



1015 Cultural Park Blvd.
Cape Coral, FL

AGENDA

CHARTER REVIEW COMMISSION

August 16, 2018

3:00 PM

Conference Room 220A

VIDEO

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. Meeting Minutes - July 19, 2018
- B. Full List of the Proposed Changes

5. Commissioner Comments

6. Date and Time of Next Meeting:

- A. The next meeting will be held on Thursday, September 20, 2018, at
3:00 p.m. in 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: | 8/16/2018 |
| Item Type: | Business |

AGENDA REQUEST FORM

CITY OF CAPE CORAL



TITLE:

Meeting Minutes - July 19, 2018

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

| Description | Type |
|---------------------------------|-----------------|
| ▣ July 19, 2018 meeting minutes | Backup Material |

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

THURSDAY, JULY 19, 2018

Conference Room 220A

3:00 P.M.

Chair Peterson called the meeting to order at 3:00 p.m.

Roll Call: Kitchen, McNamara, Peterson, Robinson, and Alternate Stewart were present. Bennie, Jenkins, and Sund were excused.

Also Present: Marilyn Stout, Council Liaison
Mark Moriarty, Assistant City Attorney
Jay Murphy, CT Business Manager, arrived at 3:31 p.m.

Public Input

No speakers

BUSINESS

Approval of Minutes – June 21, 2018 meeting

Chair Peterson stated the minutes of the June 21, 2018 meeting was presented for approval.

Vice Chair Kitchen moved, seconded by Commissioner Robinson, to approve the minutes of the June 21, 2018 meeting as presented.

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

List of Recommendations to date

Chair Peterson asked for a motion to approve the wording for the last amendment added to 7.08 public records.

Vice Chair Kitchen moved, seconded by Commissioner Robinson, to accept the updated list of recommendations provided.

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

Article VII, Section 7.09 Amendments after adoption

Discussion held regarding the following:

- Definition of debt service and limitations

Article VII, Section 7.10 Lapse of appropriations

Discussion held regarding the following:

- City Manager has the right to appropriate funds that are encumbered to any other area of the budget; City Council can do the same.
- Transfer of appropriations
- FL State Statute requires that municipal and county governments must pass a balanced budget. All money flows back into the General Fund if it is not appropriated.
- The purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation.
- Council can re-appropriate funds.

Article VII, Section 7.11 Administration of Budget.

Discussion held regarding the following:

- Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and the City Manager shall also be liable to the city for any amount so paid.

Article VIII – Elections

Discussion held regarding the following:

- 8.01 City Elections
- 8.02 Council districts; adjustment of districts
- Next census is in 2020

Commissioner McNamara suggested under 8.0.2 (c) we include language that was part of the Florida Fair Redistricting Amendments 5 and 6 and was voted favorably in 2010. Congressional districts or districting plans may not be drawn to favor or disfavor an incumbent or political party. Districts shall not be drawn to deny racial or language minorities the equal opportunity to participate in the political process and elect representatives of their choice.

Discussion held regarding why it does not include municipalities.

Chair Peterson asked for a motion.

Commissioner McNamara moved, seconded by Commissioner Stewart, to insert language into section 8.02 c that follows the State language approved in 2010 to include: Congressional districts or districting plans may not be drawn to favor or disfavor an incumbent or political party. Districts shall not be drawn to deny racial or language minorities the equal opportunity to participate in the political process and elect representatives of their choice.

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

Discussion held regarding substantiation for the above motion.

Chair Peterson stated to formalize the substantiation would be to enforce that the Districting Commission bases recommendations on strictly the census. He clarified that this should be under 8.02 c. (3).

Discussion held regarding:

- Failure to enact ordinance

Article IX – Initiative and Referendum

Discussion held regarding the following:

- 9.01 – General Authority
- Initiative
- Referendum
- 9.03 - Petitions
- Number of signatures. Initiative and referendum petitions must be signed by qualified electors of the city equal in number to at least fifteen (15) percent of the total number of qualified electors registered to vote at the last regular city election.
- What should that percentage be and where can we find rationale for that?

Council Liaison Stout agreed it was high and was not sure if lowering it would be conducive to good government.

Discussion held regarding:

- Extending the time for filing referendum petitions
- Getting signatures is not easy.
- Changing the percentage

CT Business Manager Murphy arrived at 3:31 p.m.

Discussion continued:

- 15 percent is too high
- Why would it be easier to change the Charter than an Ordinance?

Commissioner McNamara moved, seconded by Vice Chair Kitchen, to change section 9.03 (a) from 15 percent to 10 percent.

Commission polled as follows: Kitchen, McNamara, Robinson, and Stewart voted “aye.” Peterson voted “nay.” Four “ayes.” One “nay.” Motion carried 4-1.

Chair Peterson stated the substantiation would be to align the Charter with what is required by State Statute to change the Charter for a citizen Charter initiation change.

Discussion held regarding:

- The language “from those who voted in the last election”
- What percentage of the population are registered voters? 60 percent
- Cost with certifying the petition
- Time for filing referendum petitions. Referendum petitions must be filed within sixty (60) days after adoption by the council of the ordinance sought to be reconsidered.

There was no discussion on 9.02.- Commencement of proceedings; petitioners' committee; affidavit.

Discussion held regarding 9.04.- Procedure after filing.

Discussion held regarding 9.05 - Referendum petitions; suspension of effect of ordinance

Discussion held regarding 9.06 - Action on petitions.

Discussion held regarding 9.06 (b) Submission to electors. The vote of the city on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than one (1) year from the date of the final council vote thereon. If no regular city election is to be held within the period prescribed in this subsection, the council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

Discussion held regarding 9.07.- Results of election:

- Has there ever been conflicting ordinances passed in the same election?

Article X – General Provisions

Discussion held regarding the following:

- 10.01.- Code of ethics for city officers and employees

No discussion held on section 10.02 – Prohibitions.

Discussion held regarding section 10.03.- Charter amendment:

- How often should the City appoint a Charter Review Commission?
- Is six years too far apart?
- 2011 Charter Review Commission Amendments – 12 recommendations

No discussion held regarding

- Section 10.04 - Severability.
- Section 10.05 - Geographical districts
- Section 10.06 - Municipal annexations or contractions

Commissioner Comments

Chair Peterson stated for the next agenda we will have a full list of the proposed changes. He noted we did not have to open up each one for debate, but to approve from that list what we want to send to Council. This will be the last opportunity to move forward with it or modify anything. He stressed not to open up each one of the changes, but to change substantiation or have a consensus on what we want to move forward with.

Discussion held regarding the process of getting it on the Council agenda.

Assistant City Attorney Moriarty explained the option. He has seen it done as a report from the Charter Review Commission to the City Council. He noted that one or more of the members could be elected to be the spokespersons to present the recommendations to the governing body. You would need to contact the City Manager's Office or the City Attorney's Office to get a place on the agenda. Whatever you want to present could be agreed upon at the next meeting, and it should be distributed ahead of time.

Council Liaison Stout mentioned they could go to the Mayor to get it on the agenda as well.

CT Business Manager Murphy noted they need to be advised of a date the CRC had in mind for their presentation.

Chair Peterson voiced his opinion about producing a written report from the CRC to the Council. He stated he would attend the Council meeting to present the report, but to also be available for any questions. If Council has questions, the CRC can reconvene.

Vice Chair Kitchen agreed the Council should have the information ahead of time for review. We can provide the clarification for the rationale of the recommendations. Ask the Council when they would like to see that on an agenda. Try to accommodate a time schedule.

Assistant City Attorney Moriarty stated we are formally making our report during these meetings.

Chair Peterson suggested that an agenda item for the next meeting would be working on drafting this report to Council. It could be open ended and take the next meeting or two to continue drafting that report. Once we are happy with that report, it will go to City Council for their review and give them enough time to put it on an agenda. We could request a meeting date with the Mayor or propose another meeting date.

Vice Chair Kitchen stated we are way ahead of the scheduling needed to get this adopted if the Council so chooses.

Council Liaison Stout stated referendum items have to be in the County Elections Office in May 2019.

Chair Peterson mentioned that this would not take more than one or two meetings to write this report. He asked if we needed an example of a prior report submitted.

Assistant City Attorney Moriarty stated he would research that.

CT Business Manager Murphy stated you already have each item prepared in that block format that is being tracked.

Chair Peterson stated we may want to extend a little bit more on the substantiation of what occurred during the meeting which led to that substantiation.

Discussion held regarding coming up with a paragraph and adjusting it at the meeting.

Chair Peterson stated it would help to have something to kick start this off.

Vice Chair Kitchen stated some will not need a full paragraph.

Chair Peterson stated he would come back with a paragraph written of what he thought the Commission did and we can fine tune it for accuracy for each proposed change. This can be provided to the Mayor and Council.

Vice Chair Kitchen encouraged any member of the Commission if there was a change that they were passionate about to provide support of that rationale.

Chair Peterson stated he was committed to bringing something for each change.

Recording Secretary Kerr offered to bring another laptop to the next meeting in order to project a power point presentation. She stated she would take the list of

recommendations and put it into a power point for the group to discuss and make any changes.

Discussion held regarding bringing a power point presentation to the Council meeting for display.

Council Liaison Stout asked if the CRC looked at the referendums from the prior Charter Review Commission.

Recording Secretary Kerr stated that list was sent by email last December and would resend it to the CRC.

Chair Peterson agreed that list should be sent for everyone's review.

Date and Time of Next Meeting

The next meeting would be held on Thursday, August 16, 2018, at 3:00 p.m. in Conference Room 220 A.

Adjournment

There being no further business, the meeting was adjourned at 4:15 p.m.

Submitted by,

Barbara Kerr
Recording Secretary

| | |
|----------------------|------------------|
| Item Number: | 4.B. |
| Meeting Date: | 8/16/2018 |
| Item Type: | Business |

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Full List of the Proposed Changes

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

| Description | Type |
|--|-----------------|
| ▢ Full List of the Proposed Changes | Backup Material |
| ▢ 2018-08-16 Document Distributed by Chair regarding substantiations | 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. |

II. Charter Review Commission Recommendation Made March 15, 2018

§ 4.06 (a) - Mayor; mayor pro tem.

| Current Wording | Proposed Amendment | If Adopted Will Read |
|---|--|---|
| <p>§ 4.06 (a). The Mayor shall be the chief elected officer of the city, preside at all council meetings, be responsible for the orderly conduct of business, have the same powers as a council member, sign all documents as required by the City Council and shall have the power to veto line items in the City budget, provided that such veto is exercised in writing to the City Clerk, with immediate notification to the other members of the City Council at least fourteen (14) days prior to the date of the Final Public Hearing on the budget. The City Council may override such veto with a two-thirds vote of its members as provided in Section 4.16(d).</p> | <p>§ 4.06 (a). The Mayor shall be the chief elected officer of the city, preside at all council meetings, be responsible for the orderly conduct of business, have the same powers as a council member, sign all documents as required by the City Council and shall have the power to veto line items in the City budget, provided that such veto is exercised in writing to the City Clerk, with immediate notification to the other members of the City Council at least fourteen (14) days prior to the date of the Final Public Hearing on the budget. The City Council may override such veto with a two-thirds vote of its members as provided in Section 4.16(d).</p> | <p>§ 4.06 (a). The Mayor shall be the chief elected officer of the city, preside at all council meetings, be responsible for the orderly conduct of business, have the same powers as a council member, sign all documents as required by the City Council.</p> |

II. Charter Review Commission Recommendation Made March 15, 2018

§ 4.06 (b) - Mayor; mayor pro tem.

| Current Wording | Proposed Amendment | If Adopted Will Read |
|---|--|--|
| <p>§ 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.</p> | <p>§ 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.</p> | <p>§ 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.</p> |

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 |

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. | |

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) Printing <u>Publication</u> 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 <u>placed online at no cost</u> , 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.

II. Charter Review Commission Recommendation Made June 21, 2018

§ 7.08 – Public Records.

| Current Wording | Proposed Amendment | If Adopted Will Read |
|---|---|---|
| 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. | Copies of the budget and capital program as adopted shall be public records and shall be made available <u>on-line at no cost</u> to the public, <u>and</u> at suitable places in the city. | Copies of the budget and capital program as adopted shall be public records and shall be made available on-line at no cost to the public, and at suitable places in the city. |

Substantiation:

To leverage technology to make the budget and capital program available and convenient to the broadest audience possible at no cost.

II. Charter Review Commission Recommendation Made July 19, 2018

§ 8.02 (c) – Report; specifications.

| Current Wording | Proposed Amendment | If Adopted Will Read |
|--|---|--|
| <p>(c) <i>Report; specifications.</i> Within six (6) months after the completion and receipt of the federal census and at least each ten (10) years thereafter. The districting commission shall file with the City Clerk a report containing a recommended plan for adjustment of the council district boundaries to comply with these specifications:</p> <p>(1) Insofar as practicable, each district shall be formed of compact, contiguous territory, and its boundary lines shall follow the centerlines of streets or canals.</p> <p>(2) Each district shall contain, as nearly as possible equal population.</p> | <p>(c) <i>Report; specifications.</i> Within six (6) months after the completion and receipt of the federal census and at least each ten (10) years thereafter. The districting commission shall file with the City Clerk a report containing a recommended plan for adjustment of the council district boundaries to comply with these specifications:</p> <p>(1) Insofar as practicable, each district shall be formed of compact, contiguous territory, and its boundary lines shall follow the centerlines of streets or canals.</p> <p>(2) Each district shall contain, as nearly as possible equal population.</p> <p>(3) <u>Districting plans may not be drawn to favor or disfavor an incumbent or political party. Districts shall not be drawn to deny racial or language minorities the equal opportunity to participate in the political process and elect representatives of their choice.</u></p> | <p>(c) <i>Report; specifications.</i> Within six (6) months after the completion and receipt of the federal census and at least each ten (10) years thereafter. The districting commission shall file with the City Clerk a report containing a recommended plan for adjustment of the council district boundaries to comply with these specifications:</p> <p>(1) Insofar as practicable, each district shall be formed of compact, contiguous territory, and its boundary lines shall follow the centerlines of streets or canals.</p> <p>(2) Each district shall contain, as nearly as possible equal population.</p> <p>(3) Districting plans may not be drawn to favor or disfavor an incumbent or political party. Districts shall not be drawn to deny racial or language minorities the equal opportunity to participate in the political process and elect representatives of their choice.</p> |

Substantiation:

The districting constitutional amendment passed in 2010 did not apply to municipalities. This proposed revision makes the city charter consistent with the language approved in 2010.

II. Charter Review Commission Recommendation Made July 19, 2018

§ 9.03 (a) – *Number of Signatures.*

| Current Wording | Proposed Amendment | If Adopted Will Read |
|--|---|---|
| (a) <i>Number of signatures.</i> Initiative and referendum petitions must be signed by qualified electors of the city equal in number to at least fifteen (15) percent of the total number of qualified electors registered to vote at the last regular city election. | (a) <i>Number of signatures.</i> Initiative and referendum petitions must be signed by qualified electors of the city equal in number to at least fifteen (15) <u>ten (10)</u> percent of the total number of qualified electors registered to vote at the last regular city election. | (a) Number of signatures. Initiative and referendum petitions must be signed by qualified electors of the city equal in number to at least ten (10) percent of the total number of qualified electors registered to vote at the last regular city election. |

Substantiation:

Aligns with other city's requirements for citizen-initiated ballots.

4.02 Eligibility

The Charter Review Commission proposes:

Adding: *"Proof of residence shall be established by a valid voter's registration card"* to section 4.02 Eligibility.

Substantiation:

The charging statement in section 4.02 Eligibility states the qualification for office is to be a resident of Cape Coral for a year. However, the section doesn't state how eligibility is to be determined. Section 4.05 Candidates qualifications and election (b) notes that proof of residence shall be established by voter's registration card. Adding *"Proof of residence shall be established by a valid voter's registration card"* consolidates the information needed for eligibility into a single section.

Chair note: Adding this to 4.02 makes sense but adding it in 4.02 and leaving it in 4.05 seems redundant.

4.06(a) Mayor; mayor pro tem

The Charter Review Commission proposes:

Removing the ability of the Mayor to veto line items in the budget.

Substantiation:

There are several reasons the commission voted to propose the change to City Council.

- The form of government the city has is as such that the mayor functions much as an "at large" council member and the additional power seems inappropriate. The council as a whole should approve the budget presented by the city manager.
- To override a mayoral veto a 2/3 vote of the council is required and the vote will start as 1 vote against the veto because the mayor isn't going to vote against his/her veto.
- Many line items in the budget if vetoed could be contrary to other sections of the charter such as:
 - 4.10(a) Prohibitions – Appointments and removals
 - 4.10(b) Prohibitions – Interference with administration

4.06(b), 4.16(d) See 4.06(a)

Correlating sections with 4.06(a)

Chair note: I think there were other reasons but I can't recall them.

4.10(a) Prohibitions

The Charter Review Commission proposes:

Clarifying the length of time in which the mayor or a council member may not be a paid contractor for the city.

Substantiation:

As currently worded it is interpreted that once a mayor or council member that person may never be a contractor for the city.

4.20(b) Code of Technical Regulations

The Charter Review Commission proposes:

Requiring the city post a copy of any adopted code of technical regulations online at no cost.

Substantiation:

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

4.21(b) Authentication and recording; clarifications; printing

The Charter Review Commission proposes:

Requiring the city post a copy of the Cape Coral city code online at no cost.

Substantiation:

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

4.21(c) Authentication and recording; clarifications; printing

The Charter Review Commission proposes:

Requiring the city post a copy of each ordinance and resolution promptly following adoption online at no cost.

Substantiation:

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

7.08 Public records

The Charter Review Commission proposes:

Requiring the city post a copy of the Cape Coral budget and capital program online at no cost.

Substantiation:

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

8.02(c) Report; specifications

The Charter Review Commission proposes:

Adding (3) Districting plans may not be drawn to favor or disfavor an incumbent or political party. Districts shall not be drawn to deny racial or language minorities the equal opportunity to participate in the political process and elect representatives of their choice.

Substantiation:

The Florida constitutional amendment #5 passed in 2010 did not apply to municipalities. The proposed revision makes the city charter consistent with the language approved by the state voters in 2010.

9.03(a) Number of Signatures

The Charter Review Commission proposes:

Reducing the required number of signatures to initiate a referendum from 15% to 10% of the total number of qualified electors.

Substantiation:

10% aligns with other city's requirements for citizen initiated ballots.

Chair note: Do we know what other cities?
