



CHARTER REVIEW

CITY OF PALM COAST

September – November 2017

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INTRODUCTION

In September of 2017, the City of Palm Coast initiated a public participation process to educate the community about the city's charter and solicit input regarding potential changes and amendments to the document. The existing charter was written in 1999 when the city was incorporated, has been amended from time to time, but has not been reviewed in its entirety.

Ms. Marilyn Crotty, director of the Florida Institute of Government at the University of Central Florida was engaged to facilitate the process. A series of public workshops were held in September and October to be followed by a workshop with the City Council in November.

This report is a summary of the four public workshops and includes comments from attendees; suggestions that were submitted to the city via email and its website; and issues for consideration identified by Ms. Crotty.

PROCESS

Workshops, one in each of the city's four districts, were held on the following dates:

September 27, 2017 – Matanzas High School

October 4, 2017 – Indian Trails Middle School

October 18, 2017 – Buddy Taylor Middle School

October 26, 2017 – Flagler Palm Coast High School

Approximately 12 – 20 people were present at each workshop with many of them attending multiple sessions. In addition, several elected officials were present at one or more of the meetings.

Each 2 hour workshop followed the same format beginning with a presentation by Ms. Crotty providing an overview of the charter review process, an explanation of city charters in general, and a comparison to the state and federal constitutions. She then invited questions from the attendees regarding the process and charter government. A public comment period followed with speakers limited to three minutes. Ms. Crotty then discussed specific sections of the Palm Coast charter at each meeting, presented issues for consideration, and responded to questions regarding these items. The public workshops concluded after another comment period when attendees were encouraged to suggest any additions, deletions, or changes to the Palm Coast charter.

September 27, 2017

After providing the educational information previously described, Ms. Crotty addressed Sections 1-5 of the Palm Coast Charter and identified potential changes to the following items:

1. Reformat the document as shown in the Model Charter (National Civic League) with articles and sections making it easier to understand and make future changes.
2. Add a preamble to the charter that identifies the source of authority for the charter and the intent or purpose of the document.
3. Delete Sections 1 and 2 that relate to the incorporation of the city and are now obsolete.
4. Revise Section 3 adding a general statement of the city boundaries.
5. Add a paragraph to Section 4 regarding intergovernmental relations (Model Charter Sec. 1.03).
6. Revise Section 5. (1) (b) 2.b and 5.(1) (b) 3.b.to add length of residency requirement
7. Delete Section 5. (1) 4. which is now obsolete.
8. Revise Section 5. (2) (a) to delete reference to initial terms.
9. Revise Section 5. (2) (c) to delete reference to new council.
10. Clarify Section 5. (5) (a) to be consistent with Sec. 5. (7) (a) specifying when the organizational meeting is held in non-election years.
11. Delete Section 5 (6) (a) (1) and (3) referencing salary amounts since (a) says compensation is established by ordinance.
12. Add in Section 5 (7) (b) 4. "violated any provision of the charter".
13. Add language in Sec. 5 (7) regarding Judge of Qualifications (from Model Charter).
14. Sec. 5. (7) (e) 1. Consider adding length of time remaining in term of mayor for holding a special election – also applies to Sec. 8. (5) (a).
15. Add language authorizing city council to make investigations (from model charter).
16. Section 5.(8) (b) Consider whether an affirmative vote of the majority of the Council attending is adequate to pass an ordinance.
17. Section 5. (10) – Add prohibition on holding other office and appointments and removals (from Model Charter).
18. Section 5. (11) – add language prohibiting giving orders either publically or privately.

Public Comments: The public comments received at this meeting addressed the following:

- Increasing the number of districts in the city to seven
- Concern about the charter review process and the absence of a citizens' committee
- No need to make any changes to the charter – leave as is
- Opposed to allowing the City Council to make investigations

October 4, 2017

Following the format described above, the second public workshop was held on October 4th. Ms. Crotty provided information on Sections 6 and 7 of the Palm Coast Charter and addressed the following issues for consideration:

1. Section 6. (1) (b) – add an option for a hearing process for removal of city manager.
2. Section 6. (2) (b) – add provision of a waiver by city council of residency requirement.
3. Section 6. (2) (c) – Review powers and duties for potential additions from model charter (long-term goals; regional and intergovernmental cooperation; partnerships).
4. Section 6. (2) – Add a provision for an Acting City Manager during absence of manager.
5. Section 7. (2) – Add information on Submission of Budget and Budget Message.
6. Section 7. (3) (e) – Review limitation on Council’s contracting authority both amount and time limit.
7. Section 7. – Add Fiduciary Oversight provision (from Model Charter).
8. Section 7. – Add requirement for independent audit.

Public Comments: The public comments received at this meeting addressed the following:

- Extend the time frame limitation on borrowing to 15 years and keep the \$15 million limit.
- Provide for a periodic cost of living increase for salaries of elected officials.
- Include qualifications for running for elective office.
- Add penalties for violating the charter.
- Change the form of government from Council – Manager to Mayor-Council form.
- Require periodic change of independent auditor
- Trust Council to provide hearing process for city manager upon removal from office.
- Support residency requirement for city manager.
- Consider adding Auditor as another charter officer.
- No need for fiduciary oversight in charter because that is an operational duty.
- Interim city manager process should be in charter with Council approving that individual.
- Increase size of city council – 5 members not enough.
- If two council members added, they should be elected at large like the Mayor.
- Do not revise the charter; it opens the document to other changes that should not be made.

October 18, 2017

The third public workshop focused on Sections 8 and 9 of the charter. Ms. Crotty made the same educational presentation she had previously presented and then addressed the following Issues:

1. Revise and move Section 5(b) 2a. and Section 5(b)3a. to Section 8 and bring into conformance with state election laws regarding petitions and fees
2. In Section 8(5)(a) determine length of time remaining when vacancy occurs in the office of Mayor rather than automatically holding a special election. Would need to be revised in conjunction with changes in Sec. 5. (7) (e) 1.
3. In Section 8(7) the membership of the canvassing board should be increased to 3 and anyone whose name is on the ballot should not be eligible to serve.
4. Delete the 48 pages of Section 9. (1) and (2) which include legal descriptions and add statements that boundaries of the city and council districts are available at city hall and on the city website.

Public Comments:

- Require one year residency prior to qualifying to run for office
- Give authority to City Council, by majority vote, to direct the city manager to remove an employee with just cause
- All expenditures (dollar amount) not in budget must be approved by the City Council
- Leave quorum requirements the same
- Include that the Flagler County Supervisor of Elections is responsible for all elections
- Move the language regarding the districting committee from section 10 to Section 9
- Increase Council to seven members
- This charter review process is in violation of the charter and is not legal (mentioned by 3 people)
- Treat employees with dignity

October 26, 2017

The final public workshop focused on Sections 10, 11, and 12 of the charter and also included the basic information that had been shared at the previous workshops. Ms. Crotty identified the following issues for consideration:

1. Revise Section 10 (2) (a) and (b) to eliminate language about the initial charter review and require a charter review a minimum of every ten years by a charter review committee that is advisory to the council. Delete the timeframe for delivery of recommendations to the City Council

2. Section 10. (3) Change the percent required for initiative and referendum. Delete reference to charter amendment in this section because it conflicts with state law.
3. Add a detailed process for initiative and referendum (see Model Charter)
4. Move Section 10 (4) (a-g) Districting process to more appropriate section
5. Reword Section 11. to reflect charter rather than act
6. Delete Section 12. Transition Schedule due to obsolescence

Public Comment:

- Do not amend the charter
 - Citizens have been denied the right to review the charter; the people should have input
 - There should be a citizen's committee reviewing the charter
 - The city should trust the people. We should return to the charter and appoint a committee
 - The current process (public workshops) is working; no problem with this
 - The city administration does what it pleases; the charter provides for a citizen review
 - If the city does not set up a committee by Nov. 5th it is in violation of the charter, state law, and the U.S. Constitution
 - Follow the process outlined in the charter
 - This is a control issue; citizens are not trusted; only done so people can say we tried a charter review and it did not work
 - The committee has to be funded; my calculations indicate it would be just less than \$100k(10 hours per week for 40 weeks)
 - State law states funded
 - I am sure I would not be on the committee
- (comments regarding use of citizen committee for charter review process were made by 4 individuals who spoke multiple times)*

ADDENDUM
PUBLIC INPUT RECEIVED VIA EMAIL AND WEBSITE