



1015 Cultural Park Blvd.
Cape Coral, FL

AGENDA

CHARTER REVIEW COMMISSION

June 21, 2018

3:00 PM

Conference Room 220A

1. Call to Order

A. Chair Peterson

2. Roll Call

A. Bennie, Jenkins, Kitchen, McNamara, Peterson, Robinson, Sund,
and Alternate Stewart

3. Public Input

4. Business

- A. Approval of meeting minutes - May 17, 2018 meeting
- B. List of Recommendations to Date
- C. Article V, Section 5.03 - Acting City Manager (continued from last meeting)
- D. Article VI - Administrative Departments
- E. Article VII - Financial Procedures - Sections 7.01 - 7.08

5. Commissioner Comments

6. Date and Time of Next Meeting:

A. Thursday, July 19, 2018, 3:00 p.m. Conference Room 220A

In accordance with the Americans with Disabilities Act and Section of 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the Office of the City Clerk at least forty-eight (48) hours prior to the meeting. If hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

If a person decides to appeal any decision made by the Board/Commission/Committee with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

SPECIAL NOTE: This is not a meeting of the Cape Coral City Council. However, two or more Council Members may be in attendance and may participate at this workshop/meeting.

Item Number:	4.A.
Meeting Date:	6/21/2018
Item Type:	Business

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Approval of meeting minutes - May 17, 2018 meeting

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
▫ May 17, 2018 meeting minutes	Backup Material

**MINUTES FOR THE MEETING OF THE CITY OF CAPE CORAL
CHARTER REVIEW COMMISSION**

THURSDAY, MAY 17, 2018

Conference Room 220A

3:00 P.M.

Chair Peterson called the meeting to order at 3:01 p.m.

Roll Call: Kitchen, Peterson, Sund, and Alternate Stewart were present. Bennie and Jenkins were excused. McNamara arrived at 3:04 p.m. Robinson was absent.

Also Present: Mark Moriarty, Assistant City Attorney
Jay Murphy, CT Business Manager left at 3:10 p.m. and returned at 3:35 p.m.
Dolores Menendez, City Attorney, arrived at 3:35 p.m.

Public Input

No speakers

BUSINESS

Approval of Minutes – April 19, 2018 meeting

Chair Peterson stated the minutes of the April 19, 2018 meeting were presented for approval.

Commissioner Sund questioned Article V being on the agenda. He thought the Commission would only go through the end of Article IV.

Chair Peterson stated we should be prepared to discuss it since it was set on the agenda.

Vice Chair Kitchen moved, seconded by Commissioner Stewart, to approve the minutes of the April 19, 2018 meeting as presented.

Commission polled as follows: Kitchen, Peterson, Sund, and Stewart voted “aye.” Four “ayes.” Motion carried 4-0.

Commissioner McNamara arrived at 3:04 p.m.

List of Recommendations to date

Chair Peterson led the discussion on this item. He stated the Commission should write a substantiation statement rationalizing recommendations to Council. He questioned if we should keep it up to date so that we have it handy for review a year from now.

- **4.02 Eligibility**

Chair Peterson stated we added proof of residence shall be established by valid voter registration card. The substantiation is that the requirement is in 4.05(b) and we decided that it should be added to the eligibility header of 4.02.

There were no comments on the above statement.

- **4.06 (a) Mayor; Mayor Pro Tem**

Chair Peterson stated the Commission discussed the line item veto power of the Mayor. The substantiation was the following: A single member of Council should not have the power to veto line items in the budget. This is further supported by 4.10(b) and (c), vetoing line items as it could be interfering with the Administration of the City as defined in 4.10(b) and (c).

Discussion held regarding the original reason is because of the way our government is set up. The Mayor is a member of Council and a single member of Council such as the Mayor should not have the ability to veto line items in the budget.

- **4.06 (b) Mayor; Mayor Pro Tem**

Chair Peterson stated the others are more housekeeping items. 4.06(b) we lined out "shall not have the power to veto" because if it gets taken out of the first section, it is not applicable any more.

- **4.16 (d) Veto Procedure**

Chair Peterson stated in this section it is another housekeeping item. If it is taken out, it is not needed.

- **4.10(a) Prohibitions**

Chair Peterson stated in this section we added the line to clarify the term that Mayor and Council can either directly or indirectly contract with the City and added in the section "during their active term or until one (1) year after the expiration of the last term for which he or she was elected as Mayor or Council member, may be a contractor to the City." The substantiation was noted that the change clarifies the time period the member may not be a contractor to the City.

Vice Chair Kitchen asked if we could include that as part of the chart document.

Assistant City Attorney Moriarty stated that could be made as a motion and we can make it happen.

Vice Chair Kitchen moved, seconded by Commissioner Stewart, that we include our rationale on this chart so that we have a document that is trackable and the Commission stands behind it so that we have a formal record and not have every member take their own little notes as rationale and to have everyone in agreement on the criteria as we make the changes.

Chair Peterson clarified the motion: to go back on these, add our substantiation, and moving forward that every time we as a group decide to make a change or opposed to make a change that we also write the substantiation as a rationale.

Commission polled as follows: Kitchen, McNamara, Peterson, Sund, and Stewart voted “aye.” Five “ayes.” Motion carried 5-0.

Assistant City Attorney Moriarty asked for clarification that we are going to use the substantiation that the Chair just provided for the ones that we already have.

Chair Peterson stated if everyone agreed to that or we can go through and make it better.

Assistant City Attorney Moriarty state he could include it and present back to the Board at the next meeting and everyone can vote on it.

Chair Peterson gave the Assistant City Attorney his hand-written note for the next meeting.

Commissioner McNamara asked if we deleted it out of 4.05(b) when we moved proof of residency to 4.02.

Chair Peterson stated the notes that he had and the way it is written is stated in (b) and was added to eligibility too. It may be redundant, but at the time we decided that it was okay.

There were no other comments on the list of recommendations.

Article IV, Section 4.18 – Adoption requirements for ordinances and resolutions

No discussion held

Article IV, Section 4.19 – Emergency ordinances

CT Business Manager Murphy left the meeting at 3:10 p.m.

Discussion held regarding that there was no verbiage to include the word “safety.”

Article IV, Section 4.20 – Codes of Technical Regulations

Vice Chair Kitchen commented on “copies shall be made available by the Clerk for distribution or for purchase at a reasonable price.” Later on, it mentions that it be placed in a library and public offices for free. Shall we add: “it should be available at no cost online”?

Chair Peterson stated he had it noted further on in 4.21.

Vice Chair Kitchen stated it would be for consistency and it starts in section (b). We could address it as we get further down the line. He questioned what would the input be on adding "Clerk for distribution or for purchase at a reasonable price including online".

Chair Peterson questioned if we should add (c) to 4.20.

Vice Chair Kitchen stated online is a nice easy way to check information, and it was not addressed here.

Chair Peterson stated that was the way technology is going. He stated some of it is already online on the site called Municode. All of the changes to specific local ordinances are supposed to be in Municode. He could not confirm that it is updated to include the most recent changes.

Discussion held regarding 4.21 is mentioned in 4.20(a)(2).

Commissioner McNamara commented on section 4.21(c) "The Council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the constitution and other laws of the state, or the codes of technical regulations and other rules and regulations included in the code."

Vice Chair Kitchen stated that is giving them the authority to do it. He referred to placement of libraries and putting it in public offices for free and they should put it online. We should proactively say they should take that action and not just say as pointed out in the last sentence that they can take such further action as they deem desirable. Let's tell them to do it.

Discussion held regarding protection by copyright of items such as the Building Codes and the Florida Fire Prevention Code.

Commissioner McNamara noted that once something is adopted, that becomes public record. He suggested adding 4.22 to include something that mandates them to publish codes, etc. and add language whenever technically feasible.

Vice Chair Kitchen stated we could start the process by saying is it timely appropriate within reason and get legal guidance on the verbiage. Codes change from time to time. It is difficult for contractors to keep up to date with some of the changes and would like easier access.

Discussion held regarding the current Code is available on the City's website.

Commissioner McNamara stated the suggestion is that we put something into the Charter mandating that. In addition to putting it in a library, you may publish it any way that the Council finds suitable. Instead of that, let's just go ahead and put something in there to mandate it.

Vice Chair Kitchen commented on 4.21(b) about "placed in libraries and public offices for free". The key point was making it available for free.

Assistant City Attorney Moriarty questioned if inserting online was the provision for a motion.

Chair Peterson stated we're talking about two different sections in 4.20 and 4.21. The question is do we change the wording in 4.20 (b) so that it says "copies of any adopted code of technical regulations shall be made available online and by the City Clerk for distribution or for purchase at a reasonable price".

Vice Chair Kitchen stated to insert online for free and the rest of the statement by Chair Peterson.

Commissioner Sund stated it is free online, but there is a charge if you go to the City Clerk's Office for them to print it.

Commissioner McNamara stated if building codes are online, why aren't all other types of codes and charters included online so we could have it broadly applied.

Discussion held regarding "any adopted code or technical regulations."

Commissioner McNamara asked if there was any other place in the City Charter that it would make more sense to broadly add any of this type of information.

Chair Peterson stated besides the building code, there are resolutions and ordinances.

Commissioner McNamara asked if there was a spot within this document where they make reference to maintaining City records.

Chair Peterson stated up until now and what is coming in the future, we are in the section that covers it now. We can put it in both 4.20 and 4.21 and that should cover it. He questioned 4.20(b) "made available online at no cost by the City Clerk for distribution or for purchase at a reasonable price." That would cover that section. In 4.21 put the same wording from 4.20.

Vice Chair Kitchen suggested "placed in libraries, public offices, and online for free."

Chair Peterson stated because they were so related, it could be covered by one motion.

Vice Chair Kitchen moved, seconded by Commissioner Sund, that we will add the online aspect at no cost or for free to 4.20(b) and 4.21(b).

Commission polled as follows: Kitchen, McNamara, Peterson, Sund, and Stewart voted "aye." Five "ayes." Motion carried 5-0.

Discussion held regarding 4.21 (c).

Vice Chair Kitchen mentioned we could change this to "Publication of ordinances and resolutions" and we can add the online aspect to the clarification.

Chair Peterson stated for clarification every time the word "printing" appears to replace it with "publication" instead.

Commissioner McNamara suggested changing the first part "Publication of ordinances and resolutions" and then mention put online for free or sold to the public at reasonable prices.

Vice Chair Kitchen agreed.

Chair Peterson clarified that the proposal is to change **printing** of ordinances to **publication** of ordinances and resolutions.

Vice Chair Kitchen suggested at the end of the first sentence to come up with the wording that has consistency to what we put in 4.20 and 4.21 and at no cost online, made available online for free.

Chair Peterson clarified that it would start with right after the word "distributed".

Discussion held regarding the verbiage: "charter amendments shall be distributed, placed online for free or sold to the public at reasonable prices to be fixed by the Council."

Vice Chair Kitchen moved, seconded by Commissioner Stewart, to change the word "printing" where it starts with "printing or ordinances and resolutions" with "publication" and then after shall be placed online at no cost, distributed, or sold to the public at reasonable prices."

Commission polled as follows: Kitchen, McNamara, Peterson, Sund, and Stewart voted "aye." Five "ayes." Motion carried 5-0.

Discussion held regarding the rationale for those changes is to make it available at no charge to the broadest audience at the least possible cost and when most convenient.

Article IV, Section 4.21 – Authentication and recording; codification; printing

Vice Chair Kitchen asked for the Chair to read the final statement so that the rationale would be clear.

Chair Peterson stated the language may need to be cleaned up a little.

Discussion held regarding to make it specific to ordinances and resolutions, not all public documents.

Chair Peterson read: "leverage technology to make ordinances and resolutions available and convenient to the broadest audience possible at no cost."

Vice Chair Kitchen asked for confirmation that the motion relating to that was passed.

Chair Peterson responded in the affirmative.

Assistant City Attorney Moriarty reminded the CRC that when he writes this up, the CRC has the ability to review it and vote.

**Article V, City Manager, Section 5.01 – Appointment; qualifications;
compensations**

Recording Secretary Kerr stated that CT Business Manager Murphy wanted to be contacted to be part of this discussion.

City Attorney Menendez arrived at the meeting at 3:35 p.m.

CT Business Manager Murphy returned to the meeting at 3:35 p.m.

Chair Peterson led the discussion on this section.

Discussion held regarding the following:

- City Manager does not have to be a resident of the City, only upon Council's approval.
- Should background checks be part of the qualifications?
- This section was working okay.

Article V, Section 5.02 – Removal

Discussion held regarding the following:

- The reasons of the Council in suspending or removing the City Manager shall not be subject to review by any court or agency.

Article V, Section 5.03 – Acting City Manager

Discussion held regarding the following:

- At what point must the City Manager appoint an Acting City Manager?
- Assistant City Manager does not necessarily serve as the Acting City Manager.
- Department Directors have acted as the Acting City Manager whenever needed.
- Who determines the definition of temporary absence or disability?
- No dual office holding
- Does having a City-issued cell phone define the City Manager as being accessible?
- If there is a disability that is not anticipated, the Council may revoke such designation at any time and appoint another officer of the City to serve until the City Manager returns or the City Manager's disability ceases or the City Manager is removed.
- Fire Chief and Police Chief cannot be Acting City Manager, that would be a dual office; Public Works Director is not.
- Temporary absence or disability is defined as a City Manager as unable or unavailable to complete daily City business.
- Difference between not in the office and being on the top of a mountain with no signal or being in an accident
- What is the definition of unavailable?
- Cell phone could die.
- Any benefit to saying temporary absence exceeding seven days?
- Might add to this section during that time the City Council can name an Acting City Manager
- What if the City Manager is unable to appoint due to his absence or disability?

Chair Peterson proposed that we sit on section 5.03 and bring it back.

Commissioner McNamara questioned how other City Charters handle it.

City Attorney Menendez requested that Assistant City Attorney Moriarty research that.

Discussion held regarding bringing back language to the June meeting concerning if the City Manager is unable to appoint and give Council the right to appoint an Acting City Manager.

Discussion held regarding:

- Vacant position either by resignation or accident
- Does Council have legal authority? City Attorney Menendez noted that Assistant City Attorney Moriarty will research this.

Article V, Section 5.04 – Powers and Duties of the City Manager

Discussion held regarding the following:

- When is the budget submitted to Council?

- Timelines that Council has to adopt the budget
- Council drives the time of the budget by their participation.
- City Manager includes the City Attorney's Office budget as part of his.
- Waiting for figures from Property Appraiser's Office regarding property values for ad valorem, millage, revenues to come in from taxes
- Formal Strategic Plan in the budget book and on the website

Commissioner Comments

Chair Peterson discussed putting the following agenda items for the next meeting:

- Article 5.03
- Article 6 up to and including Article 7.08

Discussion held regarding the following:

- Assistants to the Council
- Having Councilmembers give direction to employees under the City Manager

City Attorney Menendez stated amendments were proposed to the City Charter for the City Auditor's Office and the City Council Office, the latter did not get in. Just because you are not mandated in a Charter, that does not mean that Council cannot do it. City Attorney Menendez asked Assistant City Attorney Moriarty to look into the language regarding this.

Discussion held regarding regular employees are for cause provision.

Commissioner McNamara stated some cities do have specific assigned Council staff.

City Attorney Menendez stated currently the Council Office is a relatively incidental office and a small size, but she could easily foresee that each one of them needing an assistant in the future. The County Commissioners have them.

Commissioner McNamara stated what he would like for discussion if the structure of this should be a regular City employee or should it be to bring someone in. Should there be permissive language that allows each one of them to have one or do they need to share. He mentioned the cities of Ft. Lauderdale and Tallahassee have their own assistants.

City Attorney Menendez stated Assistant City Attorney Moriarty will research this. Structure needs to be looked at. If you have a strong Mayor form of government, you will have a situation where just about every employee is under the Mayor.

Commissioner McNamara stated his question was it may have been set up by Ordinance since he could not find anything in Charters. He was looking to have language put in the Charter for a future time.

City Attorney Menendez stated it goes under the powers and duties of the City Manager where the City Manager supervises all departments. Council creates departments and it abolishes them; but they are supervised by the City Manager.

Date and Time of Next Meeting

The next meeting would be held on Thursday, June 21, 2018, at 3:00 p.m. in Conference Room 220 A.

Adjournment

There being no further business, the meeting was adjourned at 4:39 p.m.

Submitted by,

Barbara Kerr
Recording Secretary

Item Number:	4.B.
Meeting Date:	6/21/2018
Item Type:	Business

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

List of Recommendations to Date

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
▣ CRC Recommendation 2 15 18 4.02	Backup Material
▣ CRC Recommendation 3 15 18 4.06 b	Backup Material
▣ CRC Recommendation 4 19 18 4.10a	Backup Material
▣ CRC Recommendation 3 15 18 4.16 d	Backup Material
▣ CRC Recommendation 5 17 18 4.20 b	Backup Material
▣ CRC Recommendation 5 17 18 4.21 b	Backup Material
▣ CRC Recommendation 5 17 18 4.21 c	Backup Material

Charter Review Commission Recommendation Made February 15, 2018

§ 4.02. - Eligibility.

Current Wording	Proposed Amendment	If Adopted Will Read
Only qualified electors of the City, who have been continuous full time residents of the City for the entire calendar year immediately preceding their qualification for office, as provided in Section 4.05, shall be eligible to hold the office of Council member or Mayor	Only qualified electors of the City, who have been continuous full time residents of the City for the entire calendar year immediately preceding their qualification for office, as provided in Section 4.05, shall be eligible to hold the office of Council member or Mayor. <u>Proof of residence shall be established by a valid voter's registration card.</u>	Only qualified electors of the City, who have been continuous full time residents of the City for the entire calendar year immediately preceding their qualification for office, as provided in Section 4.05, shall be eligible to hold the office of Council member or Mayor. Proof of residence shall be established by a valid voter's registration card.

Substantiation:

The requirement is in §4.05(b) and should be added to §4.02

II. Charter Review Commission Recommendation Made March 15, 2018

§ 4.06 (b) - Mayor; mayor pro tem.

Current Wording	Proposed Amendment	If Adopted Will Read
§ 4.06 (b). A council member shall be elected by the majority vote of the Council to serve as Mayor Pro Tem. Such election shall be held at the first Council meeting following each City General Election, except that in the years in which there is no City General Election, such election shall take place at the first regular City Council meeting on or after the anniversary of the previous City General Election. The Mayor Pro Tem shall be responsible for the orderly conduct of business in the Mayor's absence, shall not have the power to veto and shall serve for a period of one year.	§ 4.06 (b). A council member shall be elected by the majority vote of the Council to serve as Mayor Pro Tem. Such election shall be held at the first Council meeting following each City General Election, except that in the years in which there is no City General Election, such election shall take place at the first regular City Council meeting on or after the anniversary of the previous City General Election. The Mayor Pro Tem shall be responsible for the orderly conduct of business in the Mayor's absence, shall not have the power to veto and shall serve for a period of one year.	§ 4.06 (b). A council member shall be elected by the majority vote of the Council to serve as Mayor Pro Tem. Such election shall be held at the first Council meeting following each City General Election, except that in the years in which there is no City General Election, such election shall take place at the first regular City Council meeting on or after the anniversary of the previous City General Election. The Mayor Pro Tem shall be responsible for the orderly conduct of business in the Mayor's absence, and shall serve for a period of one year.

Substantiation:

See §4.06 (a) Substation.

Charter Review Commission Recommendation Made April 19, 2018

§ 4.10 (a) Prohibitions.

Current Wording	Proposed Amendment	If Adopted Will Read
(a) Holding other office. Except where authorized by law, neither the Mayor nor any Council member shall hold any other City office or employment during the term for which he or she was elected to the Council, and neither a former Mayor nor former Council member shall hold any compensated appointive City office or employment until one (1) year after the expiration of the last term for which he or she was elected as Mayor or Council member. Neither the Mayor nor any Council member, either directly or indirectly, may be a contractor to the City.	(a) Holding other office. Except where authorized by law, neither the Mayor nor any Council member shall hold any other City office or employment during the term for which he or she was elected to the Council, and neither a former Mayor nor former Council member shall hold any compensated appointive City office or employment until one (1) year after the expiration of the last term for which he or she was elected as Mayor or Council member. Neither the Mayor nor any Council member, either directly or indirectly <u>during their active term or until one (1) year after the expiration of the last term for which he or she was elected as Mayor or Council member</u> may be a contractor to the City.	(a) Holding other office. Except where authorized by law, neither the Mayor nor any Council member shall hold any other City office or employment during the term for which he or she was elected to the Council, and neither a former Mayor nor former Council member shall hold any compensated appointive City office or employment until one (1) year after the expiration of the last term for which he or she was elected as Mayor or Council member. Neither the Mayor nor any Council member, either directly or indirectly during their active term or until one (1) year after the expiration of the last term for which he or she was elected as Mayor or Council member may be a contractor to the City

Substantiation:

The change clarifies the time period the member may not be a contractor to the city.

II. Charter Review Commission Recommendation Made March 15, 2018

§ 4.16 (d) – Veto Procedure.

Current Wording	Proposed Amendment	If Adopted Will Read
§ 4.16 (d). <i>Veto procedure.</i> The Mayor's line item veto may be overridden by the Council by an affirmative vote of two-thirds of the entire Council at any time prior to the adoption of the final budget.	§ 4.16 (d). Veto procedure. The Mayor's line item veto may be overridden by the Council by an affirmative vote of two-thirds of the entire Council at any time prior to the adoption of the final budget.	

Substantiation:

See §4.06 substantiation.

II. Charter Review Commission Recommendation Made May 17, 2018

§ 4.20 (b) – Codes of technical regulations.

Current Wording	Proposed Amendment	If Adopted Will Read
(b) Copies of any adopted code of technical regulations shall be made available by the city clerk for distribution or for purchase at a reasonable price.	(b) Copies of any adopted code of technical regulations shall be made available <u>on-line at no cost</u> , by the city clerk for distribution or for purchase at a reasonable price.	(b) Copies of any adopted code of technical regulations shall be made available on-line at no cost, by the city clerk for distribution or for purchase at a reasonable price.

Substantiation:

To leverage technology to make ordinances and resolutions available and convenient to the broadest audience possible at no cost.

II. Charter Review Commission Recommendation Made May 17, 2018

§ 4.21 (b) – Authentication and recording; codification; printing.

Current Wording	Proposed Amendment	If Adopted Will Read
(b) Codification. Within three (3) years after adoption of this charter and annually thereafter, the council shall provide for the preparation of a general codification of all city ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be published promptly in bound or looseleaf form, together with this charter and any amendments thereto, pertinent provisions of the constitution and other laws of the State of Florida, and such codes of technical regulations and other rules and regulations as the council may specify. This compilation shall be known and cited officially as the Cape Coral City Code. Copies of the code shall be furnished to city officers, placed in libraries and public offices for free public reference, and made available for purchase by the public at a reasonable price fixed by the council, all as required by resolution.	(b) Codification. Within three (3) years after adoption of this charter and annually thereafter, the council shall provide for the preparation of a general codification of all city ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be published promptly in bound or looseleaf form, together with this charter and any amendments thereto, pertinent provisions of the constitution and other laws of the State of Florida, and such codes of technical regulations and other rules and regulations as the council may specify. This compilation shall be known and cited officially as the Cape Coral City Code. Copies of the code shall be furnished to city officers, placed <u>online</u> , in libraries and public offices for free public reference, and made available for purchase by the public at a reasonable price fixed by the council, all as required by resolution.	(b) Codification. Within three (3) years after adoption of this charter and annually thereafter, the council shall provide for the preparation of a general codification of all city ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be published promptly in bound or looseleaf form, together with this charter and any amendments thereto, pertinent provisions of the constitution and other laws of the State of Florida, and such codes of technical regulations and other rules and regulations as the council may specify. This compilation shall be known and cited officially as the Cape Coral City Code. Copies of the code shall be furnished to city officers, placed online, in libraries and public offices for free public reference, and made available for purchase by the public at a reasonable price fixed by the council, all as required by resolution.

Substantiation:

To leverage technology to make ordinances and resolutions available and convenient to the broadest audience possible at no cost..

II. Charter Review Commission Recommendation Made May 17, 2018

§ 4.21 (c) – Authentication and recording; codification; printing.

Current Wording	Proposed Amendment	If Adopted Will Read
(c) <i>Printing of ordinances and resolutions.</i> The council shall cause each ordinance and resolution to have the force and effect of law and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices to be fixed by the council. Following publication of the first Cape Coral City Code and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the constitution and other laws of the state, or the codes of technical regulations and other rules and regulations included in the code.	(c) <i>Printing</i> <i>Publication</i> of ordinances and resolutions. The council shall cause each ordinance and resolution to have the force and effect of law and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be placed online at no cost, distributed or sold to the public at reasonable prices to be fixed by the council. Following publication of the first Cape Coral City Code and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the constitution and other laws of the state, or the codes of technical regulations and other rules and regulations included in the code.	(c) <i>Publication of ordinances and resolutions.</i> The council shall cause each ordinance and resolution to have the force and effect of law and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be placed online at no cost, distributed or sold to the public at reasonable prices to be fixed by the council. Following publication of the first Cape Coral City Code and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the constitution and other laws of the state, or the codes of technical regulations and other rules and regulations included in the code.

Substantiation:

To leverage technology to make ordinances and resolutions available and convenient to the broadest audience possible at no cost.

Item Number:	4.C.
Meeting Date:	6/21/2018
Item Type:	Business

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Article V, Section 5.03 - Acting City Manager (continued from last meeting)

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Description		Type
▢ Article V, Section 5.03 - Acting City Manager		Backup Material
▢ Various charter sections regarding the incapacity of the City Manager		Backup Material

§ 5.03.- Acting city manager.

By letter filed with the city clerk, the city manager shall designate a qualified city administrative officer to exercise the powers and perform the duties of city manager during the city manager's temporary absence or disability. During such absence or disability, the council may revoke such designation at any time and appoint another officer of the city to serve until the city manager returns or the manager's disability ceases, or the city manager is removed (Ord. 71-07, 6-11-07, Approved by referendum vote on November 6, 2007).

Various charter sections regarding the incapacity of the City Manager

1. Disability or absence of the manager.

If the city manager becomes ill or needs to be absent from the city, he may designate one qualified member of his staff to perform his duties during his absence or disability. The person so designated shall not perform these duties for a period longer than three weeks without the approval of the city commission. Otherwise, the provisions of the Charter shall apply.

2. Assistant city manager.

The city manager shall designate a person to act as city manager in his absence or during his incapacity if such absence will be in excess of 48 hours. Such designation shall be in writing filed with the city secretary. The person designated shall execute documents for and on behalf of the city as acting city manager.

3. Acting City Manager.

(a) Absences or disabilities. If, at any time, it becomes readily apparent that the city manager will be temporarily absent or disabled for a period of time in excess of thirty (30) days, the council may appoint the assistant city manager or a department head to serve as acting city manager during the city manager's temporary absence or disability; otherwise, the assistant city manager shall serve as acting city manager during the city manager's absence or disability. (In the absence of an assistant city manager, the city manager shall, by letter filed with the city clerk, designate a department head to serve as acting city manager during those temporary absences or disabilities of the city manager's which will apparently not exceed thirty (30) days.)

(b) Vacancies. If a vacancy exists in the city manager position as a result of the death, resignation, or removal of the city manager, the council may appoint the assistant city manager, a department head, or any other qualified person to serve as acting city manager until such vacancy is filled.

4. Council to determine incapacity of city manager.

The city council, by majority vote and with cause, shall determine the incapacity of the city manager, and shall forthwith advise all department heads of the assumption of his duties by the acting city manager.

5. Absence or disability of Village Manager.

In the event the Manager is temporarily absent from the Village or disabled, the Council may by resolution appoint an officer of the Village to perform the duties of the Manager until s/he shall return or his/her disability shall cease.

6. City manager; acting city manager.

(a) The city manager shall designate a qualified city administrative officer to exercise the powers and perform the duties of the manager during his temporary absence or disability. During such absence or disability, the council may revoke such designation at any time and appoint another officer of the city to serve until the manager shall return or his disability shall cease.

(b) In the event of the resignation, termination, suspension without pay, demotion or placement of the city manager on administrative leave, or the failure of the city manager to designate an acting city manager during an absence, the city council may designate by resolution a qualified administrative officer of the city as acting city manager.

7. Acting City Manager.

The Council, by ordinance, shall establish a procedure whereby an acting City Manager is appointed in case of the absence, incapacity, death, resignation, or other vacancy in the position of City Manager.

8. Acting City Manager.

(a) During any absence of the City Manager due to an incapacity, or whenever there shall be a vacancy in that office, the City Council may appoint an acting City Manager, who shall have all the powers and duties of that office and who shall perform all of the duties thereof, but without furnishing any additional bond.

(b) In the event that the City Manager will be temporarily absent from the City, during which time the Manager will be unable to fully perform his or her duties, the City Manager shall designate in writing one or more City employees to perform the duties of the City Manager during the absence.

9. Absence or Disability of City Manager.

To perform his or her duties during his or her temporary absence or disability, the Manager may designate by letter directed to the Mayor, a qualified administrative officer of the City. In the event of failure of the Manager to make such designation, or should the person so designated by the Manager be unsatisfactory to the Commission, the Commission may by resolution appoint an officer of the City to perform the duties of the Manager until he or she shall return or his or her disability shall cease.

Item Number:	4.D.
Meeting Date:	6/21/2018
Item Type:	Business

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Article VI - Administrative Departments

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
▣ Article VI	Backup Material

ARTICLE VI.- ADMINISTRATIVE DEPARTMENTS

§ 6.01. - General provisions.

Creation of departments. The council may establish or subdivide city departments, offices or agencies in addition to those created by this charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this charter to a particular department, office or agency may be discontinued, or unless this charter specifically so provides, assigned to another.

§ 6.02. - Direction by city manager.

All departments, offices and agencies under the direction and supervision of the city manager shall be administered by an officer appointed by and subject to the direction and supervision of the city manager. With the consent of the council, the city manager may serve as the head of two (2) or more of them.

§ 6.03.- Personnel system; merit principle.

All appointments and promotions of city officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

§ 6.04.- Standards.

The council shall, upon recommendation of the city manager, establish personnel standards for all city employees. These standards shall provide for:

- (a) The classification of all city positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by changed circumstances;
- (b) A pay plan for all city positions;
- (c) Methods for determining the merit and fitness of candidates for appointment or promotion;
- (d) The policies and procedures regulating reduction in force and removal of employees;

- (e) The hours of work, attendance regulations and provisions for sick and vacation leave;
 - (f) The policies and procedures governing persons holding provisional appointments;
 - (g) The policies and procedures governing relationships with employee organizations;
 - (h) Policies regarding in-service training programs;
 - (i) Grievance procedures, including procedures for appeal of disciplinary action to a neutral third party whose decision shall be binding.
- III Other practices and procedures necessary to the efficient administration of the city personnel system.

(Ord. 125-02, 12-9-2002, Approved by referendum vote on April 8, 2003)

§ 6.05. - Legal officer.

There shall be a legal officer of the city, appointed by the council, to serve at their pleasure. The city attorney shall be employed under contract on a full-time basis. The city attorney shall serve as the chief legal advisor to the council, the city manager, and all city departments, offices and agencies; shall represent the city in all legal proceedings; and shall perform such other duties as the council may deem necessary. The city attorney shall report directly to the city council and shall perform such duties as assigned by the city council. The council may from time to time hire one (1) or more special legal counsel to serve for such time and upon such terms as they may wish.

§ 6.06.- City auditor's office.

There shall be a City Auditor's Office administered by an independent City Auditor. The City Auditor's Office shall be independent of the City Manager and shall report directly to the City Council. The City Auditor's Office shall meet generally accepted government auditing standards with regard to independence and shall provide the City with an independent audit function to evaluate City policies, programs, and services to determine if those operations have been conducted in accordance with state and federal law; City ordinances, policies and regulations; and financial and operational internal control standards. The City Auditor shall be appointed by City Council and may only be removed from office for cause by a majority vote of the City Council. The City Auditor shall have the power to appoint such professional audit staff as, within budgetary limitations, may be necessary for the performance of the required duties. The personnel policies and procedures applicable to the City Auditor's Office shall be the same as those of the City, except that the City Auditor shall be the final administrative authority in personnel matters relating to the City Auditor's Office, including but not limited to the authority to hire, supervise, discipline and terminate City Auditor support staff. The City Council shall, by Resolution, establish City Auditor Responsibilities and Administrative Procedures.

§ 6.07.- Reserved.

§ 6.08. - Disposition of funds.

All fines, penalties, fees, escheated bonds or other monies collected by the court shall be revenue of the city, shall be promptly paid to the department designated by the City Manager, and shall be deposited to the credit of the general fund.

(Ord. 125-02, 12-9-2002, Approved by referendum vote on April 8, 2003)

§ 6.09. - Power of enforcement.

The members of the police force of the City of Cape Coral shall have all the power and authority as authorized by law for enforcing the laws of the United States, State of Florida and City ordinances of the City of Cape Coral.

§ 6.10.- Arrest without warrant.

The chief of police or any police officer of the City of Cape Coral may arrest without warrant any person violating any of the ordinances of the city or the laws of the state in the presence of such officer. Such arrest may be made outside the city or county limits if such officer is in hot pursuit.

Item Number:	4.E.
Meeting Date:	6/21/2018
Item Type:	Business

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Article VII - Financial Procedures - Sections 7.01 - 7.08

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
▣ Article VII, Sections 7.01-7.08	Backup Material

ARTICLE VII.- FINANCIAL PROCEDURES¹¹

Footnotes:

-(1)-

Cross reference- Expenditure of funds, §§2-12 et seq.

§ 7.01.- Fiscal year.

The fiscal year of the city shall begin on the first day of October and end on the last day of September unless otherwise dictated by state statutes.

§ 7.02.- Submission of budget and budget justification.

On or before the first regular meeting in August of each year, the manager shall submit to the council a budget for the ensuing fiscal year and an accompanying message.

§ 7.03.- Budget justification.

The city manager's justification shall explain the budget both in fiscal terms and in terms of the work program. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in

financial policies, expenditures and revenues together with the reasons for such changes, summarize the city's debt position and include such other material as the city manager and/or Council directs.

§ 7.04.- Budget.

- (a) The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the city manager and/or Council directs. In organizing the budget the city manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity and object. It shall begin with a clear general summary of its contents; shall detail estimated income, indicating the proposed property tax levy and all proposed expenditures including debt service for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:
- (1) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;
 - (2) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practical, and the proposed method of financing each such capital expenditure; and
 - (3) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the city and the proposed method of its disposition. Subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.
- (b) The total of proposed expenditures shall not exceed the total of estimated income.

§ 7.05.- Capital program.

- (a) *Submission to council.* The city manager shall prepare and submit to the council a five-year capital program by the first regular meeting in August of each year.
- (b) *Contents.* The capital program shall include:
- (1) A clear general summary of its contents;
 - (2) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for each improvement included;
 - (3) Cost estimates, method of financing and recommended time schedules for each such improvement; and
 - (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above may be revised and extended with regard to capital improvements still pending or in process of construction or acquisition.

§ 7.06.- Council action on budget.

Action on the City budget shall be in accordance with State Law.

§ 7.07.- Council action on capital program.

The City shall adopt and review annually a Capital Improvements Program.

§ 7.08.- Public records.

Copies of the budget and capital program as adopted shall be public records and shall be made available to the public at suitable places in the city.