

MINUTES

Under discussion, Ms. Johnson noted corrections as follows:
Page 2, Line 4 under Financial Functions & Auditing, corrected to read She said that in her opinion. . .; Page 4, Line 2 corrected to read, the CFO should report to the CEO.

No other corrections were made.

Chairman Tucker stated if there are no other corrections, the minutes are approved and accepted as amended.

CITY HOME RULE

Mayor John Bush expressed his appreciation to address the Charter Review Commission and introduced City Manager Ron McLemore to speak before the Commission.

Mr. McLemore gave his presentation from a memorandum (copy received and filed) he distributed to the Commission giving the Executive Summary of the Home Rule Charter Amendment proposed by the City. He said they think the proposal is balanced and preserves the County's home rule powers and preserves each local community's unique ability to govern itself. They think they have a good approach that is very close to the Arthur Bill that is going to the Legislature now. It enhances setting public policy by local vote; and retaining moving closer to the one-man, one-vote provision or preventing the dilution of votes through large numbers.

Mr. Horan asked doesn't Chapter 163 provide for an intergovernmental coordination element in everyone's comprehensive plan, and aren't there procedures for resolving those types of disputes. Mr. McLemore said there are procedures for intergovernmental cooperation and they believe this proposal will enhance those. Whereupon, Mr. Horan asked isn't this proposal trying to put into effect what already is in effect under the charter. Mr. McLemore said he thinks if it did, they would not have the issue before them that they do now with the current lawsuit with the City. He said if they didn't need such

a proposal, there would not be the issues throughout the State now, which is the whole issue of charters in cities and counties and the whole issue of encroachment on home rule powers. He said either you find some way to deal with those issues as they arise or you wind up in the courts or to the Legislature trying to get some kind of answer to the issues. He believes this proposal provides some way to deal with the issues and provides the local communities the way to retain their local uniqueness, even though there may be a unilateral County provision that is out for referendum.

Mr. Lovestrand stated he always felt, as a small city dealing with the County, that the County bargains and deals from a position of strength, and he always felt there was some disadvantage to the cities in that respect. But if the shoe were on the other foot, it could be just as bad. A small city could hold a whole county at bay.

Mr. McLemore said he doesn't see that happening the way they structured the proposal. He said there are provisions of law where the County has the right to do things countywide. That is what they are saying they are preserving in their proposal.

Mr. Lovestrand said he could see the case where a county manager could convince three out of five commissioners that something like gambling could be good when the whole county has voted against it, and maybe even the majority in a city (Longwood, for example); but there would be three commissioners who go along with the manager. He said he can see a problem with that.

Vice Chairman van den Berg said he thinks Mr. Lovestrand's point is well taken where something has to do with the mores of a certain region. He personally would be opposed to every

municipality having the option, no matter what the rest of the County wanted to do, to bring such action into the County.

Mr. McLemore explained that if a city has a home rule right to do something now by virtue of its powers, the city would retain those home rule rights unless the voters in the city changed it or a majority of the elected officials at the local level changed it. The city could not be required to do something by a countywide, unilateral vote unless those powers are already in place.

Mayor Bush stated he represents 33,000 people in the city of Winter Springs. He said when you're at the city level, you are the closest to the people. He thinks any one of the Charter Commission members in his seat would agree with them 100% because you would believe you are doing what is the right thing for your city. He gave the example of the Black Hammock issue that he said was a result of no cooperation between the City and County. He said there were people in Altamonte Springs voting on things for an area that they probably have not even visited. He further said three other cities have agreed with them on this proposal. He stated the County doesn't want the State telling them what to do, the cities don't want the County telling them what to do, and the State doesn't want the federal government telling them what to do. They all want to retain their ability to govern the way they think it should be by the voters who put them in office. That is what they are talking about.

Attorney Yurko stated she had the opportunity to review this and she has a lot of concerns about the practical effect of it and the way it has been drafted. She said because it affects existing amendments, it would effectively repeal, not only the rural lands amendment, but the casino gambling amendment. She said she doesn't know if that was the intent or not. That has a lot of legal problems associated with it in terms of the

obligations to inform the voters of what is being done. To the extent that it affects future amendments, which the proposal intends to do as well, it disenfranchises the Charter Review Commission from ever participating in any regulation that would be countywide. She said the proposal is so broad sweeping in the way it usurps the ability to use the charter authority for countywide issues, she thinks it could be deemed to violate Article VIII(g) before the Florida Constitution which lays out the manner in which the charter functions. Also, there is a statutory Section 125.86(7) that speaks in specific terms about the charter county's duty and responsibility to deal with issues of countywide significance that affect the health, safety and welfare. This proposal strips the County of the ability to use that because it gives any city the veto power. That could be deemed to violate Section 125.86(7). She further said Subsection 163.3171 of the Florida Statutes deals specifically with a portion of this resolution that deals with land use regulations and ordinances. She said that specifically addresses the ability of a charter county to address in its charter how it would deal with certain land use issues, and that has been used throughout the State as authority for countywide land use regulation. She thinks there could also be an issue that deals with the legal transfer of powers under Article VIII, Section 4, to the extent they would be giving up the county's ability to use its charter for countywide regulations, and someone could argue that is a transfer of powers and the process to do that would require resolutions from all of the affected local governments. She even thinks there could be an argument that this proposal would exceed the scope of municipal authority under the Florida Constitution. She said there would be logistical issues that would be involved with trying to figure out any municipal boundaries always changing because of

annexation. If they would be looking at what the votes are, that could be difficult. Also, if there was an attempt to have any type effort for a countywide regulation, she doesn't know how they could ever gauge the efficiency of that because they would never know at any given time whether they would have buy-in from 100% of the cities or 50% or 40%. So the logic of any countywide attempt would be eroded. Attorney Yurko said she would be happy to discuss this with the City Attorney.

Mr. McMillan stated this is an extremely broad provision. He said Ms. Yurko is correct that the first provision of this would invalidate the casino gambling, which is countywide and the Adult Entertainment Ordinance would not be applicable within the cities and they would have to have their own. Under this provision, Seminole County as a charter county would have less authority than non-chartered counties. He said non-chartered counties' ordinances apply countywide unless a city adopts a contradictory ordinance. Then the city's ordinance trumps the county's ordinance. Under the Winter Springs' provision, the County's ordinance would only apply in the unincorporated area unless and until a city would adopt the same ordinance. He reiterated this has very broad implications because it applies to everything. He explained the CRC would not have enough time to study the proposal because it is very broad and far reaching.

Mr. Miller entered the meeting at this time during the discussion.

Chairman Tucker asked if the CRC wished to move this issue forward for any further discussion.

Vice Chairman van den Berg said with deference and respect to the City's representatives, he doesn't believe this is an issue the CRC should or would support.

Motion by Mr. van den Berg, seconded by Mr. Harris, to not consider any further the City Home Rule proposal by the city of Winter Springs.

Under discussion, Mr. Horan said this issue is something they have already discussed. It relates to eminent domain and is basically the rural land issue. He agrees with Mr. McMillan that this particular proposal is broad, and it has a number of different ramifications. It appears not to be consistent with several provisions of the Florida Constitution. He said there is a machinery in place under the Florida Constitution and more particularly with regard to land regulations and land planning. It is set out in Chapter 163 of the Florida Statutes what the counties and cities are supposed to follow in putting together their comprehensive plans and working out their intergovernmental coordination elements of those plans, and resolving disputes to come up with land planning agreements. He has the concern that this proposal may be in violation of that. He expressed that he understands why Winter Springs is putting it forth, but he just doesn't know that this is the appropriate fix.

Mr. Lovestrand stated Mayor Bush and Mr. McLemore have heard the arguments of Attorney Yurko and Attorney McMillan and maybe they can petition one of the members to present something of a much more narrower sense that might pass the scrutiny of the attorneys. He would agree with the attorneys with what the CRC has before them now. He suggested dismissing this idea; but said he would think they would have the opportunity to petition a Charter Board member to present another one if they can refine it.

Whereupon, Vice Chairman van den Berg stated he would not be opposed to a motion to table this if that would be the feeling of the group. He just thinks this is such an

aggressive, extreme measure that it isn't going to go anywhere. It isn't that he has the lack of respect for the priorities of cities or any other local government, but he thinks the County has a role it ought to play.

Mr. Harris said he thinks it is fair to note that home rule is such a broad issue that it comes back in different faces and different forms in all kinds of areas. The fact that it does, there is no universal blanket solution to home rule issues. To the extent, the County at times might be the 800 pound gorilla on an issue, the State has played the same role with the County and that's just the way government is. It doesn't warrant the CRC to give up the required responsibility or the statutory assignment of responsibilities to the Charter Commission nor does it, if they were willing to do that, warrant taking all of the home rule issues and making each decision entirely in favor of the city. The situation is far too complex for that and there are some issues where the county's position should prevail as a broader good and there are some situations where an individual city's position should prevail. He said that is not what is in this proposal. This proposal makes each city almost an independent island; independent of any countywide control and he thinks that's simply not good government.

Mr. Furlong said he thinks they would all be well advised to take a good close read of Mayor Bush's letter (copy received and filed) regarding the Kelo decision and the unintended consequences of their proposal as it affects the city's ability to maintain their communities free from blight. As far as the proposal from the cities as to the charter, he would have to agree with the attorneys that it is too broad and there are as many unintended consequences with that as some of things they have talked about. He said he would hope the cities would continue to weigh in individually or collectively on all their

proposals and the affects of those on their city governments and operations. He hopes to hear their ideas and bring them forward on the issues the CRC is considering.

Mr. Horan asked Mr. McLemore if the CRC's eminent domain proposal passed in such a way that the city no longer had the ability to do anything to overrule it, did he think that would violate municipal home rule.

Mayor Bush answered that if the eminent domain proposal kept the City from refurbishing a high crime area through redevelopment as has been done in the past, then he would be against the proposal. Mr. Furlong advised the proposal would keep him from doing that.

A roll call vote was taken on the motion with all members present voting **AYE**.

Chairman Tucker, with consensus of the other members, changed the order of the Agenda to consider the public hearing schedule and next scheduled meeting at this time.

PUBLIC HEARING SCHEDULE and
NEXT SCHEDULED MEETING

Mr. Fisher explained he had spoken with Chairman Tucker and they went backwards from where the CRC needs to be on November 7, should they decide to put anything on the ballot for the General Election. Copy of the proposed public hearing schedule was received and filed. He said the CRC may not have to meet every week, but some of that depends on how well things move along. He reviewed the schedule and said he just provided this proposed schedule to get the discussion going by the CRC. Discussion ensued.

Upon inquiry by Chairman Tucker, Mr. McMillan stated the public hearings have to be a minimum of 10 days apart.

Ms. Hammontree advised that Mr. Maloy suggested having the public hearings on different days so those who could not attend on Wednesdays may be able to attend on Tuesdays or Thursdays.

Mr. Furlong stated if the meetings could be televised, they could probably reach a wider audience. He suggested having the meetings at the County Services Building for that reason.

Motion by Mr. Horan to set the public hearing meetings on Tuesday, Wednesdays and Thursdays between May 31 and July 12 and that they be televised from the County Commission Chambers.

Mr. Harris corrected that the meeting date in May would be May 30. Mr. Horan **accepted** the **amendment**. Mr. Harris **seconded** the **motion** with that amendment.

Mr. Fisher discussed the confusion that might occur with having different days for the hearings. Mr. Horan said the dates will be published, and he doesn't think that's a good enough reason to not set the hearings on three separate days.

Chairman Tucker stated the public hearing dates would be Tuesday, May 30, 2006; Wednesday, June 14, 2006; Thursday, June 29, 2006; and Wednesday, July 12, 2006 (fourth date if needed).

Mr. Furlong suggested the time of 7:00 p.m.

The **consensus** of the CRC was to approve the dates and time of 7:00 p.m. for the public hearing schedule.

Vice Chairman van den Berg and Mr. Furlong discussed the proposed July 17 meeting date with Mr. Fisher. Mr. Furlong questioned if they could do the ballot adoption at the third public hearing, and Mr. Fisher answered yes.

Mr. McMillan answered they could do the ballot adoption at the third public hearing or come back in a regular meeting and decide whether to put something on the ballot or not.

Mr. Horan asked how much advertising lead time is needed for the public hearings. Ms. Yurko advised she was not aware of any statutory requirement, so the CRC is flexible on what the

time frame is and she thinks the 10 to 14 days is probably a good time.

Vice Chairman van den Berg said he was nervous about the August 8 date (BCC Resolution adoption) as there could be a hurricane. He asked to make that a week earlier.

Mr. McMillan advised the prior meeting date of the Board of County Commissioners is around July 24. Whereupon, Mr. Horan said to give them some cushion. He suggested setting the date for July 24 instead of August 8, 2006.

Mr. Maloy advised he would rather stick to meeting twice a month.

Chairman Tucker affirmed with the members that the **consensus** is to meet the first and third Mondays at 6:30 p.m.

Mr. Miller stated that for the most part what the CRC is doing is already done when the public hearings begin. He discussed that the work scope narrows sharply after they decide what they are going to hold public hearings on.

Upon inquiry by Mr. Furlong, Mr. McMillan advised that any change the CRC makes opens the door to challenge by someone saying it was a different proposal from what the CRC had the public hearings on before. If they want to make sure they are not challenged, they should not make any changes.

Mr. Furlong summarized that the CRC can propose a substantive wording change at the first public hearing and still have time to hold three more public hearings, but essentially after that, there can be no change. The public opinion will not be used but for an up or down vote on a provision.

Chairman Tucker announced the public hearings will be held on May 30, June 14, June 29, and July 12, 2006 at 7:00 p.m. on the first floor of the County Services Building to be televised.

Mr. Horan asked for clarification of the regular meeting dates for the CRC. Following discussion, Chairman Tucker announced those dates will be April 17, May 1 and May 8, 2006.

Vice Chairman van den Berg used the issue of Ethics as an example and asked if it is really necessary to do more than approve the concept for purposes of starting the preparation of the ballot. He said filling in the substance is going to be left up to the County Commission.

Mr. Tucker said that could be one approach. He said he agrees that the CRC wants to broad brush the wording and not micromanage it, but they also need to make sure each of the issues are separate.

Attorney Yurko stated they probably want to determine as a group what they conceptually want the BCC to hit on in terms of what might be in the code of ethics that is different than what is already there.

Vice Chairman van den Berg said the hardest thing to him is what do they do with the audit and finance issue. He wondered if it might be a good idea to appoint a subcommittee to come up with a structure that would go on the ballot to address that issue.

Ms. Hammontree stated she thinks this has been well researched by Ms. Johnson, together with Ms. Yurko, she believes they have enough material.

Chairman Tucker said he thinks the audit committee and the body of the department is a separate issue and they have yet to discuss the head of the body. He feels that should be an open discussion because there are some real different philosophical questions there. Whereupon, Vice Chairman van den Berg said maybe they should do that first and then the Chairman might think it appropriate for a subcommittee.

Chairman Tucker reviewed the CRC regular meeting dates are: April 17, May 1 and May 8, with May 15 as an option date. The public hearing dates are: May 30, June 14, June 19, and July 12 (option date).

Mr. Horan stated in terms of drafting language, he doesn't think the CRC has to be concerned about the single subject issue as they are not encumbered by that.

Attorney Yurko stated she would have to check the charter on that. If she finds something different, she will let the Commission know.

The **consensus** of the CRC was agreement on the dates as announced by the Chairman with the optional days as May 15, regular meeting date, and July 12, the fourth public hearing date.

Chairman Tucker recessed the meeting at 8:08 p.m. and reconvened it at 8:12 p.m.

Chairman Tucker distributed copies of a flyer (copy received & filed) announcing the Private Business Association of Seminole, Inc. Breakfast meeting on April 12, 2006, and said the PBAS had asked that the Charter Review Commission be one of the topics at their meeting. He invited all members to attend and said Mr. Fisher would be advertising the meeting.

ETHICS

Mr. Maloy distributed copies (copy received and filed) of the editorial from the Orlando Sentinel over the weekend regarding ethics policies. He said daily stories are popping up about ethics. Today, he was handed a newspaper from New Smyrna Beach with the mayor there being involved in a land use conflict. From his research, he found that across the country different states do things differently. In the state of

Florida, the elected and appointed officials come under the Code of Ethics (copy received and filed) for the state of Florida. He said this code is so weak when it comes to enforcement that it really needs to be strengthened. In Florida, you can have a charter amendment to set up a process to put in tougher rules. This can be done with a shell of a charter question that can put out the basic points you want the commission to do. He referred to the handout (copy received and filed) from Brevard County and said the wording is simple and sets out how you want a Commission on Ethics to work in your county. He reviewed the information (copy received and filed) from Miami and said he thinks that might go too far as it is very broad.

Mr. Maloy said he sees four areas he thinks need to be strengthened. He reviewed these as General Conflict of Interest; Gifts, Gratuities, Travel; and Lobbying Rules and Enforcement. His thought was that if there was interest, the CRC could set up charter wording where they direct the County Commission to set up a Commission on Ethics or Code of Ethics and include lobbying restrictions and enforcement and put a shell together and put that on the ballot. If that is approved, the County Commission would be required to put that shell into practice. He said if the CRC likes the concept, he would come back with a shell of the charter amendment with the four provisions. If the CRC doesn't like one of the provisions, he could take that out and come back with what they would support.

Mr. Maloy said he thinks this should apply to constitutional officers. He asked for permission to put this together and come back and report to see if the CRC gives favorable approval. He advised Mr. Lovestrand that they could make it apply to city commissioners, and said he would propose including that.

Chairman Tucker said the question also comes up on employees and what level of employees should be included. He said these are all options that they could put in.

Mr. Horan asked if what they are envisioning is some kind of amendment that sets out the framework with aspirations of language in it that sets up a commission that would have the right and authority to set up ethics rules and to adjudicate enforcement. Mr. Maloy answered yes.

Mr. Furlong said the fifth part of this would be who picks the commission members and how they are picked. Mr. Maloy stated he has seen three different levels of how the members can be appointed.

Mr. Fisher noted that he provided copies of the Seminole County Code of Ethics and Conduct (copy received and filed).

Attorney Yurko also noted that Mr. Fisher has provided the Code of Ethics for the State of Florida (copy received and filed).

Motion by Mr. Boyko, seconded by Vice Chairman van den Berg, to proceed and have Mr. Maloy come back with specifics.

Under discussion, Mr. Maloy stated he would work with Attorney Yurko and come back with the proposed wording for a charter amendment.

Attorney Yurko asked for guidance. She said she was a little overwhelmed about doing something like this in every jurisdiction in Seminole County. She said it seems they might want to focus on Seminole County government.

Mr. Maloy said they could check with some of the other places that have included the cities and see how they have done that.

Chairman Tucker said he doesn't think they are saying that in this motion. They are not voting on that issue right now.

Mr. Harris stated he agrees they need to do something in ethics, but he sees it as such a huge effort to start from where they are. He was thinking that maybe they should pare it down a bit. He said he has real trepidation about an appointed commission having authority to remove elected officials from office. He thinks that is wrong and is already provided for in the power of the governor. He thinks they need to at least stay away from that. He said he doesn't have a problem with warnings, reprimands and fines; but removal from office is a big stretch since that's already the Governor's prerogative.

Whereupon, Mr. Maloy said that is the power the Commission on Ethics has now.

Mr. Furlong said as Mr. Maloy is preparing this, he would be interested in any financial information on costs associated with current groups he is talking about, if that is available. If not, perhaps Mr. Fisher could estimate what something like this would cost to operate. He said he agrees with Attorney Yurko that this could become quite a bureaucracy in and of itself. He said he has many issues with the specific bullet points Mr. Maloy has listed under each of the four areas of categories, but he will wait and see what the final product will be. He is assuming that ultimately it will be the CRC's determination as to which, if any of these, will or will not be included. He said he shares Mr. Harris's concern that an appointed board having the kind of authority as outlined would be something he would not likely support, particularly if it were oversight of the cities. He thinks that is clearly overstepping into the home rule powers. He is willing to entertain the idea and see what they might craft that might be workable.

Vice Chairman van den Berg suggested Mr. Maloy think about appointing a committee to study what is needed, a practical

scheme for implementing and enforcing new provisions, and burden the Board of County Commissioners with setting up such a commission. He said if the commission had a year to find out where the real abuses are and just focus on those and then it could make a recommendation. He said that would make a lot more sense than creating a commission with quasi-judicial powers at the front end before they know what the problems are and what they will address. He said this does need to be practicable, not too expensive, not too unwieldy, and not unduly burdensome on private citizens.

Attorney Yurko said she had the same idea and that might be a great opportunity for municipalities to participate. She said she is concerned about the amount of attorney time they will have to burn for her to get through this and try to put a framework on this. She said this is the kind of thing that an independent commission should be looking at.

Mr. Horan stated that is why he is in favor of something that is aspirational. He said the people of Seminole County should send a message to its leaders that it might have been a good idea over the years for the County Commissioners to get together and pass an ethics ordinance that everyone had to follow. He is deeply concerned about all the issues Mr. Furlong raised and he is particularly not in favor of "gotcha" rules because they can be used by politicians to create all kind of intrigue, especially if you have some influence over the commission or are trying to set some commission rules with a possible future election in mind and things like that.

Chairman Tucker stated he has severe problems with leaving it up to the County Commission to do.

Mr. Lovestrand said he almost thinks they have enough oversight now. He stated the system takes care of itself.

Mr. Maloy said what he is proposing has been done in other counties. He said this has already been studied by the County Commission and it disappeared. He said the general concept would be a shell and he is comfortable taking cities out. He had listed some problems he had seen with the current weakness of the ethics laws. He does think they need to put in conflict of interest and include a few parts and force the County Commission to draft the details of the ordinance. He doesn't think this is something that needs to be studied. He suggested the CRC could have people who have been involved with these speak at a future meeting if the CRC wishes to have additional input.

Ms. Johnson asked if it were possible for the CRC to direct the BCC to create a code of ethics and then from an administration standpoint, if it stands the test of time, to see how to do it from an enforcement standpoint. She said they would have a definitive code of ethics and a whole lot of people watching, whether it's the elected official upcoming or the person on the street. She stated if you have something definitive, sometimes the fear of bringing it to public light in and of itself can be a deterrent to violate the code of ethics. What she has a lack of comfort with is how far do you go in the administration, and can they determine that without having the code warped for some period of time.

Mr. Maloy said if there are other avenues to enforcing the rules than the County Commission, he would be all ears to that, but he doesn't think they can have the County Commission enforcing its own rules; and if they have staff enforcing it, that would put them in a difficult situation. The models he has seen have always had this independent board enforce these.

Vice Chairman van den Berg suggested one approach might be to require the County within, for example, 90 days to appoint an

independent commission, and the commission would have a year to make findings and recommendations. The County would then have 90 days to respond as to what action it proposes to take on the recommendations.

Upon inquiry by Mr. Furlong, Vice Chairman van den Berg advised he is talking about putting this on the ballot and the County Commission would have to do it. He said there are several charters that prohibit contributions in excess of \$200 and several require painful disclosure of ownership of the names and addresses of everybody involved in the ownership. He said short of that, he doesn't see that the CRC knows enough to write an implementable plan to put to the voters.

Mr. Miller advised that when they start talking about ethics, they need to try to understand what dishonesty they're trying to correct. He's sensing that maybe it's in planning and zoning than where all the money really gets spent in purchasing.

Attorney Yurko stated they know in Orange County there seems to be some very distinct, identifiable gaps in the State code. If the Charter Commission wanted to take a look at those and maybe several others and then craft an amendment that would basically say Seminole County shall enact an ordinance which does x, y, and z and, in addition, convene a commission which shall have participation of municipalities and look at other issues, that might be a blended way to get everybody where they want to be.

Mr. Furlong **called the question** to vote on the motion.

A roll call vote was taken with all members present voting **AYE**.

A roll call vote was taken on the **motion by Mr. Maloy** with all members present voting **AYE**.

Mr. Maloy briefly reviewed some complaint information (copy received and filed) he had distributed.

The Chairman adjourned the meeting at 9:02 p.m., this same date.

**SCHEDULE
AND
ACTION ITEMS**

Charter Review Public Hearing – Schedule Accepted April 3, 2006	
DATE	ITEM
April 3, 2006	<ul style="list-style-type: none"> • Discuss Public Hearing Schedule • Ethics* • City Home Rule*
April 17, 2006	<ul style="list-style-type: none"> • Ethics* • BCC Amendments to Charter* • Rural Boundary*
May 1, 2006	<ul style="list-style-type: none"> • Financial Functions, Auditing, and Audit Committee* • Taxpayer Bill of Rights • Various Action Performed by Ordinance*
May 8, 2006	<ul style="list-style-type: none"> • Officers of the County* • Various Clean-up topics (if needed)
May 15, 2006	Final Regular Meeting of Charter Review Commission (if needed)
May 16, 2006	Ad to Newspaper
May 19, 2006	Ad in Newspaper
May 30, 2006 – Tuesday @ 7:00	First Public Hearing
June 14, 2006 – Wednesday @ 7:00	Second Public Hearing
June 29, 2006 – Thursday @ 7:00	Third Public Hearing
July 12, 2006 – Wednesday @ 7:00	Fourth Public Hearing (if needed)
July 17, 2006	Charter Review Commission Adoption of Ballot items (if any)
July 18, 2006	Resolution of ballot items from Allison Yurko to the County
July 18, 2006	County staff to prepare agenda memorandum for the resolution
July 25, 2006	BCC adopts resolution
August 9, 2006	90 days before general election – Resolution must be adopted by the BCC
September 6, 2006	Ballot language must be submitted to the Supervisor of Elections
November 7, 2006	General Election

*SEE ATTACHED CHARTER REVIEW ACTION ITEMS

CHARTER REVIEW ACTION ITEMS

FINANCIAL FUNCTIONS , AUDITING, AND AUDIT COMMITTEE

March 6, 2006

Consensus was to take time to read the information submitted and discuss the issue at the next Charter Review Commission meeting.

March 21, 2006

Attorney Yurko to prepare draft language creating an audit committee and internal audit functions.

EMINENT DOMAIN FOR ECONOMIC DEVELOPMENT

January 6, 2006

Motion approved that the sense of the eminent domain language be: "The public purpose for initiation of eminent domain proceedings by Seminole County or any municipality, community redevelopment agency, or other entity delegated redevelopment powers by Seminole County shall not include any purpose which provides for transfer of the property, taken by sale or lease, in whole or in part, to a private entity. In the event of any conflict between this provision and the provisions of Chapter 163, F.S. the provisions of Chapter 163 shall be controlling. Attorney Yurko shall add a phrase that it will not prevent the conveyance of surplus property.

February 6, 2006

Continue to endorse the concept of prohibiting the use of eminent domain for private purposes by the County or by any government in the County, including the CRA, a blanket prohibition except only those proceedings already in the process; and direct counsel to redraft the language.

March 21, 2006

Adopted language proposed in the agenda package. This item is to be scheduled for public hearings.

VARIOUS ACTIONS PERFORMED BY ORDINANCE

Presentation by County Manager to inform CRC as to which items are enacted only after consideration at a hearing, or by ordinance, at which there is an assured opportunity for the public to speak

Include information on how emergency ordinances are done and which the County may have done.

TAXPAYER BILL OF RIGHTS

February 6, 2006

Authorize staff to bring back sample wording to review along with additional information.

ETHICS

February 6, 2006

Continued discussion on the matter of ethics. Points discussed:

- Lobbying disclosure and banning all gifts
- Lobbying disclosure of fees reported every three months
- Currently there is a two year ban on Commissioners lobbying their Board after they leave office and that should apply to other County boards, like the Planning and Zoning Commission. This should be applied to the Commission, all boards, and staff directors.
- The other part of the concept is that it should be reviewed by an independent board with penalties put in place.
- Concept should include constitutional officers.
- Encompass a conflict of interest statement; however, not certain whether this would include a conflict of interest statement.
- Acting County Manager to provide County policies relating to Code of Ethics.

April 3, 2006

Motion approved to proceed and have Grant Maloy to come back with proposed wording for a charter amendment.

NON-INTERFERENCE CLAUSE

Motion to accept initiative failed.

SALARY ISSUES

January 6, 2006

Motion approved the following language:

“Salaries and other compensation of the County Commissioners shall be set by County Ordinance, approved at a public hearing. Any increases in said salaries shall not exceed the percentage change in the U.S. Consumer Price Index for the previous year. Any salary increase shall not be effective until the first day in January in the year following the adoption of the increase.”

TERM LIMITS

January 6, 2006

Motion to accept initiative failed.

OFFICERS OF THE COUNTY

November 7, 2005

Motion approved to refer the matter of defining officers of the County to the end of the CRC's duties in time to put it on the ballot, but that it is a housekeeping matter that should not preempt discussion of other issues.

RURAL BOUNDARY

November 7, 2005

Motion approved to seek direction of the BCC to see whether the CRC should proceed with this issue. The BCC considered the matter at its November 15, 2005 meeting and its consensus was that the CRC make no attempt to modify or cure the amendment at this time.

BCC AMENDMENTS TO CHARTER

November 7, 2005

Motion approved to consider at a future meeting requiring that ordinances adopting proposed amendments or revisions to the Charter, which are adopted by the BCC, shall not be passed before the Board holds three public hearings at intervals or not less than 14 days; and require that all such ordinances shall be adopted and submitted to the Supervisor of Elections no later than 90 days prior to the General Election for research and drafting of a proposed amendment.

CITY HOME RULE

April 3, 2006

Motion approved to take no action regarding the request of Winter Springs to change the County Charter as it pertains to home rule in the cities.

04/14/06

ETHICS

**FIRST DRAFT
FRIDAY, APRIL 14, 2006**

CHARTER AMENDMENT REGARDING ETHICS

- A. Ordinance Requirements: All elected officials of Seminole County Government shall be subject to the standards of conduct for public officers and employees set by general law. In addition, by January 1, 2008, the Board of County Commissioners of Seminole County, shall, by ordinance, establish an enhanced code of ethics for elected officials and certain employees of Seminole County Government (as defined in section B herein), and which may be supplemental to general law, but in no case may such ordinance diminish the provisions of general law.
- B. Ordinance Guidelines: Said ordinance shall include, at a minimum, provisions and enforcement mechanisms which substantially addresses the following (with exceptions as deemed reasonable, necessary and appropriate by ordinance):
- a. Advance registration and timely written disclosure by lobbyists of the subject matter of communications between:
 - i. Elected officials, (meaning county commissioners, and all constitutional officers of Seminole County) or members of advisory boards, the county manager, county attorney, or any employee department head in Seminole County (with any such person described in this paragraph hereinafter referred to “Officials”); and

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- ii. Persons who are paid by a third party principal to influence any foreseeable action by said Officials (hereinafter “Lobbyists”); with said communications hereinafter being referred to as “lobbying”;
- b. Prohibitions against Officials, acting as a Lobbyist, lobbying any local governmental agency in Seminole County during the term of their tenure at Seminole County or for a two-year period thereafter;
- c. Prohibitions on the acceptance of gifts exceeding \$25.00 from any Lobbyist or entity with a matter pending before the Seminole County Board of County Commissioner or any advisory board or related committee thereof , or in the case of a constitutional officer, a matter pending before that constitutional officer’s agency;
- d. The requirement that travel expenses and per diem expenses of Officials not paid by said Official or his or her nongovernmental employer be listed on the Seminole County Board of County Commissioners public agenda within thirty (30) days of the expenditure;
- e. An enhanced conflict standard which (i) covers parents, brothers, sisters or business associates of Officials (in addition to spouses and children) (hereinafter “Relatives”); (ii) includes specific standards for determining when a matter provides direct or indirect benefit to an Official or Relative, requiring disclosure thereof, and prohibiting involvement by the Official in such matter; (iii) prohibition on participation of Official or Relatives in any county agency auction;(iv) requiring disclosure by Officials of any interest in real estate or other business (other than

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homestead property) within 30 days of entering office or being hired and
redisclosure at least semi-annually thereafter;

- f. The requirement that any required disclosures shall be on file with the county manager's office for at least one (1) year; and that any conflict filing include specific details as to the conflict.

C. Enforcement: In addition to other enforcement measures available by general law, said ordinance shall include a provision, to the extent not inconsistent with general law or state constitution, which creates an independent board of ethics panel comprised of five (5) members not appointed by the Seminole County Commission or any constitutional officer of Seminole County, with the authority to review, subpoena, interpret, render advisory opinions and otherwise enforce the county ethics ordinance, including, but not limited to, any conflict of interest, Lobbyist registration and reporting requirements contained therein.

D. Conforming Changes. Certain other sections of the Seminole County Charter shall be amended to conform to the provisions herein.

**LETTER FROM WINTER SPRINGS
RELATING TO HOME RULE**



CITY OF WINTER SPRINGS, FLORIDA

1126 EAST STATE ROAD 434
WINTER SPRINGS, FLORIDA 32708-2799
City Telephone: 407-327-5956
Facsimile: 407-327-4753
Personal Mobile: 407-256-6987
Email: jfbush@winterspringsfl.org
City Website: www.winterspringsfl.org

JOHN F. BUSH
OFFICE OF THE MAYOR

April 5, 2006

Seminole County Charter Committee:

Thank you for allowing us to present Winter Springs' proposed Charter Amendment to the Committee at your April 3, 2006 meeting, which also had the support of the cities of Lake Mary, Casselberry and Longwood.

We are naturally disappointed in your decision to forego any further consideration of our proposal since it provided a process by which to resolve home rule issues in Seminole County. Moreover, we were confident that the proposal was in compliance with the law, despite your attorney's concerns.

However, we respectfully request that you still seriously consider Winter Springs' proposed Amendments to Section 4.2.C of the County Charter. That proposal would require that all County Commission initiated Charter Amendment Referendums must be approved by the County Commission at least ninety (90) days prior to the General Election at which the Referendum will be Voted upon by the public. Currently, the ninety (90) day requirement applies to Charter Amendment Referendums proposed by the Charter Review Committee and by citizen initiative. The ninety (90) day requirement should apply to all proposed Charter Amendment Referendums.

Again, we appreciate the service you are providing through your membership on the Charter Committee.

Sincerely,


John F. Bush
Mayor