



CHARTER REVIEW ZEPHYRHILLS, FLORIDA

**Monday, October 24, 2022
7:00 PM**

IMMEDIATELY FOLLOWING COUNCIL MEETING

The City of Zephyrhills will maintain a quorum at the dais and host a GoToMeeting to allow the public to attend remotely.

Please join the GoToMeeting
from your computer, tablet or smartphone:

<https://meet.goto.com/524953685>

or dial in using your phone:

+1 (408) 650-3123 - Access Code: 524-953-685

(Please mute your phone unless you wish to speak on a specific item).

**Zephyrhills
City Hall**

**Council
Chambers**

Call to Order – Charter Review Committee Member Jodi Wilkeson
Roll Call – City Clerk Lori Hillman

1. BUSINESS ITEMS

1.1 Approval of September 26, 2022 Charter Review Committee Minutes.

1. M09-26-2022 Charter Review Committee

1.2 11.01 MUNICIPALITY CREATED

That a municipality to be known and designated as the City of Zephyrhills is hereby created and established in Pasco County, **November 17, 1914.**

1. Question 1

1.3 21-031 ELECTION AND TERMS

1. **Commencing** At **with** the regular municipal election of April 9th, 2013 **April 11th, 2023**, a Council Member shall be elected for a term of three (3) years and at the regular municipal election each three (3) **four (4)** years thereafter, and two **one** City Council Members shall be elected for a term of two (2) **four (4)** years. The candidates receiving the two (2) year terms shall be determined by drawing straws. Or in the alternative, a Councilmember(s) may volunteer for the two-year term(s).
2. **Commencing** At **with** the regular municipal election of April 14th, 2014 **April 9, 2024**, one City Council Member shall be elected for a term of three (3) years and at the regular municipal election each **four (4) years thereafter**, one **two** City Council Members shall be elected for a term of two (2) **four (4)** years. The candidates receiving the two (2) year term shall be determined by drawing straws. Or in the alternative, a Councilmember may volunteer for the two-year term.
3. Commencing with the regular municipal election of April 13th, 2015 **April 8th, 2025**, and at the regular municipal election each three (3) years thereafter, two City Council Members shall be elected for terms **a term** of three (3) **four (4)** years **and at the regular municipal election each four (4) years thereafter**.
4. Commencing with the regular municipal election of April 11th, 2016, two City Council Members shall be elected for a term of three (3) years and at the regular municipal election each three (3) years thereafter.

Commencing with the regular municipal election of April 10th, 2017, and at the regular municipal election each three (3) years thereafter, one City Council Member shall be elected for terms of three (3) years.

1. Question 2

1.4 21.11 DESIGNATION OF DEPOSITORIES

The City Council shall, by resolution, designate from time to time such banks to be the depositories of the funds of said eCity, and the City Manager **Finance Director** shall be required to deposit day by day such funds of the eCity as may come into his **said director's** hands in said banks to the credit of the eCity, and shall be required to present at each regular Council Meeting **quarterly at Council meetings** a report of all such moneys **monies** collected and deposited in said banks by him **the Finance Director**; the City Council may, by resolution require such banks acting as eCity depository, to give such bond as they may deem proper, for the safekeeping of all eCity funds entrusted to their care, said depository only to pay out said funds upon a written order signed by the President of the City Council, attested by the City Manager.

1. Question 3

1.5 ELECTION AND TERM

At the regular municipal election of April 2014 **April 2023**, the Mayor shall be elected by the qualified voters of the eCity for a term of three (3) **four (4)** years and at the regular municipal election every three **four** years thereafter, the mMayor shall be elected for a term of three (3) **four (4)** years.

1. Question 4

1.6 51.01 TIME OF HOLDING

A general election for the choosing of officers of said City shall be held on the Second Tuesday in April of each year, and officers elected shall qualify and take office ~~within three days~~ **at the next regularly scheduled meeting** after the canvas is received from the County Canvassing ~~Board~~.

1. Question 5

1.7 51.041 QUALIFICATION OF CANDIDATES

Any person seeking the office of either City Council or Mayor, must be a qualified and registered voter of the City of Zephyrhills and have been a resident of the City for a six-month period immediately preceding the next election to qualify for any City elective office.

Resident. In order for a candidate to be a resident of the City, that candidate must have his or her primary physical residence and dwelling with the boundaries of the City at all times material, prior to election and during the entire term. It is the intent of this Charter that the term "resident" as used herein to describe any period seeking or holding elective office in the City shall be strictly construed.

Filing Fees and Nominating Petitions. The City Council may set filing fees to be paid by candidates at the time of qualifying to run for elective office. The nomination of all candidates for elective offices shall be made by nominating petitions. The name of any elector of the City having the necessary qualifications to hold the office may be nominated for the election to such office when a petition shall be filed with the City Clerk, signed by not less than twenty-five (25) registered voters of the City. The signatures to a nominating petition need not all be on one paper.

Sample Form:

Such nominating petition shall be substantially in the following form:

"We the undersigned, being registered voters of the City of Zephyrhills, hereby present (here write name of candidate) whose residence is in the City of Zephyrhills, as a candidate for election to the office of (here insert name of office) at the election to be held in the City of Zephyrhills on the ____ day of _____, 20 ____.

(Name and Address of Petitioner) (Date of Signing)"

~~Such nomination petition shall not be signed by any elector more than sixty (60) days prior to the date of such election, and~~ **All** papers comprising such petition shall be securely fastened together and filed as one petition with the City Clerk during the designated qualifying period prior to the election.

1. Question 6

1.8 51.07 CANVASS OF RETURNS

The City Council shall receive the returns of all City elections, and shall accept the canvas from the County Canvassing ~~b~~Board of the same ~~within forty-eight (48) hours~~ at the next regularly scheduled Council meeting after said returns are received by them, and shall declare the results thereof, which shall be spread upon their minutes. The City Council may by resolution extend the time for a period not to exceed five (5) days.

1. Question 7

1.9 Title XI CHARTER AMENDMENT

This Charter may be amended in accordance with Section 166.031, Florida Statutes, as amended and shall be formerly reviewed by City Council every ~~five~~ ten (10) years.

1. Question 8

1.10 Submission Deadline to Supervisor of Elections for Ballot Questions is February 1, 2023.

2. CITIZEN COMMENTS

ADJOURN

*** PLEASE NOTE: This is a Public Meeting. Should any interested party seek to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. F.S. 286.0105. If you are a person with a disability which requires reasonable accommodation in order to participate in this meeting, please contact the City Clerk at 813/780-0000 at least 48 hours prior to the public hearing. A.D.A. and F.S. 286.26.**

CHARTER REVIEW COMMITTEE

A Charter Review Committee Meeting was held on September 26, 2022 at 7:00 p.m. in the Council Chambers of City Hall and via GoToMeeting +1 (872) 240-3412 – Access Code: 519-143-285.

Charter Review Committee Member Jodi Wilkeson called the meeting to order at 7:37 p.m. Roll call was taken. Present were members Kenneth Burgess, Alan Knight, Charles Proctor, Lance Smith, Jodi Wilkeson and Mayor Whitfield. City Manager William Poe and City Attorney Matthew Maggard were present.

Staff present: Police Chief Derek Brewer, Public Information Officer Kevin Weiss, IT Director Mike Panak, Police K-9 Officer Lorenzo Limoges and City Clerk Lori Hillman.

1. BUSINESS ITEMS

1.1 Staff Recommendations:

City Manager William Poe stated City Attorney Matthew Maggard confirmed all reference to the Zephyrhills Fire Department or Fire Chief can be removed from the Charter without referendum.

Lance Smith moved to remove a Chief of the Fire Department from **21.01 - Composition of Municipal Government Department**; remove fire chief from **33.02 – Duties and Powers**; and remove fire departments and Fire Chief from **35.01 - Public Safety**. Seconded by Charles Proctor. Motion passed unanimously.

21.03 Council Seats – “at large” or “single member districts”;

Charles Proctor moved to leave “at large” Council Seats as written. Seconded by Lance Smith. Motion passed unanimously.

21.031 Election and Terms - what seats run together;

City Manager William Poe explained this item defines Council terms increasing from two year to three year terms with a lengthy definition for transition. Discussion ensued relating to increasing terms from three (3) to four (4) years.

Charles Proctor moved to leave the Election and Terms as written. Seconded by Lance Smith. Motion passed unanimously.

21.11 Designation of Depositories

Alan Knight moved to change language from City Manager shall be required to deposit funds for the City to Finance Director shall be required to deposit funds for the City. Change language requiring bank deposits be presented at each regular Council meeting to bank deposits be presented quarterly at Council meetings. Seconded by Lance Smith. Motion passed unanimously.

32.01 Mayor Duties and Powers - make a quorum when only two members in attendance;

Kenneth Burgess moved to leave as written. “He shall take part in all City Council agenda items as if he were a Council member, provided, however, he shall not have a vote at any Council meeting on any Council matter.” Seconded by Lance Smith. Motion passed unanimously.

32.02 Mayor Removal and Vacancy - if no election is scheduled within six (6) months, a special election is scheduled not less than sixty (60) days nor more than ninety (90) days from the vacancy. A comparison between the Mayor and Council Removal and Vacancy was presented for consistency consideration.

City Manager William Poe said if the Mayor position becomes vacant during a term and if no election is scheduled within six (6) months then after his vacancy, a special election shall be noticed and scheduled by City Council not less than thirty (30) days nor more than sixty (60) days from the vacancy.

City Manager William Poe said if a Council position becomes vacant during a term and there is more than six (6) months till the next regularly scheduled municipal election, the Council shall schedule a special election to be held not sooner than sixty (60) days and not later than ninety (90) days following the vacancy.

Alan Knight moved to leave 32.02 as written. Seconded by Charles Proctor. Motion passed unanimously.

51.01 Time of Holding - remove within three days after the canvas is received add at the first regularly scheduled Council meeting;

Alan Knight moved to change language from officers elected shall qualify and take office within three days after the canvas is received from the County Canvassing board to officers elected shall qualify and take office at the next regularly scheduled meeting after the canvas is received from the County Canvassing board. Seconded by Lance Smith. Motion passed unanimously.

51.041 Qualification of Candidates - remove such nomination petition shall not be signed by any elector more than sixty (60) days prior to the date of such election;

Council concurred to suspend this item pending a recommendation from the City Clerk. Language will be brought back to the next Charter Review Committee meeting for review.

51.07 Canvass of Returns - City Council shall receive and accept the canvas of returns at the first regularly scheduled Council meeting after receiving from Canvassing Board;

Charles Proctor moved to change City Council shall receive the returns of all City elections, and shall accept the canvas from the County Canvassing board of the same within forty-eight (48) hours after said returns are received to City Council shall receive the returns of all City elections, and shall accept the canvas from the County Canvassing board of the same at the next regularly scheduled Council meeting. Seconded by Alan Knight. Motion passed unanimously.

Title XI Charter Amendment - should charter be reviewed every 5 years or can that be extended to every 10 years;

Charles Proctor moved to change language from the Charter be formally reviewed by City Council every five (5) years to every ten (10) years. Seconded by Alan Knight. Motion passed unanimously.

Other Recommendations:

Increase Terms from three (3) years to four (4) years;

Alan Knight moved to keep the language at three (3) years as written. Seconded by Charles Proctor. Motion passed unanimously.

Term limits: Limiting reelection restricts the voters' opportunity to keep in office council members of whom they approve. Unlimited terms allow voters to provide a vote of confidence for council members who represent majority sentiment and a vote of opposition for members in the minority. Finally, the City benefits from the institutional memory of reelected council members.

The consensus was the majority of the Charter Review Committee members do not support changing term limits.

Number of Council Members: Council should range from five to nine members. In the largest cities, a greater number of council members may be necessary to assure equitable representation. However, smaller City councils are more effective instruments for the development of programs and conduct of municipal business than large local legislative bodies.

The consensus was the majority of the Charter Review Committee members support keeping the number of Council members as written.

1.2 Submission Deadline to Supervisor of Elections for Ballot Questions is February 1, 2023.

1.3 Resolution No. 793-22 – Final Report with Recommendations to City Council on or before December 13, 2022.

Council concurred to hold a Charter Review Committee on October 24, 2022.

Meeting adjourned: 8:19 p.m.
Submitted by Lori Hillman

QUESTION #1

Ballot Proposal: The ballot title and ballot summary for Question #1 are as follows:

MUNICIPALITY CREATED

Shall Section 11.01 of the Zephyrhills Charter be amended to provide the date of creation and establishment of the City of Zephyrhills?

_____ Yes - In favor of adopting amendment to City Charter

_____ No - Not in favor of adopting amendment to City Charter

Text Revisions: Upon approval of this question at referendum, Section 11.01 of the City of Zephyrhills Charter is amended to read as follows:

11.01 MUNICIPALITY CREATED

That a municipality to be known and designated as the City of Zephyrhills is hereby created and established in Pasco County, November 17, 1914?

QUESTION #2

Ballot Proposal: The ballot title and ballot summary for Question #2 are as follows:

ELECTIONS AND TERMS

Shall Section 21.031 of the Zephyrhills Charter be amended to provide for four (4) year terms of office for City Council members?

_____ Yes - In favor of adopting amendment to City Charter

_____ No - Not in favor of adopting amendment to City Charter

Text Revisions: Upon approval of this question at referendum, Section 21.031 of the City of Zephyrhills Charter is amended to read as follows:

21.031 ELECTION AND TERMS

- (1) Commencing with the regular municipal election of April 11th, 2023, and at the regular municipal election each four (4) years thereafter, one City Council Member shall be elected for a term of four (4) years.
- (2) Commencing with the regular municipal election of April 9th, 2024, and at the regular municipal election each four (4) years thereafter, two City Council Members shall be elected for a term of four (4) years.
- (3) Commencing with the regular municipal election of April 8th, 2025, two City Council Members shall be elected for a term of four (4) years and at the regular municipal election each four (4) years thereafter.

QUESTION #3

Ballot Proposal: The ballot title and ballot summary for Question #3 are as follows:

DESIGNATION OF DEPOSITORIES

Shall Section 21.11 of the Zephyrhills Charter be amended to provide for the Finance Director to report money deposits quarterly at Council meetings?

_____ Yes - In favor of adopting amendment to City Charter

_____ No - Not in favor of adopting amendment to City Charter

Text Revisions: Upon approval of this question at referendum, Section 21.11 of the City of Zephyrhills Charter is amended to read as follows:

21.11 DESIGNATION OF DEPOSITORIES

The City Council shall, by resolution, designate from time to time such banks to be the depositories of the funds of said City, and the Finance Director shall be required to deposit day by day such funds of the City as may come into said director's hands in said banks to the credit of the City, and shall be required to present quarterly at Council meetings a report of all such monies collected and deposited in said banks by the Finance Director; the City Council may, by resolution require such banks acting as City depository, to give such bond as they may deem proper, for the safekeeping of all City funds entrusted to their care, said depository only to pay out said funds upon a written order signed by the President of the City Council, attested by the City Manager.

QUESTION #4

Ballot Proposal: The ballot title and ballot summary for Question #4 are as follows:

ELECTION AND TERM

Shall Section 32.03 of the Zephyrhills Charter be amended to provide for four (4) year terms of office for Mayor?

_____ Yes - In favor of adopting amendment to City Charter

_____ No - Not in favor of adopting amendment to City Charter

Text Revisions: Upon approval of this question at referendum, Section 32.03 of the City of Zephyrhills Charter is amended to read as follows:

32.03 ELECTION AND TERM

At the regular municipal election of April 2023, the Mayor shall be elected by the qualified voters of the City for a term of four (4) years and at the regular municipal election every four (4) years thereafter, the Mayor shall be elected for a term of four (4) years.

QUESTION #5

Ballot Proposal: The ballot title and ballot summary for Question #5 are as follows:

TIME OF HOLDING

Shall Section 51.01 of the Zephyrhills Charter be amended to provide that elected officers shall take office at the next regularly scheduled Council meeting after the canvas is received from the County Canvassing Board?

_____ Yes - In favor of adopting amendment to City Charter

_____ No - Not in favor of adopting amendment to City Charter

Text Revisions: Upon approval of this question at referendum, Section 51.01 of the City of Zephyrhills Charter is amended to read as follows:

51.01 TIME OF HOLDING

A general election for the choosing of officers of said City shall be held on the Second Tuesday in April of each year, and officers elected shall qualify and take office at the next regularly scheduled meeting after the canvas is received from the County Canvassing Board.

QUESTION #6

Ballot Proposal: The ballot title and ballot summary for Question #6 are as follows:

QUALIFICATION OF CANDIDATES

Shall Section 51.041 of the Zephyrhills Charter be amended to remove the time constraints to obtain signatures to qualify for election?

_____ Yes - In favor of adopting amendment to City Charter

_____ No - Not in favor of adopting amendment to City Charter

Text Revisions: Upon approval of this question at referendum, Section 51.041 of the City of Zephyrhills Charter is amended to read as follows:

51.041 QUALIFICATION OF CANDIDATES

Any person seeking the office of either City Council or Mayor, must be a qualified and registered voter of the City of Zephyrhills and have been a resident of the City for a six-month period immediately preceding the next election to qualify for any City elective office.

Resident. In order for a candidate to be a resident of the City, that candidate must have his or her primary physical residence and dwelling with the boundaries of the City at all times material, prior to election and during the entire term. It is the intent of this Charter that the term "resident" as used herein to describe any period seeking or holding elective office in the City shall be strictly construed.

Filing Fees and Nominating Petitions. The City Council may set filing fees to be paid by candidates at the time of qualifying to run for elective office. The nomination of all candidates for elective offices shall be made by nominating petitions. The name of any elector of the City having the necessary qualifications to hold the office may be nominated for the election to such office when a petition shall be filed with the City Clerk, signed by not less than twenty-five (25) registered voters of the City. The signatures to a nominating petition need not all be on one paper.

Sample Form:

Such nominating petition shall be substantially in the following form:

"We the undersigned, being registered voters of the City of Zephyrhills, hereby present (here write name of candidate) whose residence is in the City of Zephyrhills, as a candidate for election to the office of (here insert name of office) at the election to be held in the City of Zephyrhills on the ____ day of _____, 20 ____.

(Name and Address of Petitioner) (Date of Signing)"

All papers comprising such petition shall be securely fastened together and filed as one petition with the City Clerk during the designated qualifying period prior to the election.

QUESTION #7

Ballot Proposal: The ballot title and ballot summary for Question #7 are as follows:

CANVASS OF RETURNS

Shall Section 51.07 of the Zephyrhills Charter be amended to provide that City Council will accept and declare the results of the election at the next regularly scheduled meeting?

____ Yes - In favor of adopting amendment to City Charter

____ No - Not in favor of adopting amendment to City Charter

Text Revisions: Upon approval of this question at referendum, Section 51.07 of the City of Zephyrhills Charter is amended to read as follows:

51.07 CANVASS OF RETURNS

The City Council shall receive the returns of all City elections, and shall accept the canvas from the County Canvassing Board of the same at the next regularly scheduled Council meeting after said returns are received by them, and shall declare the results thereof, which shall be spread upon their minutes. The City Council may by resolution extend the time for a period not to exceed five (5) days.

QUESTION #8

Ballot Proposal: The ballot title and ballot summary for Question #8 are as follows:

CHARTER AMENDMENT

Shall TITLE XI of the Zephyrhills Charter be amended to provide that City Council shall formally review the Charter every ten (10) years?

_____ Yes - In favor of adopting amendment to City Charter

_____ No - Not in favor of adopting amendment to City Charter

Text Revisions: Upon approval of this question at referendum, TITLE XI of the City of Zephyrhills Charter is amended to read as follows:

Title XI CHARTER AMENDMENT

This Charter may be amended in accordance with Section 166.031, Florida Statutes, as amended and shall be formerly reviewed by City Council every ten (10) years.

BUSINESS ITEMS 1.10

Submission Deadline to Supervisor of Elections for Ballot Questions is February 1, 2023.

Issue:

Background:

Attachment(s):

None

Fiscal Impact:

Staff Recommendation: