****

**Town Commission**

Charter Changes Workshop

**Tuesday • January 19*,* 2021 • 6:30 pm**

**Minutes Workshop**

1.Call to Order: 6:33pm

2. Invocation and Pledge of Allegiance to Flag

3. Roll Call

*Commissioners Attending:*

* Joseph Aufmuth, Mayor Present
* Timothy Parker, Mayor Pro Tem Present
* Troy Blakely Present *arriving at 6:36*
* Mike Roberts Present
* Virginia Mance Present *Via Phone*
* Andrea Parker, Town Attorney Present
* Debbie Gonano, Town Administrator Present

4. Agenda Approval

***Motion made and second (Roberts/Parker) to approve the agenda; Passed 4-0***

5. Charter Changes

Commissioner Mance was joining by phone and asked that the Mayor repeat any comments that she may not hear because of her attendance by phone, and Mayor Aufmuth agreed to do so. The Mayor asked that the record reflect that Stoney Slaton *(104 NE Division Street)* was in attendance, and Steve Elder *(116 NE Hunter Avenue)* joined the audience after the meeting had started.Mayor Aufmuth asked for any additional suggested changes to be submitted to Town Hall, and he suggested that we could wait six months prior to an election to complete the changes.

Mayor Aufmuth detailed that most of the proposed changes are perfunctory with the one major change in Section 301(b) Eligibility. Spelling and similar changes are not detailed here. Additions to the current code are underlined and deletions ~~strike through~~:

**1) Condensing Section 201.**

Section 201. *Power of the Town. The Town of Micanopy shall have all governmental, corporate, and proprietary powers possible for a city to have ~~the rights and powers of local self-government~~ which are now, or hereafter may be provided by the United States Constitution and the constitutions and laws of the State of Florida, with specific reference to the “Florida Home Rule Power Act,” as though they were specifically enumerated in this Charter to enable it to conduct municipal government, perform municipal functions, render municipal services, and exercise any power for purposes except as otherwise provided by law or this Charter, ~~and this Charter, with specific reference to the “Florida Home Rule Powers,” such powers including but not limited to the following:~~*

*~~a) To organize and regulate its internal affairs and establish, alter, abolish and terminate offices, positions, and employments including citizens board positions; define functions, powers and duties and affix their terms, tenure and composition.~~*

*~~b) To adopt, amend and repeal such ordinances, resolutions, and codes as may be required for the government of the Town of Micanopy.~~*

*~~c) To acquire by purchase, gift, devise, condemnation, or otherwise, property, real, personal, or mixed within or without the Town, to be used for any purpose necessary or to meet the needs of the Town, and to operate, maintain, repair, and improve and all properties, real or personal, streets, sidewalks, and the like by expenditure of the monies of the Town for all lawful purposes.~~*

*~~d) To raise funds by taxation and to make such levy upon the taxable property of the town of Micanopy, and by license and tax upon privileges, businesses, occupations and professions whatsoever carried on and engaged in within the corporate limits of the Town such sums of money as the Town Commission, hereinafter provided form shall deem necessary for the purposes and means of the Town in such manner as shall be provided by ordinance of the said Town Commission. Said taxes shall be consistent with Florida Statutes.~~*

*~~e) To appropriate and expend money for any public purpose.~~*

*~~f) To borrow money for public purposes.~~*

*~~g) To levy special assessments upon property in a limited and determinable area for special benefits conferred upon such property by any town work, service or improvement and to provide for the payment of all or any part of the costs of the work, service or improvement out of the proceeds of such special assessment.~~*

*~~h) To levy special or local assessments for local improvements and to hold liens for public purposes.~~*

*~~i) To purchase hire, construct, own, operate, maintain or lease local public utilities, including but not limited to: bus lines, electric light and power, telephone and telegraph systems, and works for supplying the Town and its inhabitants with water, sewerage, gas for heating or other purposes. To fix and collect just and reasonable fees and charge for the services furnished by such facilities. To exercise jurisdiction, control and supervision over any municipal utilities, owned, operated, franchised, leased, or maintained by the Town.~~*

*~~j) To grant a franchise to any private corporation for the use of streets and other public places in the furnishing of any public utility service to the Town and to its inhabitants.~~*

*~~k) To construct, acquire, operate, maintain, improve, or extend public improvements and projects for any public purpose to include but not limited to the following: public buildings, streets, alleys, sidewalks, avenues, boulevards, lanes, and promenades, drainage systems including both off street and on street facilities, garbage sewerage and other waste collections and disposals including the establishment of fees for the same. To regulate the speed and operation of any vehicle on public lands and vessels on waterways.~~*

*~~l) To compel abatement and/or the removal of any nuisances within the Town or upon property owned by the Town beyond its limits.~~*

*~~m) to establish and administer housing, urban renewal programs, conservation, flood controls, air pollution controls and drainage programs either single or in cooperation with governmental agencies and private enterprise in the development and operation of these programs.~~*

*~~n) to establish departments or systems.~~*

*~~o) To sue and be sued. To have a corporate seal, to contract and be contracted with, to have the power of eminent domain.~~*

**2)** **Commissioner Mance’s suggestion for residency requirement.**

Section 301(b) *Composition; Eligibility; Election and Terms of Office. Only registered voters of the Town, eighteen (18) years of age or older, shall be eligible to hold the office of Town Commissioner. Each eligible voter shall be a Town resident for at least one year prior to the last day of the qualifying period*.

**3)** **Run-off elections.**

Section 301(d). *Composition; Eligibility; Election and Terms of Office. Election shall be by majority vote, in the event no candidate receives a majority for any one seat, a runoff shall be held between the two candidates receiving the largest number of votes.*

*(The above is current terminology, and the below is offered for consideration):*

*Those candidates for Town Commission receiving a plurality (the greatest number of votes at said election) shall be declared elected. In the case of a tie vote, the successful candidates shall be determined by lot (by flip of a coin by the Town Administrator).*

Commissioner Roberts brought up previous suggestions to change the current language *(indicated above)* to allow for the candidate receiving the largest number of votes to be declared the winner (underlined above), but he was not in support of that change. There was a lot of discussion about the possible change, and Mayor Aufmuth wanted to provide both versions for consideration. Neither Commissioners Blakely or Roberts supported the change for the sake of saving the cost of a run-off election. Commissioner Mance did not support the change either.

**4) Eliminate for redundancy.**

Section 302. *General Powers and Duties.*

*~~c) The Mayor shall preside at all Commission meetings at which he is present.~~*

*~~d) The Mayor shall have the power to call the Commission into regular or special sessions.~~*

*~~e) The Mayor shall act as ceremonial head of the Town government.~~*

*~~f) The Mayor shall execute ordinances, resolutions, all contracts, and documents on behalf of the Town Commission of the Town of Micanopy.~~*

*~~g) The Mayor shall perform such other duties as delegated by the Town Commission as are not inconsistent with the general law or this Charter.~~*

**5) Change for redundancy.**

Section 303. *Mayor – Mayor Pro Tem. The Town Commission shall elect from its members at a meeting of all its members, officers of the Town who shall have the titles of Mayor and Mayor Pro Tem as specified in Section 301(e)(2) and (3). The Mayor shall have the power to call the Commission into regular or special sessions, shall preside at meetings of the Town Commission and shall be recognized as head of the Town Government for all ceremonial purposes. The Mayor Pro Tem shall act as Mayor during the absence or disability of the Mayor. The Mayor shall execute ordinances, resolutions, all contracts, and documents on behalf of the Town Commission and shall sign all deeds, bonds or other instruments or writings relating or pertaining to real property, to which the Town is a party. ~~The Mayor shall execute all contracts in the name of the Town of Micanopy. After each election of one or more Commissioners by the voters of the Town of Micanopy, the Town Commission shall, at its next regularly scheduled meeting, elect the Mayor and Mayor Pro-Tem.~~*

**6)** **Clarification of filling a vacancy on the Town Commission.**

Section 304(c)(1). *Vacancies: Forfeiture of Office; Filling Vacancies. If a vacancy occurs within 180 days of the next ~~a~~ regular Town election, the Town Commission, by majority vote of the remaining members, may appoint a qualified person to fill the vacancy within thirty (30) days of its occurrence. Said appointee shall serve until the next Town election.*

**7) For Clarification**

Section 304(c)(1). *Vacancies: Forfeiture of Office; Filling Vacancies. If a vacancy occurs within 180 days of a regular Town election, the Town Commission, by majority vote of the remaining members, may appoint a qualified person to fill the vacancy within thirty (30) days of its occurrence. Said appointee shall serve until the next regular Town election of the seat they have taken.*

*(However, this wording is probably not needed regardless of the date of appointment to the vacant seat, as the seat would be able to be filled only for the remaining seat term at the next regular election.)*

**8)** **Clarify meaning of ‘held’.**

Section 304(c)(2). *Vacancies: Forfeiture of Office; Filling Vacancies. If the Town Commission fails to appoint a Commissioner within thirty (30) days of the occurrence of the vacancy, or if the vacancy shall occur more than 180 days before the next regular Town election, the vacancy shall be filled by a special Town election to be held ~~called~~ not more than sixty (60) days after the date the vacancy shall occur.*

**9)** **Taxes are passed via a Resolution, not an Ordinance.**

Section 309(c). *Action Requiring an Ordinance. ~~Levy taxes with respect to the property tax levied by adoption of the budget;~~*

**10) Delete.**

Section 310. *Ordinances in General.*

*~~The ordinance must be read in full on at least one date.~~*

**11)** **Impossible to pass the budget on or before the September Regular Commission Meeting because of the County and School budget schedules.**

Section 506(c). *Commission Action on Budget. The Commission shall adopt the budget by resolution on or before the end ~~first regular commission meetin~~g of September.*

**12)** **To align with current Federal, State, and Alachua County absentee ballot election laws.**

Section 605. *Absentee Voting. Absentee voting shall be permitted in all municipal elections in the same manner as now or hereafter provided for in connection with Federal, State, and Alachua County elections.~~, except that~~ ~~voting by absentee ballot before the Town Clerk, shall be permitted until 5:00 p.m. on the day before the election.~~*

**13) Eliminate for redundancy.**

Section 703. *Petitions.*

*d) Referendum petitions must be filed within thirty (30) days after the affidavit of the petitioners’ committee is filed with the Town Clerk. ~~who shall provide the forms for the petition.~~*

Additional Language Proposed by Stoney Slaton: Proposed that any seat whereby the candidate is running unopposed, should be voted in by at least a 50% majority of the voting population of the district. It would be comparable to a judge’s retention vote. Or possibly comparable to a vote of confidence. Attorney Parker saw numerous concerns with such a policy, including low voter turnout resulting in an open seat. Mayor Aufmuth remembered that an unopposed candidate is immediately elected upon the end of qualifying; but, he wanted Attorney Parker to research the issue. Commissioner Parker did not support the idea because less than 50% of the eligible voters would turn out to vote. Commissioner Mance agreed. Also, Mance pointed out that, in the case of retention of a judge, a judge’s superior has the ability to appoint another judge if a judge is not retained in office. Micanopy does not have that capability. Commissioners Blakely and Roberts agreed with Commissioner Parker and Mance. Stoney disagreed with Commissioner Mance that the Commission did not have the ability to appoint a candidate by pointing to Charter Section 304(c); which allows the Commission to appoint a member to the Commission if a vacancy occurs within 180 days of an election. However, Attorney Parker countered that Section 304(c) was intended to appoint a member in the event a vacancy occurs for some other reason than what he is proposing. Further, the Town would clearly open itself to liability by bypassing the election process and appointing someone else to a vacated seat. Mayor Aufmuth asked that Stoney research the issue and bring back some language for consideration. Steve Elder stated that years ago when a Commission seat was vacated, the remaining Commission members would appoint someone who had previously served on the Commission and who had been voted in by the voters.

Commissioner Parker appreciated the Commissions’ and staffs’ efforts on these changes. Commissioner Blakely appreciated Town Administrator’s efforts, but disagreed with the suggestion regarding run-off elections. The Mayor thanked Mrs. Gonano, Attorney Parker, and former Commissioner Elder’s participation. Commissioner Mance appreciated the workshop.

6. Adjourn 7:17pm

**MINUTES APPROVED:**

**As submitted \_\_\_\_\_\_ as amended \_\_\_\_\_ at Town Commission Meeting \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Joseph L. Aufmuth, Mayor Debbie Gonano, Town Administrator/Clerk**