



CHARTER REVIEW ZEPHYRHILLS, FLORIDA

**Monday, November 14, 2022
5:45 PM**

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/551759733>
or dial in using your phone:

+1 (571) 317-3122 - Access Code: 551-759-733

(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 October 24, 2022 Charter Review Committee Minutes

1. M10-24-2022 Charter Review Committee

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 October 24, 2022 at 7:00 p.m. in the Council Chambers of City Hall and via GoToMeeting +1 (408) 650-3123 – Access Code: 524-953-685.

Charter Review Committee Member Jodi Wilkeson called the meeting to order at 8:35 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 and City Clerk Lori Hillman.

1. BUSINESS ITEMS

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

Kenneth Burgess moved to approve the September 26, 2022 Charter Review Committee Minutes. Seconded by Lance Smith. Motion passed unanimously.

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.**

City Manager William Poe read Question 1: Shall Section 11.01 of the Zephyrhills Charter be amended to provide the date of creation and establishment of the City of Zephyrhills; yes or no. Upon approval of this question at referendum, Section 11.01 of the City of Zephyrhills Charter will be 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.

Charles Proctor moved to approve the amended language for 11.01 MUNICIPALITY CREATED. Seconded by Lance Smith. Motion passed unanimously.

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~~
- (3) ~~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.~~
- (4) ~~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.**
- (5) ~~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.~~
- (6) ~~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.~~

City Manager William Poe said he provided incorrect information at the September 26, 2022 meeting relating to four (4) year terms. He clarified four (4) year terms will mirror the current three (3) year terms (staggered seats running together) with the exception of no election every fourth year. If a four (4) year term is approved, the seats up for election in April of 2023 will begin the four (4) year transition.

City Manager William Poe read Question 2: Shall Section 21.031 of the Zephyrhills Charter be amended to provide for four (4) year terms of office for City Council members; yes or no. Upon approval of this question at referendum, Section 21.031 of the City of Zephyrhills Charter will be amended to read as follows:

21.31 ELECTION AND TERMS

- (1) Commencing with the regular municipal election of April 11, 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.**

Alan Knight moved to approve the amended language for 21-031 ELECTION AND TERMS. Seconded by Charles Proctor. Motion passed unanimously.

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.

City Manager William Poe said requested changes are to replace City Manager to Finance Director reporting depositories quarterly at regular Council Meetings in lieu of at each regular Council Meeting.

City Manager William Poe read Question 3: 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 or no. Upon approval of this question at referendum, Section 21.11 of the City of Zephyrhills Charter will be 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.

Alan Knight moved to approve the amended language for 21.11 DESIGNATION OF DEPOSITORIES. Seconded by Charles Proctor. Motion passed unanimously.

1.5 32.03 ELECTION AND TERM

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

City Manager William Poe said this section addresses a four (4) year term for the Mayor.

City Manager William Poe read Question 4: Shall Section 32.03 of the Zephyrhills Charter be amended to provide for four (4) year terms of office for Mayor; yes or no. Upon approval of this question at referendum, Section 32.03 of the City of Zephyrhills Charter will be 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.

Lance Smith moved to approve the amended language for 32.03 ELECTION AND TERM. Seconded by Kenneth Burgess. Motion passed unanimously.

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 ~~b~~**Board**.

City Manager William Poe said changes will allow elected officers to take office at the next regularly scheduled meeting after the canvas is received rather than holding an additional meeting as currently written within three days.

City Manager William Poe read Question 5: Shall Section 51.01 of the Zephyrhills Charter be amended to provide that elected officers take office at the next regularly scheduled Council meeting after the canvas is received from the County Canvassing Board; yes or no. Upon approval of this question at referendum, Section 5101 of the City of Zephyrhills Charter will be amended to read as follows:

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

Alan Knight moved to amend language to 51.01 TIME OF HOLDING. Seconded by Lance Smith. Motion passed unanimously.

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.

City Manager William Poe said currently the Charter states nomination petitions shall not be signed more than 60 days prior to the election which only allows candidates one and a half days to obtain signatures. The existing language is proposed to be eliminated to enable candidates the ability to obtain signatures when they begin paperwork to run for their respective seat.

City Manager William Poe read Question 6: Shall Section 51.041 of the Zephyrhills Charter be amended to remove the time constraints to obtain signatures to qualify for election; yes or no. Upon approval of this question at referendum, Section 51.041 of the City of Zephyrhills Charter will be 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.

Charles Proctor moved to amended language to 51.041 QUALIFICATION OF CANDIDATES. Seconded by Lance Smith. Motion passed unanimously.

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.

City Manager William Poe read Question 7: 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 **Council** meeting; yes or no. Upon approval of this question at referendum, Section 5107 of the Zephyrhills Charter will be 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.

Alan Knight moved to approve language amending 51.07 CANVASS OF RETURNS. Seconded by Lance Smith. Motion passed unanimously.

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.

City Manager William Poe recommended the review of the Charter be changed from every five (5) years to every ten (10) years. The change does not preclude Council from reviewing the Charter in the interim.

City Manager William Poe read Question 8: Shall TITLE XI of the City of Zephyrhills Charter be amended to provide that City Council shall formally review the Charter every ten (10) years; yes or no. 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.

Charles Proctor moved to approve language amending Title XI CHARTER AMENDMENT. Seconded by Lance Smith. Motion passed unanimously.

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

City Manager William Poe said the deadline to submit referendum questions to the Supervisor of Elections' Office is February 1, 2023. Staff will create a report for submittal to City Council from the Charter Review Committee recommending the approved amendments with associated questions be put before the voters by referendum at the April 2023 Municipal Election.

Meeting adjourned: 8:52 p.m.
Submitted by Lori Hillman