



1015 Cultural Park Blvd.
Cape Coral, FL

AGENDA

CHARTER REVIEW COMMISSION

September 20, 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. Meeting Minutes - August 16, 2018 meeting
- B. Full List of the Proposed Changes (continued)
- C. Charter Meeting Revisions from 8 16 18 Meeting
- D. # of signatures needed for referendum petition - survey of local
cities and counties
- E. CRC Recommendation 8 16 18 4.05b

5. Commissioner Comments

6. Date and Time of Next Meeting:

- A. The next meeting will be held on Thursday, October 18, 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: | 9/20/2018 |
| Item Type: | Business |

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Meeting Minutes - August 16, 2018 meeting

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

| Description | Type |
|-----------------------------------|-----------------|
| ▢ August 16, 2018 meeting minutes | Backup Material |

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

THURSDAY, AUGUST 16, 2018

Conference Room 220A

3:00 P.M.

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

Roll Call: Jenkins, McNamara, Peterson, and Sund were present. Member Robinson and Alternate Stewart were excused. Bennie arrived at 3:02 p.m. Kitchen was absent.

Also Present: Mark Moriarty, Assistant City Attorney

Public Input

No speakers

BUSINESS

Approval of Minutes – July 19, 2018 meeting

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

Commissioner Sund moved, seconded by Commissioner McNamara, to approve the minutes of the July 19, 2018 meeting as presented.

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

Commissioner Bennie arrived at 3:02 p.m.

List of Recommendations to date

Chair Peterson distributed a document which listed the substantiations for the recommendations to be made to Council. He asked for input from the members regarding the documents from Legal which included current wording, the proposed amendment, and how it will read if adopted. He noted that adding this to 4.02 makes sense but adding it to 4.02 and leaving it in 4.05 seems redundant. He stated that the verbiage “proof of residence shall be established by a valid voter’s registration card” consolidates the information needed for eligibility into a single section.

Discussion held regarding the information that is on a voter’s registration card; address, date of birth; issue date; registration date.

Chair Peterson asked for a motion to approve the proposed changes to 4.02 Eligibility, instead of adding it to 4.02, we would just be moving it from 4.05 to 4.02.

Discussion held regarding how it makes sense.

Commissioner Sund moved, seconded by Commissioner Jenkins, to accept the proposed changes to 4.02 Eligibility, instead of adding it to 4.02, we would just be moving it from 4.05 to 4.02.

Discussion held regarding proof of residence and how this had already been discussed at prior meetings.

Commissioner Jenkins left the meeting at 3:14 p.m.

Discussion held regarding producing a valid voter's registration card.

Commissioner Jenkins returned to the meeting at 3:15 p.m.

Chair Peterson reminded the Commission that we were not rewriting the language that had already been agreed upon. It was just about movement from 4.05 to 4.02.

Commission polled as follows: Jenkins, McNamara, Peterson, and Sund voted "aye." Bennie voted "nay." Four "ayes." One "nay." Motion carried 4-1.

Chair Peterson reviewed the next one on 4.06(a) Mayor; Mayor Pro Tem. The CRC proposes removing the ability of the Mayor to veto line items in the budget.

Assistant City Attorney Moriarty explained the process of the proposed City Manager's Budget where there is a first and second hearing at Council. If Council votes to approve at the second hearing, it becomes an adopted budget.

Discussion held regarding the following:

- Budget not presented as line items
- Budget timeline
- TRIM notices
- Timing between the first and second hearings

Discussion held regarding if there are changes in the proposed budget from the first to the second hearing; it would be better to take something away rather than adding.

Discussion held regarding the veto as additional power that seems inappropriate.

Chair Peterson stated he would add to this that it is not a budget until it is approved as an ordinance at the second hearing; the Mayor could not veto anything in the budget

since it is not presented as a line item budget. The timeline does not allow for it. He will revise this and send it to the Clerk's Office so that this can be sent ahead of the next meeting.

Discussion held regarding taking out "and additional power seems inappropriate."

Chair Peterson reviewed 4.06(b), and 4.16(d) which correlates with 4.06(a). He noted the technical language of 4.06 does not match 4.16. He stated he would revise the language and bring it back to the Commission.

Chair Peterson continued with 4.10(a) Prohibitions. This would clarify the length of time in which the Mayor or a Councilmember may not be a paid contractor for the City. The way it is currently worded it is interpreted that once a Mayor or Councilmember that person may never be a contractor for the City.

Discussion held regarding:

- Previously we added a year after leaving office
- Cannot go from being a voting member and moving to a position where you receive a contract from the City
- Want separation to give long enough time to not use prior influence

Chair Peterson stated he will wordsmith this section for clarification.

Discussion held regarding:

- How some Government employees retire and then become contract employees for the Government
- How Councilmembers step aside in their business to hold office

Chair Peterson reviewed section 4.20(b) Code of Technical Regulations. The CRC proposes requiring the City to post a copy of any adopted Code of Technical Regulations online at no cost. The substantiation is to leverage technology and make Ordinances and Resolutions available to the broadest audience possible at no cost.

Discussion held regarding:

- Possible violation of any copyrights
- Expense of code books such as the National Fire Protection Association (NFPA)
- 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
- Copyright law
- Making something that is already available for free online at no cost
- Can the public obtain a copy of the technical code book from the Fire Department?
- If not, why don't we change drop the "at no cost" in 4.20 and just make it available?

Chair Peterson stated we would like the Assistant City Attorney to find out how the NFPA handles it. He also asked Mr. Moriarty to find out if the City is at risk of violating copyright law or already at risk by what we already have in there.

Discussion held regarding

- Municode availability online; to what extent can it be printed?
- Is it possible to print the Code, amendments, from the website?
- The new LUDR (Land Development Regulations) will be online in the Code.

Chair Peterson stated that the Assistant City Attorney will research the following:

- How the wording we currently have and the wording that we are proposing might affect copyright law

Discussion held regarding:

- 4.21(b) – no copyright issues there, contains Ordinances and Resolutions
- Change requirements for notifications in the City to add posting online, it is being added to the LUDR but posting online is not a requirement.
- 4.21(b), 4.21(c), and 7.08 all tie in at no cost

Chair Peterson stated once the Assistant City Attorney comes back with information on 4.20 and look up Municode, this can be consolidated. He stated 4.20 could be handled separately if it needed copyright language. 4.21(b), 4.21(c), and 7.08 could all be put into a single recommendation to City Council with a bullet point line item that if it is approved, we recommend that it be a single vote on the referendum. He noted he would make the revision to the document.

Discussion held regarding the substantiation to 8.02 (c). ***Consensus agreed that it was clear.***

Chair Peterson stated if he would be the presenter to City Council, he would use word for word on what we agree on. CRC members could attend this meeting and be available to answer any questions from Council.

Discussion held regarding:

- 9.03(a) number of signatures, 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
- Do we know what other cities?

Discussion held regarding:

- Any information Members want to share with the CRC to send it to the Recording Secretary to be forwarded to the CRC Members
- 10% of the signatures are required State-wide for a State Constitutional amendment
- Easier to change a Charter amendment than a referendum on an Ordinance
- News Press article from June 2, 2015
- Anything to add to 9.03 to send it to the Recording Secretary

Chair Peterson stated he will make revisions and send it to the Recording Secretary for forwarding to the Commission. Next time we may be closer to a final version.

Discussion held regarding:

- What is the procedure if a citizen is not happy with the decision of the Manager's Office?
- The City Council hires and fires the City Manager.
- Possibility of going back to even year elections
- Getting the Charter in proper order
- Wait until after the election before pursuing this
- If the Supervisor of Elections goes forward with changing back to even year elections, it forces the City to revise the Charter.
- Wouldn't it be better for him to go through with his action rather than the City pursue this?
- Need clarification if this is forcing or allowing the City to change

Discussion held regarding the cost of a special election; municipal election coming up next year in 2019; adjustments would be needed if going back to even years; cannot shorten the term of the current councilmembers.

Discussion held regarding the City controlling when we have our elections.

Discussion held regarding term limits would have to be addressed.

Discussion held regarding needing a certain window from the Supervisor of Elections' ability to hold elections; the Supervisor of Elections cannot tell a jurisdiction that you cannot have an election.

Discussion held why the City held elections in even years a while back and why the change came about to odd year elections.

Discussion held regarding the motivation to make the change would be the cost of an election.

Discussion held regarding the following:

- 15 to 18 percent turnout rate in elections is abysmal.
- When to get something on the referendum for next year?
- Push for getting the municipal elections back to an even year with the gubernatorial and presidential elections
- What is the timeframe?
- Coordinate our recommendations along with any possible notice for change from the Supervisor of Elections
- Research history on why we moved from an even year to an odd year

Chair Peterson asked how to go forward to pursue our recommendations to City Council. Should we suggest to Council that we want to have a joint meeting with them? Or just go to Council sometime next spring and present our recommendations?

Discussion held regarding the timeline of when this presentation would occur.

Chair Peterson remarked that the Commission should be close to finalizing their recommendations this fall.

Discussion held regarding Council on hiatus the last two weeks of December and returning mid-January.

Discussion held keeping eyes open for any change in the County Elections.

Discussion held that we are not in a rush; once we have completed it and ready to go, we should not delay it and get it on a Council meeting agenda; this should be done when it is still fresh in our minds.

Discussion held regarding that we have at least a meeting or two before this becomes final.

Commissioner Comments

Commissioner Bennie stated in some way we should communicate to the public what this Commission has been working on.

Assistant City Attorney Moriarty stated the agendas are distributed and posted online.

Chair Peterson stated he envisioned helping to support our recommendations would be an article in the News Press.

Assistant City Attorney Moriarty reminded the CRC that they are not fully finished yet. He added that this meeting is published.

Chair Peterson noted there is a lot on social media to follow.

Date and Time of Next Meeting

The next meeting would be held on Thursday, September 20, 2018, at 3:00 p.m. in Conference Room 220 A.

Adjournment

There being no further business, the meeting was adjourned at 4:46 p.m.

Submitted by,

Barbara Kerr
Recording Secretary

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| Item Number: | 4.B. |
| Meeting Date: | 9/20/2018 |
| Item Type: | Business |

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Full List of the Proposed Changes (continued)

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

| Description | Type |
|-------------------------------------|-----------------|
| ▢ Full List of the Proposed Changes | 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). <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. | |

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.

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| Item Number: | 4.C. |
| Meeting Date: | 9/20/2018 |
| Item Type: | Business |

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Charter Meeting Revisions from 8 16 18 Meeting

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

| Description | Type |
|--|-----------------|
| <input type="checkbox"/> Charter meeting revisiions from 8 16 18 meeting | Backup Material |

4.02 Eligibility

The Charter Review Commission proposes:

Move: *“Proof of residence shall be established by a valid voter’s registration card”* from section 4.05 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.

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 chairman. 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.
- The budget if vetoed could be contrary to other sections of the charter such as:
 - 4.10(b) Prohibitions – Appointments and removals
 - 4.10(c) Prohibitions – Interference with administration
- The budget, as currently submitted, isn’t a line item budget.

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

Correlating sections with 4.06(a)

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:

To give time between holding office and contracting with the city so prior influence does not allow for, or the perception of, an unfair advantage.

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.

Chair note: Municode lists ordinances and references code and standards; NFPA, Florida Fire Prevention Code, etc...

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 requirements for citizen initiated ballots.

Chair note: In Florida to place a constitutional amendment on the ballot, proponents must collect signatures equal to 8 percent of the total number of votes cast in the last presidential election. To place a call for a constitutional convention on the ballot, proponents must collect signatures equal to 15 percent of that total.

| | |
|----------------------|------------------|
| Item Number: | 4.D. |
| Meeting Date: | 9/20/2018 |
| Item Type: | Business |

AGENDA REQUEST FORM

CITY OF CAPE CORAL



TITLE:

of signatures needed for referendum petition - survey of local cities and counties

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

| Description | Type |
|---|-----------------|
| <input type="checkbox"/> # of signatures needed for referendum petition - survey of local cities and counties | Backup Material |

Survey of Local Cities and Counties
of signatures needed for a petition for referendum

| Jurisdiction | # of Signatures to initiate a referendum |
|--------------------|--|
| | |
| City of Cape Coral | 15% |
| City of Fort Myers | N/A |
| Lee County | 7% |
| Charlotte County | 10% |
| Bonita Springs | N/A |
| Sanibel | 25% |
| Naples | 15% |
| Collier County | 15% |

| | |
|----------------------|------------------|
| Item Number: | 4.E. |
| Meeting Date: | 9/20/2018 |
| Item Type: | Business |

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

CRC Recommendation 8 16 18 4.05b

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

| Description | Type |
|------------------------------------|-----------------|
| ▣ CRC Recommendation 8 16 18 4.05b | Backup Material |

Charter Review Commission Recommendation Made August 16, 2018

§ 4.05 (b). - Candidate qualifications and election.

| Current Wording | Proposed Amendment | If Adopted Will Read |
|--|---|--|
| Any person eligible to hold the office of Council member may have his or her name placed on the ballot as a candidate for Council member for the Council district in which he or she resides upon filing with the City Clerk a sworn statement of qualifications and the payment of a one hundred dollar (\$100) filing fee. Proof of residence shall be established by a valid voter's registration card. | Any person eligible to hold the office of Council member may have his or her name placed on the ballot as a candidate for Council member for the Council district in which he or she resides upon filing with the City Clerk a sworn statement of qualifications and the payment of a one hundred dollar (\$100) filing fee. Proof of residence shall be established by a valid voter's registration card. | Any person eligible to hold the office of Council member may have his or her name placed on the ballot as a candidate for Council member for the Council district in which he or she resides upon filing with the City Clerk a sworn statement of qualifications and the payment of a one hundred dollar (\$100) filing fee. |

Substantiation:

The requirement was moved to §4.02