



**CITY OF BROOKSVILLE
2012 CHARTER REVIEW COMMITTEE**

**Enrichment Center
800 John Gary Grubbs Blvd., 2nd Floor
Brooksville, FL 34601**

AGENDA

Monday, March 26, 2012

6:00 p.m.

- A. CALL TO ORDER**
- B. MINUTES**
 - 1. March 12, 2012**
- C. REVIEW OF RECOMMENDED CHANGES**
 - 1. Presentation by City Attorney Battista**
- D. QUESTIONS/COMMENTS**
- E. SET FUTURE MEETING IF NEEDED**
- F. ADJOURN**

In accordance with the Americans with Disabilities Act, persons with disabilities needing a special accommodation to participate in this proceeding should contact the City Clerk's office 48 hours in advance of the meeting at (352) 540-3853. Meeting agendas and supporting documentation are available from the City Clerk's office and on line at www.cityofbrooksville.us.

**2012 CHARTER REVIEW COMMITTEE
THE ENRICHMENT CENTER
MINUTES**

March 12, 2012

5:30 P.M.

The 2012 Charter Review Committee met in regular session with Garry Allen, Mark Browning, Betty Erhard, Jill Graddy, Darren McKethan, Sally Sperling and Jay Thompson present. Gene Bell was absent. Also present were, T. Jennene Norman-Vacha, City Manager, Janice L. Peters, City Clerk, Robert Battista, City Attorney and Kim Harsin, Deputy City Clerk/Recording Secretary.

CALL TO ORDER

The meeting was called to order by Chairman Thompson.

MINUTES

February 13, 2012

Motion:

Motion was made by Member Sperling and seconded by Member Browning for approval. Motion carried 7-0.

REVIEW OF CHARTER

Betty Erhard stated she is new to the process and has been a resident for twenty-one (21) years. She did not have any suggestions for amendments to the Charter.

Member Browning referred to the last revision to the Charter in August 2007 and asked were the changes from 2006 made by a special ruling. Attorney Battista indicated amendments were made by referendum vote. City Clerk Peters confirmed and stated there were also definitions added.

Member Allen did not have any suggestions for amendments.

Member Graddy did not have any suggestions for amendments.

Vice Chair McKethan referenced Section 3.03 Acting city manager and questioned validity of the word "disability" used in this context. He is concerned with liability to the City for removal from office of a city manager permanently in the case of a disability. He suggested defining removal from office under this section. Attorney Battista stated the city manager can be removed by City Council without cause under an employment contract but he will review the Charter for further clarification of removal from office.

Chair Thompson asked would the city manager still be paid under terms of the contract during this time. Attorney Battista confirmed and stated the city manager would appoint a senior staff member in their place while absent.

Member Sperling did not have any suggestions for amendments.

Chair Thompson referenced Section 2.04 Disqualification and forfeiture of office and stated he is concerned there is no provision should a Council Member move out of the area. Attorney Battista referenced a court ruling found that a person's residency is based on where they claim it is however that person can be removed by a vote of the other four (4) Council Members.

Member Sperling stated even though it is known that a Council Member has moved but still claims residency in the City there is no grounds for removal. Chair Thompson agreed and stated there is nothing

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Member Graddy felt proof of primary residency is difficult to determine but that person would not have the best interest of the City in mind if they were not being honest. Chair Thompson agreed.

Vice Chair McKethan referenced a past incident where the candidate had a vested interest in serving on City Council because of owning a business within city limits.

GENERAL QUESTIONS/COMMENTS

Chair Thompson asked for public input; there was none.

SET FUTURE MEETING

City Clerk Peters pointed out the next available Monday is March 26, 2012 at 6:00 p.m. She indicated the next meeting will be to review proposed amendments the Committee would like to recommend to City Council as discussed. She stated City Council has not indicated that they have any input to present to the Committee.

ADJOURN

Motion:

Motion was made by Member Browning and seconded by Vice Chair McKethan to adjourn at 6:30 p.m.

Kim Harsin, Recording Secretary

THE HOGAN LAW FIRM®*We mean businessSM*MEMORANDUM

TO: Brooksville Charter Review Committee

FROM: Robert B. Battista, City Attorney

SUBJECT: Proposed Amendment to Charter

DATE: March 20, 2012

The following are proposed amendments to the City Charter, resulting from discussion at the last meeting of the Committee. Proposed deletions are stricken through; proposed additions are underlined.

Sec. 2.02. Qualification of city council members; term of office.

- (a) Any elector who has continuously resided in the City of Brooksville for at least one (1) year, immediately prior to qualifying, shall be eligible to hold the office of city council member.
- (b) Members shall be elected for a four-year term. Consecutive terms shall be limited to ~~two (2)~~ three (3), full, four (4) year terms with a minimum of a one-year period of time out of office before being allowed to run for council subsequently.

Sec. 2.04. Disqualification and forfeiture of office.

The council shall be the judge of the disqualification of its members and of the grounds for forfeiture of their office. Forfeiture of office by a council member shall be limited to the following:

- (1) Permanent inability to perform official duties.
- (2) Conviction of a felony.
- (3) Neglect of duty for failure to attend a majority of council meetings within the immediate prior six (6) months' term of office without just cause.
- (4) Council member no longer meets residency requirements of having primary residence within the city limits.