Chairman Tucker suggested appointing a subcommittee to research attorneys.

Mr. Furlong stated he believes charter law is a specialized field and the number of experts in this area may be a small number.

Attorney McMillan stated the issue with local talent is that most of the attorneys locally who have a lot of

governmental experience are working for cities and/or have conflicts.

Mr. van den Berg said he would support having a subcommittee.

The Commission voiced **no objections** to appointing Egerton van den Berg, John Horan, and Jimmy Ross to a subcommittee for the purpose of making a recommendation for hiring outside counsel for the Commission.

**GENERAL DISCUSSION**

Upon inquiry by Chairman Tucker, **no one voiced any objections** to using Robert's Rules of Order to conduct the meetings. Chairman Tucker also questioned if there are any objections to starting each meeting with a prayer and pledge.

Mr. Ross stated he has no objections; and said he believes last time the meetings started at 5:00 p.m. or 5:30 p.m. He said he would like to start the meetings earlier.

Chairman Tucker asked members to put in writing any issues they want to bring up for discussion.

Mr. Miller suggested e-mailing items for discussion to Mr. Grace so he can put them on the agenda.

Mr. Maloy stated he would like to get public input earlier in the process, before the public hearings are conducted. Discussion ensued.

Mr. Miller stated in getting back to the prayer and pledge question, he would support both.

Discussion ensued with regard to the meeting schedule.

**Motion** by Mr. Ross, seconded by Mr. Miller to schedule Charter Review Commission meetings on Mondays at 5:30 p.m.

Under discussion and upon inquiry by Chairman Tucker, Attorney McMillan advised the issues the Commission wants to consider at public hearings should be done by June 1st. He

further advised three public hearings must be held and anything the Commission wants to pass along to the BCC must be done by August 1st in order to get them on the ballot in November.

**Motion** by Commissioner Furlong to amend the previous motion to specify the meetings will be held on the first Monday of each month at 6:00 p.m.

All members voted AYE.

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Mr. Grace asked if the Commission would like to have their meetings televised.

Mr. van den Berg stated he would prefer not to be on television because he believes it would make people talk more.

Mr. Ross stated last time this body met, they held their public hearings downstairs and it was televised and he does not recall that happening.

A brief discussion ensued as to whether to hold the October meeting on the first Monday because of the quick turn-around from this meeting.

Mr. Tucker suggested holding the October meeting on the third Monday. There were **no objections** to the following meeting schedule: October 17, November 7, December 5, 2005, and January 9, 2006.

The Board voiced **no objections** to members e-mailing to Mr. Grace items that they wish to place on the agenda; and then Mr. Grace e-mailing the overall agenda when it is finalized to Board members. Hard copies will be distributed to members on the day of the meeting.

Further discussion ensued with regard to having public comments at earlier meetings prior to the public hearings.

Upon inquiry by Mr. van den Berg, Mr. Grace advised he will work with the Chairman to do a press release asking the public

to come to the November meeting if they wish to address comments to the Commission.

Mr. Ross stated he wants the Commission to immediately vote up or down any issues that the public bring to the Board.

Mr. Furlong stated he disagrees with Mr. Ross.

Jane Hammontree stated if someone comes in and addresses the Board, she believes the Commission should just listen and discuss it, but not vote on it at that time.

Earl McMullen stated anyone on the Commission can make a motion to vote on anything at anytime.

Chairman Tucker stated Mr. Horan will be Chairman of the attorney subcommittee. Mr. Horan asked for any attorney suggestions from the Commission.

Mr. Maloy recommended retired Judge Freeman.

Chairman Tucker suggested Steve Coover.

Mr. van den Berg requested Attorney McMillan to provide the Commission with the applicable Statutes outlining the powers of each of the County's constitutional officers.

There being no further business to come before the full Commission, the Chairman declared the meeting recessed at 8:15 p.m., so that the Subcommittee could meet.

**CHARTER REVIEW COMMISSION SUBCOMMITTEE**

Subcommittee Chairman John Horan convened the meeting of the Attorney Subcommittee at 8:25 p.m., with Edgerton van den Berg and Jimmy Ross in attendance.

Chairman Horan stated he believes they should look for an individual attorney and not a law firm. He said that although Katie Riceman is very knowledgeable in the area of charter government, she would have a potential conflict because of her work with the cities. He said so far the suggested names are Tom Freeman and Steve Coover; however, with Mr. Coover, there

could also be a potential conflict. Also, a suggested name is Allison Yurko who is a former Assistant County Attorney in Orange County.

Mr. van den Berg stated Ms. Yurko also worked on the Orange County Charter.

Mr. Ross stated his hope and expectation is to find an individual with expertise in County and State government.

Mr. van den Berg stated Mr. Furlong suggested Scott Gabelson (phonetic).

Chairman Horan asked if the subcommittee would allow him to contact the individuals and ask them if they would be interested and then he can do a short list. He said the subcommittee can then conduct interviews.

Attorney McMillan recommended the interviews be conducted in public locally.

Under discussion, Attorney McMillan offered to contact other Charter counties to see who served as counsel for their Charter Review Commissions.

Mr. Grace stated Harry Stewart could also be contacted to see if he would like to serve. Whereupon, Mr. van den Berg stated he would prefer someone else.

**Motion** by Mr. van den Berg, seconded by Mr. Ross to request Mr. Horan to contact the following attorneys in order to determine if they would be interested in serving as outside counsel for the Charter Review Commission and to determine any conflicts they may have: Tom Freeman, Allison Yurko, Steve Coover, Scott Gabelson, and any names that may come up after Attorney McMillan has completed his research on other Charter Counties.

All members voted AYE.

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Attorney McMillan advised that he will provide a copy of the standard contract to Mr. Horan.

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Chairman Horan declared the meeting adjourned at 8:35 p.m., this same date.