AD HOC CHARTER REVIEW COMMITTEE

REGULAR MEETING AGENDA

THURSDAY, JULY 23, 2026 - 5:30 PM

CITY HALL - COMMISSION CHAMBERS

1126 EAST STATE ROAD 434, WINTER SPRINGS, FLORIDA

CALL TO ORDER

Roll Call
Invocation
Pledge of Allegiance
Agenda Changes

AWARDS AND PRESENTATIONS

INFORMATIONAL AGENDA

PUBLIC INPUT

Anyone who wishes to speak during Public Input on any Agenda Item or subject matter will need to fill out a "Public Input" form. Individuals will limit their comments to three (3) minutes, and representatives of groups or homeowners' associations shall limit their comments to five (5) minutes, unless otherwise determined by the City Commission.

CONSENT AGENDA

300. Approval of the Minutes: Thursday, June 18, 2026 Ad-Hoc Charter Review Committee Orientation Meeting Minutes

2026 06 18 Ad Hoc Charter Review Regular Meeting Minutes.pdf

PUBLIC HEARINGS AGENDA

Pursuant to F.S. § 286.0115, if the mayor or any city commissioner receives and/or sends ex parte communications regarding any application filed with the city, the mayor or any city commissioner must publicly disclose such communications before or during the hearing at which a vote is taken on the quasi-judicial matter, so that persons who have opinions contrary to those expressed in the ex parte communications are given a reasonable opportunity to refute or respond to the communications.

REGULAR AGENDA

500. City Charter Review (Articles 1-4)

2026 City Charter Handout Art. I-IV v.2.pdf
City Charter Comparison Chart Governing Body.pdf

REPORTS

PUBLIC INPUT

Anyone who wishes to speak during Public Input on any Agenda Item or subject matter will need to fill out a "Public Input" form. Individuals will limit their comments to three (3) minutes, and representatives of groups or homeowners' associations shall limit their comments to five (5) minutes, unless otherwise determined by the City Commission.

ADJOURNMENT

PUBLIC NOTICE

This is a Public Meeting, and the public is invited to attend and this Agenda is subject to change. Please be advised

that one (1) or more Members of any of the City's Advisory Boards and Committees may be in attendance at this Meeting, and may participate in discussions.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City of Winter Springs at (407) 327-1800 "at least 48 hours prior to meeting, a written request by a physically handicapped person to attend the meeting, directed to the chairperson or director of such board, commission, agency, or authority" - per Section 286.26 *Florida Statutes*.

"If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she 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 to be based" - per Section 286.0105 Florida Statutes.

CONSENT AGENDA ITEM 300

AD HOC CHARTER REVIEW COMMITTEE AGENDA | JULY 23, 2026
REGULAR MEETING

TITLE

Approval of the Minutes: Thursday, June 18, 2026 Ad-Hoc Charter Review Committee Orientation Meeting Minutes

SUMMARY

FUNDING SOURCE

RECOMMENDATION

Staff recommends the Committee review and approve the Thursday, June 18, 2026 Ad-Hoc Charter Review Committee Orientation Meeting minutes as presented.

AD HOC CHARTER REVIEW COMMITTEE

ORIENTATION MEETING MINUTES
THURSDAY, JUNE 18, 2026

CITY HALL – COMMISSION CHAMBERS
1126 EAST STATE ROAD 434, WINTER SPRINGS, FLORIDA

UNAPPROVED

CALL TO ORDER

City Attorney Anthony Garganese called the Orientation Meeting of the Ad Hoc Charter Review Committee to order Thursday, June 18, 2026 at 5:30 p.m. in the Commission Chambers of the Municipal Building (City Hall, 1126 East State Road 434, Winter Springs, Florida 32708).

Roll Call:

Committee Member Eddie Rivera, present
Committee Member David Bear, present
Committee Member Joseph Dionne, present
Committee Member Art Gallo, present
Committee Member Jean Hovey, present
Committee Member Louie Hilal, present
Committee Member Philip Kaprow, present via phone

Also present:
City Attorney Anthony Garganese
Interim City Clerk Tristin Tarrant
Director of Administrative Services and Operations Brian Dunigan
Communications Director Matthew Reeser
Ms. Lynn Tipton, Florida League of Cities, Inc.

The Committee held a moment of silence followed by the Pledge of Allegiance.

1. Introductions by City Attorney, Staff, and Committee Members

City Attorney Garganese opened with introducing himself and relayed he would be the facilitator during the Charter Review process. The present staff also introduce themselves to the Committee as follows: Interim City Clerk Tristin Tarrant, Communications Director Matthew Reeser; and Director of Administrative Services and Operations Brian Dunigan. Mayor Kevin McCann was present to briefly address the Committee to express gratitude on behalf of the residents of Winter Springs for their time, work and efforts. City Attorney Garganese also noted that Ms. Lynn Tipton was present, a consultant formerly with the Florida League of Cities, who will be presenting an overview of municipal charters and best practices as requested by the City Commission. Lastly, in turn, each Committee Member introduced themselves and provided some of their background.

2. Overview of the Committee's Purpose and Duties (staff/legal counsel)

City Attorney Garganese delivered a presentation covering the Committee's purpose, scope, timeline, applicable legal requirements, and reference materials. City Attorney Garganese explained that the primary focus of the committee is to conduct a comprehensive review of the existing City of Winter Springs Charter through public meetings with a goal to submit a final report of recommended proposed charter amendments, if any, for the Commission's consideration. City Attorney Garganese

outlined the primary responsibilities and provided an overview of the City Charter's thirteen (13) articles.

City Attorney Garganese identified the deadline and explained, following the receipt of the report, the Commission would then determine whether to place any proposed charter amendments on the ballot for consideration during the 2028 General Election. A brief overview was also provided to the Committee on legal limitations, Sunshine Law, Public Records and the ethic policy.

3. Overview of Municipal Charters and Charter Review Best Practices (Florida League of Cities speaker)

Ms. Lynn Tipton delivered a presentation on the nature of municipal charters and best practices for charter review. Ms. Tipton relayed common charter elements that receive the most attention during review processes, include: the size of the governing body; the length of terms; whether term limits should be imposed; the method of electing council members; and the method of selecting the mayor.

The primary forms of municipal government were shared with the committee. Describing the differences between a "strong mayor" and "weak mayor" form under a mayor-council structure noting that strong mayor cities vest administrative authority directly in the mayor, while weak mayor cities distribute that authority among the council as a whole. Ms. Tipton presented a list of peer cities for comparison purposes suggesting the Committee look at the peer cities when seeking examples and noted that the Model City Charter contains useful guiding questions within each section. Regarding best practices, Ms. Tipton recommended that staff and the Committee work collaboratively.

4. Committee Questions and Discussion

Following Ms. Tipton's presentation, Committee Member Rivera asked for Ms. Tipon's opinion on some key measurables and the additional process once the Committee has made their decision. Ms. Tipon recommended analyzing the charter and community as a big picture because no two are alike and confirmed the Committee's recommendations would go to the City Commission, which they then would determine what, if anything, is placed on the ballot or addressed through ordinance. Committee Member Rivera additional inquired whether data existed regarding the number of recommendations made by the 2011 Charter Review Committee and how many were ultimately adopted by the City Commission. City Attorney Garganese confirmed and that the information could be provided to the Committee.

5. Election of Chair and Vice Chair

City Attorney Garganese opened the floor for nominations for the Chairperson of the Charter Review Committee.

I MOVE THAT [COMMITTEE MEMBER] ART GALLO BE THE CHAIRPERSON FOR THE CHARTER REVIEW COMMITTEE. MOTION MADE BY COMMITTEE MEMBER HOVEY. SECONDED BY COMMITTEE MEMBER RIVERA. DISCUSSION.

Interim City Clerk noted for the records that Committee Member Kaprow was no longer present on the phone for the vote.

VOTE: BEAR (AYE); DIONNE (AYE); GALLO (AYE); HILAL (AYE); HOVEY (AYE); RIVERA (AYE)

Chairperson Gallo presided over the remainder of the meeting and immediately called for nominations for Vice Chairperson.

UNAPPROVED

COMMITTEE MEMBER EDDIE RIVERA EXPRESSED WILLINGNESS TO SERVE AS VICE CHAIRPERSON AND NOMINATED HIMSELF. COMMITTEE MEMBER HOVEY SECONDED THE NOMINATION.

VOTE: GALLO (AYE); BEAR (AYE); DIONNE (AYE); HILAL (AYE); HOVEY (AYE); RIVERA (AYE)

6. Discussion of Future Meeting Schedule and Work Plan

Chairperson Gallo opened discussion regarding the scheduling of future meetings and the Committee's work plan. The Committee agreed upon a monthly meeting schedule and established the following three meeting dates, all starting at 5:30 PM: July 23, 2026; August 20, 2026; September 17, 2026. The Committee gave consensus that the July meeting would focus on Articles 1 through 4 of the City Charter, with the understanding that Article 4 (governing body) is sufficiently substantive and may not be fully addressed in one meeting. City Attorney Garganese noted that the Model City Charter's commentary sections provide useful historical background on the rationale for various governance recommendations and encouraged Committee members to read them carefully.

The Committee requested staff to provide the charters of the five peer cities identified by Ms. Tipton; and the Model City Charter, 9th Edition, distributed separately from the original agenda packet in advance of the next meeting for consideration.

PUBLIC INPUT

Chairperson Gallo opened Public Input.

Gina Shafer, Winter Springs raised concerns regarding potential legislative interference in the charter review process, referencing a pervious attempt. Mr. Shafer also recommended the Committee examine the role of social media usage for city officials noting additional concern, the ceremonial Mayor position and terms limits for the Commissioner. Lastly, Ms. Shafer thanked the committee for their work and effort.

Chairperson Gallo closed Public Input.

Discussion ensued on the location of the meeting information and the FLC suggestion of a frequently asked questions page for the city website. Communications Director Reeser responded that staff could work to establish a dedicated webpage for the Charter Review Committee.

The discussion transitioned to a lengthy debate on public input, engagement and the appropriate use of social media as part of the public engagement process. Director Reeser strongly advised utilizing the website instead of social media to obtain comments from residents. Director Reeser also relayed staff could explore the option of an online submission form through which comments could be provided, with the ability to verify residency of the submitter. The consensus of the Committee was that social media could be used to publicize meetings information, and that public meetings should serve as the primary mechanism to obtain public input.

The Committee asked if there would be any direction or input provided by Commission or staff. Operations Director Dunigan confirmed that relevant department heads would be made available to the Committee as technical resources as the review progresses into articles pertaining to their respective areas of responsibility. The Committee additionally requested of staff to prepare a comparative matrix of key governance provisions with information such as term limits, mayor voting authority, and body size across the peer cities and Winter Springs.

UNAPPROVED

ADJOURNMENT

Chairperson Gallo adjourned the meeting at 7:52 p.m.

RESPECTFULLY SUBMITTED:

_____
TRISTIN TARRANT
INTERIM CITY CLERK

UNAPPROVED

NOTE: These Minutes were approved at the_____, 2026 Ad Hoc Charter Review Committee Regular Meeting.

REGULAR AGENDA ITEM 500

AD HOC CHARTER REVIEW COMMITTEE AGENDA | JULY 23, 2026
REGULAR MEETING

TITLE

City Charter Review (Articles 1-4)

SUMMARY

FUNDING SOURCE

RECOMMENDATION

Pursuant to Resolution No. 2026-03, the Charter Review Committee was established to conduct a comprehensive review of the existing City Charter for the primary purpose of:

(1) The Committee shall evaluate and make a recommendation on whether the provisions of the City Charter need to be amended to align with applicable state and federal law, and whether the provisions of the City Charter are substantially consistent with the Model City Charter, 9th Edition, published by the National Civic League, and if not, whether the City Charter should be amended to be substantially consistent with the Model City Charter, 9th Edition or remain the same.

(2) The Committee shall evaluate and make recommendations on matters that may be specifically identified and referred to by the Committee by the City Commission.

(3) The Committee shall also be free to propose any amendments to the City Charter that are not addressed in subparagraphs (2) and (3) above.

At the June 18, 2026, the Committee approved an initial schedule of meetings and decided to commence review of Articles I through IV of the City Charter. In accordance with the Task (1) assigned by the Commission, the Committee must review the existing City Charter for alignment with applicable state and federal law, and whether the provisions of the City Charter are substantially consistent with the Model City Charter, 9th Edition, published by the National Civic League, and if not, whether the City Charter should be amended to be substantially consistent with the Model City Charter, 9th Edition or remain the same.

For convenience and to assist the Committee with Task (1), the City Attorney prepared the attached Worksheet comparing the existing City Charter and the Model City Charter 9th Edition in a side-by-side format. The corresponding commentary from the Model City Charter is also stated in the worksheet under the applicable section and highlighted in yellow. The Commentaries are not part of the Model City Charter, but are committee

notes providing insight into the reasoning behind the Model Charter provision.

In addition, because the governing body is addressed in the initial four articles of City Charter, the City Attorney also prepared the attached Comparison Table comparing the Winter Springs Governing Body with the governing body of the comparable cities which were referenced by Lynn Tipton of the Florida League of Cities during the orientation meeting. The Comparison Table compares key attributes of each cities governing body which are typically addressed in the formation of a governing body.

City of Winter Springs
2026 Ad Hoc Charter Review Committee

Comparison Worksheets
Articles I-IV

Winter Springs City Charter	Model City Charter, 9th Edition
ARTICLE I. CORPORATE NAME **Section 1.01. Corporate Name**. The municipality hereby established shall be known as the City of Winter Springs, Florida.	**[No comparable Model Charter provision]**
ARTICLE II. TERRITORIAL BOUNDARIES **Section 2.01. Territorial Boundaries**. Editor's note - A metes and bounds description of the territorial boundaries of the City of Winter Springs, Florida is presented in Appendix "A." **Section 2.02. Property added by annexation since 1972.** All property annexed to the City of Winter Springs, Florida, since the adoption of the Charter of 1972. Editor's note - A listing of ordinances annexing property to the city is maintained at the end of Appendix A. **Section 2.03. Annexation procedure.** The commission of the City of Winter Springs, Florida, may propose by ordinance to annex an area of contiguous, compact, unincorporated land to the territorial limits of the municipality; or upon petition by all landowners of real property which is contiguous, reasonably compact and un-incorporated, the City of Winter Springs, may annex said land to the territorial limits of the municipality by ordinance. The procedure to be followed in the annexation of territory shall be as set forth in Chapter 171, Florida Statutes as it now exists or as it may be renumbered or amended.	**[No comparable Model Charter provision]**

Winter Springs City Charter	Model City Charter, 9th Edition
ARTICLE III. POWERS OF THE CITY **Section 3.01. Generally.** (a) The city shall have all powers possible for a city to have under the constitution and laws of this State as fully and completely as though they were specifically enumerated in this Charter. (b) Without limiting the broad powers outlined in subsection (a) above, and as provided in Article VIII, Section 2(b) of the State Constitution, the City of Winter Springs shall have the governmental, corporate and proprietary powers to enable the city to conduct municipal government, perform municipal functions and render municipal services and may exercise any power for municipal purposes except when expressly prohibited by law.	**ARTICLE I. POWERS OF THE CITY** **Section 1.01. Powers of the City.** The city shall have all powers possible for a city to have under the constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter. ***Commentary below.**

The commentaries in the Model City Charter will be highlighted in yellow. Commentaries generally explain the reasoning behind the applicable model charter provision. Commentaries are not intended to be incorporated into a city charter.

Introduction: A charter should begin by defining the scope of the city's powers. It should address the context in which such powers operate, including the effect of state law and the desirability of cooperation with other localities.

Commentary. The city should lay claim to all powers it may legally exercise under the state's constitution and laws.

Nevertheless, some cities, particularly smaller ones, may not wish to exercise all available powers. Cities may restrict their own power: (1) by specific provisions in the appropriate parts of the charter; (2) by ordinance, since the section does not require that all the powers claimed be exercised; or (3) by inaction—i,e., failure to exercise powers. The powers of the city may also be limited by state or federal court decisions.

This section ensures that the city claims the entirety of the grant of authority available to it from the state. Through this means, the charter is restricted from embracing less in its terms than the constitutional home rule grant allows or from containing an inadvertent omission or ambiguity that could open the door to restrictive judicial interpretation. This is the most that the charter can do as the extent of the powers available to the city will depend on the state's constitution and statutes and judicial decisions.

The general powers provision of a charter must be tailored to the law of each state. The courts of some states do not give effect to a charter statement of powers expressed in general terms. Instead, they require that the charter enumerate all of the powers claimed. The words "as fully and completely as though they were specifically enumerated in this charter," at the end of § 1.01, cannot be used in a charter in a state that requires the enumeration of powers.

Charter drafters should carefully study their state's law on local government powers before using this *Model* provision. To reduce the likelihood of restrictive judicial interpretation, a section like §1.02 below should accompany this section. Questions of restrictive court interpretation aside, and assuming that a state's law does not require an enumeration, this section may be utilized effectively under any of the existing types of home rule grant, as well as that of the *Model State Constitution* (6th Edition, 1968) published by the National Municipal League. It may be used regardless of whether the home rule grant appears in a constitution, optional charter law, or other general enabling act.

Winter Springs City Charter	Model City Charter, 9th Edition
Not necessary – governed by State Law • Florida Municipal Home Rule Powers Act and corresponding reference set forth in s. 3.01(b), Winter Springs Charter Not necessary – governed by State Law • Florida Interlocal Cooperation Act of 1969	**ARTICLE I. POWERS OF THE CITY** **Section 1.02. Construction**. The powers of the city under this charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power granted in this article. **Section 1.03. Intergovernmental Relations.** The city may participate by contract or otherwise with any governmental entity of this state or any other state or states or the United States in the performance of any activity which one or more of such entities has the authority to undertake. ***Commentary Below**

*** Section 1.02. Construction.**

Commentary. A charter should encourage courts to interpret the powers of the city as broadly as possible. Such a provision discourages a restrictive interpretation of the general powers statement in § 1.01. If the charter enumerates powers, this section may prevent courts from interpreting the list of specific powers as evidencing intent to exclude other or broader powers.

*** Section 1.03. Intergovernmental Relations.**

Commentary. This section empowers the city to participate in intergovernmental relationships—to receive assistance from the federal, state, and other local governments, to be represented in regional agencies established under federal or state law or intergovernmental agreements, and to perform jointly with any other governmental jurisdiction any function which any of the participating jurisdictions may perform alone.

The nature of intergovernmental relations is rapidly changing. Most cities are an integral part of a region. In that regard, engaging in cooperative intergovernmental relations is fundamental to the effective functioning of a city and the region of which it is a part. Although the purpose of engaging in intergovernmental relations is primarily to further the ends of the city, the health of the region should also be of concern to the city.

Superior state statutes (such as a general powers provision), which cannot be altered by a charter provision, may govern an intergovernmental relations provision. States may enact these on an ad hoc basis, each dealing with a particular project, program, or regional or metropolitan agency. With intergovernmental agreements becoming more common, states may have general intergovernmental authorizing statutes or constitutional provisions.

For example, New Hampshire state law provides: N.H.R.S. Title 3, Chapter 53-A:1 Agreements between government units.

> Purpose. – It is the purpose of this chapter to permit municipalities and counties to make the most efficient use of their powers by enabling them to cooperate with other municipalities and counties on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities.

If states have neither specific nor general authorization, charter drafters should look for court opinions on intergovernmental agreements in the state. Courts may provide guidance on the extent of a city's power to cooperate with other governments in the absence of enabling state legislation. Specific legislation on intergovernmental agreements often involves political questions and considerations of state constitutional and statutory limitations on cities' financial and borrowing powers. In joint federal-municipal projects involving substantial sums, state legislative control over municipal powers, coupled with restrictive judicial doctrines, may require specific state legislative approval.

Winter Springs City Charter	Model City Charter, 9th Edition
ARTICLE IV. GOVERNING BODY **Section 4.01. Composition; qualification of members; and commission districts.** **(a)** *Composition*. There shall be a governing body composed of the mayor and five (5) commission members elected by the voters of the city as provided in this Charter. Not more than one (1) commission member shall reside in each of the five (5) commission districts provided for in Section 4.02 (a) of this Charter. The mayor shall be elected at large and may reside anywhere within the city. **(b)** *Eligibility.* Only qualified voters of the city shall be eligible to hold the office of mayor or commissioner. Each candidate seeking the office of city commissioner or mayor or any other elective office of the city shall file a petition signed by fifteen (15) registered voters of the city with the city clerk. Each candidate seeking the office of city commissioner or mayor or any other elective office of the city shall have resided in the city one (1) year prior to the time of qualifying. Each candidate seeking the office of city commissioner shall be a resident of a designated commission district established by ordinance and shall have resided in the designated commission district six (6) months prior to the time of qualifying. Notwithstanding the above requirement, city commissioners shall run at large as commission candidates under district designation. All candidates for offices in municipal elections shall be registered and qualified electors of the city at the time of their qualifying as a candidate with the city clerk and shall file qualifying papers in accordance with state statutes and pay the qualifying fee and election assessment provided for by city ordinances. Such application shall be filed and the qualifying fee paid during the qualifying period established by the city commission by ordinance.	**ARTICLE II. CITY COUNCIL** **Section 2.02. Eligibility, Terms, and Composition.** **(a) Eligibility.** Only registered voters of the city shall be eligible to hold the office of council member or mayor. **Commentary.** This section does not include length of residence requirements for city council candidates. In an era of great mobility in which people frequently live in one place and work in another, length of residence requirements lose what little validity they may once have had. A prospective council member need only be a registered voter of the city. **(b) Terms.** The term of office of elected officials shall be four years elected in accordance with Article VI. **Commentary.** The Model recommends four-year, staggered terms (§ 6.03). Under this approach, elections of council members take place every two years. In the seventh edition, the Model listed concurrent terms as an alternative. However, a strong majority of cities have chosen staggered terms over concurrent terms to avoid dramatic changes in council composition at each election. The Model does not restrict reelection to subsequent four-year terms. Limiting reelection restricts the voters' opportunity to keep in office council members of whom they approve. Unlimited terms allow voters to provide a vote of confidence for council members who represent majority sentiment and a vote of opposition for members in the minority. Finally, the city benefits from the institutional memory of reelected council members.

[*NOTE: SECTION 4.03 IS REFERENCED HERE BECAUSE IT CORRESPONDS TO SECTION 2.02(b) OF THE MODEL CITY CHARTER RELATED TO TERM] **Section 4.03. Election and terms.** (a) The regular election of mayor and commissioners shall be held at the time provided for in Section 8.01 of this Charter. All elections shall be for four-year terms of office. The terms of the mayor and commissioner shall begin at the next scheduled regular or special meeting of the city commission of each year an election is held, and its members shall serve until their successors have taken office. (b) City commission seats are hereby designated as seats one, two, three, four and five. (c) The mayor shall be limited to three (3) consecutive full terms of office. Commission members shall be limited to three (3) consecutive full terms of office. The mayor or any commission member who has served three (3) consecutive full terms of office after having been out of office for a period of one (1) year, shall be eligible for election to successive three (3) consecutive full terms of office; provided however, this limitation shall not prohibit a person who has served three (3) consecutive full terms of office as mayor from qualifying and being elected as a commission member; nor shall this limitation prohibit a person who has served three (3) consecutive full terms of office as a commission member from qualifying and being elected as mayor of the city.	

Winter Springs City Charter	Model City Charter, 9th Edition
ARTICLE IV. GOVERNING BODY (continued) **Section 4.02. Commission districts; adjustment of districts.** (a) *Number of districts.* The city commission of the City of Winter Springs, Florida, shall by separate ordinance divide the city into five (5)geographical commission districts. (b) *Districting commission.* By the first day of February, 1991, the first day of February, 1992, and every three (3) years thereafter, the city commission shall appoint seven (7) city electors determined from the registration of the last regular election, one (1) to be appointed by each commissioner from their respective district, and two (2) appointed by the mayor from the city at large, who shall comprise the districting commission. Electors chosen shall not be employed by the city in any other capacity. The initial districting commission, creating and establishing the first commission districts, shall be appointed by each commissioner and the mayor from the city at large. (c) *Report; specifications.* The districting commission shall file with the official designated by the city commission a report containing a recommended plan for establishment or adjustment of the commission district boundaries. The initial districting commission, creating and establishing the first commission districts, shall file such report within ninety (90) days of appointment. Thereafter, such reports shall be filed within one hundred twenty (120) days of appointment to the districting commission. The commission district boundaries shall comply with the following specifications: (1) Each district shall be formed of compact, contiguous territory, and its boundary lines shall follow the center lines of streets insofar as practical or possible, or other boundaries available.	**ARTICLE II. CITY COUNCIL** **Section 2.02. Eligibility, Terms, and Composition. (Cont.)** **(c) Composition.** There shall be a city council composed of [ ] members **[see alternatives below].** **Commentary**. The *Model* does not specify the exact number of council members but recommends that the council be small - ranging from five to nine members. If the mayor were elected by and from the council (§2.03(b), Alternative I), there would be an odd number of council members. In the largest cities, a greater number of council members may be necessary to assure equitable representation. However, smaller city councils are more effective instruments for the development of programs and conduct of municipal business than large local legislative bodies. In the United States, it has been an exceptional situation when a large municipal council, broken into many committees handling specific subjects, has been able to discharge its responsibilities promptly and effectively. In large councils, members usually represent relatively small districts with the frequent result that parochialism and "log-rolling"—bargaining for and exchanging votes on a quid pro quo basis distract attention from the problems of the whole city. In determining the size of the council, charter drafters should consider the diversity of population elements to be represented and the size of the city. **Alternative 1 - Option A -** District elections of an even number of council members. **Alternative 1 – Option B -** Combination of district and at-large elections of an even number of council members. **Alternative 1 – Option C -** In small homogeneous communities, at-large elections of an even number of council members may be suitable. With each option, the mayor is elected separately as provided in § 2.03(b).

(2) The districts shall be based upon the principle of equal and effective representation as required by the United States Constitution and as represented in the mathematical preciseness reached in the legislative apportionment of the state.

(3) The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the designated official, the report shall be treated as an ordinance introduced by a commissioner.

(d) *Support.* It shall be the responsibility of the city manager to provide staff assistance and technical data to the districting commission.

(e) *Procedure.* The procedure for the city commission's consideration of the report shall be the same as for other ordinances, provided that if a summary of the ordinances is published pursuant to this Charter and general law, it must include both the map and a description of the recommended districts.

(f) *Failure to enact ordinance. The city commission* shall adopt the redistricting ordinance at least one hundred twenty (120) days before the next city election. If the city commission fails to either accept or reject the redistricting ordinance, the report of the districting commission shall go into effect and have the same effect of an ordinance. The proposed redistricting ordinance may not be rejected for any reason except for failure to comply with the specifications listed in section 4.02(c) of this Charter or failure to comply with other local, state or federal law.

(g) *Effect of enactment.* The new commission districts and boundaries as of the date of enactment shall supersede previous commission districts and boundaries for all purposes; provided all incumbent commissioners shall continue to hold office for the entire term to which elected notwithstanding any

Commentary. The Model for the first time recommends district or a combination of districts and at-large seats on city councils be used to address diversity and representation issues. The 8th edition listed district and mixed election systems as one of several alternatives, listing them after the alternatives of at-large election with district residency requirements. At-large elections should only be considered as an alternative for small communities that are homogeneous or have no geographic concentration of underrepresented voters. Adding district residency requirements disperses the members of the council geographically, but all the members of the council can still be elected by the same majority. Under-representation of specific interests is always a potential outcome with at-large elections.

Community members may feel isolated from and unconnected to their government without some geographical basis of representation. Cities with significant differences in or conflicts among ethnic, racial, or economic groups should consider which of the first two alternative systems will achieve more equitable representation of the city's population, promote sound governance, and avoid legal challenges under the Voting Rights Act.

The growing recognition that membership on councils should represent all racial and ethnic groups more adequately has spurred increased use of the single-member district system. With under-represented groups concentrated in particular sections of the city, it is easier to elect council members that represent those groups. Also, because district campaigns cost substantially less than citywide campaigns, single-member districts can open the way for greater diversity among candidates. Also, residents feel closer to district elected council members, whom they can hold responsible for addressing their community concerns.

In cities where courts have found that the at-large method of electing the city council violates the Voting Rights Act, the Justice Department has regularly approved the single-member district system as a replacement. The single-member system has drawbacks. An inherent problem is the danger that district elected members will subordinate citywide concerns to parochial problems. Single-member systems also have potential for the classic problem of "log-rolling" or vote swapping. Whenever districts are used, the drawing of district lines to provide "fair and equal" districts is of utmost importance and may involve litigation. Section 6.03 provides districting procedures and criteria designed to prevent gerrymandering and unequal districts, which are unconstitutional under the one person, one

change in commission district and boundaries.	vote doctrine. The mixed system for a council with members elected at large and members elected by and from districts has become increasingly popular since the U. S. Department of Justice approved it as a method of electing the city council that is compliant with the requirements of the Voting Rights Act. This makes the mixed method suitable in places where the at-large system has been challenged but where change to a single-member district system is opposed. The mixed system combines the citywide perspective of the at-large council members with the local concerns and accountability of district council members. It can allow underrepresented residents who live in concentrated areas to influence or even determine the outcome of elections in their districts. A problem can arise in mixed systems when at-large council members consider their position to be superior to that of district members and are perceived as rivals to the mayor. To prevent this, at- large and district council members should have equal status with respect to offices, services, and length of terms. Local preference should decide the ratio of at-large to district members. Opinion ranges from favoring a majority being elected at large to a majority being elected by and from districts. However, for jurisdictions concerned about scrutiny by the U. S. Department of Justice or the courts under either § 2 or § 5 of the Voting Rights Act, precedent shows a clear preference for a majority of the council to be elected by and from districts.

Winter Springs City Charter	Model City Charter, 9th Edition
ARTICLE IV. GOVERNING BODY (continued) **Section 4.04. Compensation; expenses.** The city commission may determine the annual salary of mayor and commissioners by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of mayor and commissioners elected at the nest regular election, provided that such election follows the adoption of such ordinance by at least sis (6) months. The mayor and each commissioner of the city shall be reimbursed from the city treasury to cover the expenditures naturally and necessarily incurred in the performance of their duties of office and said reimbursement for expenses shall be established by resolution.	**ARTICLE II. CITY COUNCIL** **Section 2.04. Compensation; Expenses.** The city council may determine the annual salary of the mayor and council members by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of council members elected at the next regular election. The mayor and council members shall receive their actual and necessary expenses incurred in the performance of their duties of office. ***See Commentary below.**

Commentary. Under the Model, council members are part-time officials and do not direct city departments. Council salary level depends on a variety of factors specific to each community, including the part- time nature of the position and the emphasis on policy-making rather than administration. The city should reimburse council members for expenses incurred in performing their duties, e.g., travel to the state capital to testify on behalf of the city. The Model rejects the setting of the actual amount of compensation in the charter except for the salary of the first council after the charter goes into effect (see § 10.05(f)). The delay in the effective date of any salary increases provides ample protection. The city should provide extra compensation for the mayor because, in addition to regular responsibilities as a council member, the mayor has intergovernmental, ceremonial, and city-related promotional responsibilities.

Winter Springs City Charter	Model City Charter, 9th Edition
ARTICLE IV. GOVERNING BODY (continued) **Section 4.06. General powers and duties.** All powers of the city shall be vested in the commission, except as otherwise provided by law or this Charter, and the commission shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law.	**ARTICLE II. CITY COUNCIL** **Section 2.01. General Powers and Duties.** All powers of the city shall be vested in the city council, except as otherwise provided by law or this charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law. ***See Commentary below.**

Introduction. The city council, elected by, representative of, and responsible to the citizens of the city is the fundamental democratic element of the council-manager plan.

Commentary. This section does not specifically enumerate the powers of the council. An enumeration of specific powers in this article will not enlarge the powers of the council and may operate to diminish them if utilized by the courts to support restrictive interpretations (see commentary to § 1.02). In his commentary on the first Model City Charter endorsing the council-manager plan (—The City Council in The New Municipal Program, 1919), William Bennet Munro noted that:

> So far as the composition and powers of the city council are concerned the plan set forth in the Model City Charter rests upon the conviction that there should be a place in the municipal framework for a body which will be avowedly deliberative, supervisory, and policy-determining, which will be wieldy enough to perform these functions properly and yet large enough to be truly representative of the community's options. . . . The Model City Charter accordingly provides for a council with a membership which can be enlarged or contracted according to the varying size and needs of different cities. This council is to be the pivot of the municipal system. It is to be the final source of local authority, not sharing its powers but delegating some of them. That is to say, to a city manager chosen by the council and holding office during the council's pleasure, it assigns the entire charge of administrative affairs . . . As for the powers of the city council . . . It is designed to embody, as it were, the sovereignty of the community. It is the legislative organ of the city exercising all the authority which the municipal corporation possesses—with one important exception only. This restriction is that the city council, once it selects a city manager, devolves all direct administrative authority upon him.

Recognizing that all of the powers that can be exercised by the city rest in the popularly elected city council, the charter must provide for a council that is truly representative of the community. Therefore, the Model presents several alternatives with recognition of the advantages of certain alternatives over others. Each

city's population pattern— economic level, racial, ethnicity, geographical, etc.—has implications for the method of electing the council to assure equitable representation. While the Voting Rights Act governs all jurisdictions, in some cities the problem of compliance with its provisions and avoidance of court challenges is a matter of particular concern. Just as there is no absolute model for providing competent and effective legislators, there is no absolute pattern which will assure equitable representation.

As the body charged with making municipal policy, the council can create permanent or ad hoc mechanisms to assist in that process. For example, it can create planning and recreation boards or study committees. Likewise, it can create agencies with quasi-legislative or quasi-judicial status, such as a human rights commission or a zoning appeals board.

The Model provides that the mayor shall be the presiding officer and a voting member of the council and shall perform certain specific duties which will enhance the mayor's role as policy leader.

Winter Springs City Charter	Model City Charter, 9th Edition
ARTICLE IV. GOVERNING BODY (continued) **Section 4.05. Mayor.** At each regular election for the office of mayor, a mayor shall be elected at large for a term of four (4) years and shall serve until the mayor's successor is elected and qualified; provided such term of office shall not exceed four (4) years. The mayor shall preside at meetings of the city commission, represent the city in intergovernmental relationships, present an annual State of the City Message, and perform other duties specified by the commission. The mayor shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law, but shall have no administrative duties. The city commission shall elect from among its members a deputy mayor who shall act as mayor during the absence or disability of the mayor. However, if a vacancy occurs in the position of mayor, the vacancy shall be filled in accordance with section 4.08(c) of this Charter. The mayor shall not vote except in case of a tie vote of the commission. Within ten (10) days after the adoption of any ordinance by the city commission, the mayor shall have the power to veto said ordinance and return it to the commission at the next regular meeting with a written message. It shall require the affirmative vote of four (4) commission members to pass the ordinance after the mayor's veto.	**ARTICLE II. CITY COUNCIL** **Section 2.03. Mayor.** **(a) Powers and Duties.** The mayor shall be a voting member of the city council and shall attend and preside at meetings of the council, represent the city in intergovernmental relationships, appoint with the advice and consent of the council the members of community advisory boards and commissions, present an annual state of the city message, appoint the members and officers of council committees, assign subject to the consent of council agenda items to committees, and perform other duties specified by the council. The mayor shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties. **(b) Election.** At each regular election the voters of the city shall elect a mayor at large for a term of [the same term as other council members] years. The council shall elect from among its members a deputy mayor who shall act as mayor during the absence or disability of the mayor and, if a vacancy occurs, shall become mayor for the remainder of the unexpired term. ***See Commentary below.**

Commentary.

(a) The office of mayor in cities having the council-manager form assumes a different character from city to city depending upon local political, economic, and social conditions. This variation has meant that the office is not well understood, and its potential has too often gone unrecognized. While the mayor of a council-manager city is not an executive as in the mayor-council form, he or she is uniquely positioned to be the political and policy leader of the city. As the presiding officer of the council and ceremonial head of the city, the mayor is the most conspicuous official of the city. Freedom from executive responsibilities for the day-to-day municipal operations allows the mayor to focus attention on major policy issues and important facilitative activities.

The mayor fills three facilitative roles that offer enormous leadership opportunities. First, the mayor may coordinate the activities of other officials by providing liaison between the city manager and the council, fostering a sense of cohesion among council members, and educating the public National Civic League Model City Charter Page 17

about the needs and prospects of the city. Second, the mayor may facilitate policy guidance through setting goals for the council and advocating the adoption of policies that address the city's problems. Third, the mayor is an ambassador who promotes the city and represents it in dealing with other governments as well as the public.

The specific responsibilities of the mayor listed in the Model enhance the mayor's leadership position. The traditional responsibility of presiding at council meetings allows the mayor to set the tone for city government and help the council make decisions. Designation of the mayor as intergovernmental representative reflects the increased importance of relationships with other local governments as well as with the state and federal governments.

Mayoral appointment of boards and commissions with council advice and consent and of the membership of council committees creates the opportunity for purposeful balanced representation and can be used to forge coalitions and tap into networks of community activity. Finally, the mayor delivers the state of the city message. When the state of the city message includes the setting out of needs and goals for the city, it should reflect the thinking of the council and information provided by the staff, as well as the mayor's own priorities. In presenting the state of the city message, the mayor acts as spokesperson, educator, team leader, goal setter, and policy advocate. To avoid confusion, the time of delivery of the message should be sufficiently distanced from the presentation of the budget by the manager. More than half of the cities operating with the council-manager form use the direct election at-large alternative. Many cities, particularly larger ones, believe that this method increases the potential for mayoral leadership by giving the mayor a citywide popular support base. This is particularly important when all or most of the council members are elected from districts. A potential disadvantage of this method is that the mayor may have views that diverge widely from those of a majority of the council on some important issues.

Whatever the method of election or the strength of the mayor's leadership role, the mayor is preeminently a legislator, a member, and leader of the council; the mayor is not an executive. However, the office may require some special staff support. Whatever arrangements are made for support either through the city manager or staff in the mayor's office should be consistent with two premises. First, the mayor should not encroach on the executive responsibilities of the manager. Second, the mayor and council collectively, as a body, oversee the operations of the city by the manager. Communities should avoid granting special voting status to the mayor (e.g., vote on council only to make or break a tie). Such power will likely impede rather than enhance the mayor's capacity to lead. Similarly, giving the mayor veto power in a council-manager city cannot help but confuse his or her role with that of the executive mayor in a mayor-council city.

No structural arrangement for government will ensure effective mayoral leadership. The person who occupies the office must understand the nature of the job—its possibilities, interdependencies, and limitations—and have the personal inclination, energy, and talent to exercise necessary leadership. Without that, no amount of structural support will produce a leader. However, the method of selection and the statement of responsibilities provided in the charter should help ensure the selection of a capable person with recognized leadership abilities who will make a significant contribution to the operation of the city.

Winter Springs City Charter	Model City Charter, 9th Edition
ARTICLE IV. GOVERNING BODY (continued) **[No comparable City Charter Provision]**	**ARTICLE II. CITY COUNCIL** **Section 2.05. Relationship to City Manager** As explained in Article III, the city council hires the city manager to serve as the chief executive of the city government and may terminate the appointment of the city manager at any time. It is an ongoing responsibility of the city council to assure that the city manager and staff are accountable for their actions. The council shall formally evaluate the city manager's performance on an annual basis. The council shall also monitor the policy proposals submitted by the city manager and the administrative actions taken by the city manager and staff to ensure that the council's expectations are being met and that acceptable standards are being maintained. **Commentary.** Advocates of the strong mayor-council form of government claim that direct election of the chief executive makes city government more accountable but using the electoral process for accountability is a slow process and not necessarily available. The council-manager form has a chief executive who is continuously accountable to the city council. It is necessary to wait up to four years until the next election to hold the strong mayor accountable for poor performance, and accountability disappears in the mayor's final term. If a recall of the mayor is possible, this requires a large-scale collection of signatures on a recall petition and is very disruptive to city. Typically, chief administrative officers in mayor-council cities are neither independent nor accountable to the council. In contrast, the city manager in the council-manager form is independent but continuously accountable. The manager's performance should be evaluated regularly by the council, and the manager can be removed by the council at any time if his/her performance is not acceptable.

Winter Springs City Charter	Model City Charter, 9th Edition
ARTICLE IV. GOVERNING BODY (continued) **Section 4.07. Prohibitions; holding other office.** (a) *Holding other office.* Except where authorized by law, neither the mayor nor any commission member shall hold any other elected public office during the term for which the mayor or commission member was elected. Neither the mayor nor any commission member shall hold any other city office or city employment with the City of "Winter Springs during the term of office for which elected. No former mayor or commission member shall hold any compensated appointive office or employment with the city until one year after the expiration of the term for which the mayor or commission member was elected. Nothing in this section shall be construed to prohibit the mayor or any commission member from selecting any current or former mayor or any current or former commission member to represent the city on the governing board of any regional or other intergovernmental agency, or to prohibit any former mayor or commission member from serving as a member of city advisory boards and commissions. (b) *Appointments and Removals.* Neither the mayor nor any commission member shall in any manner control or demand the appointment or removal of any city administrative officer or employee whom the city manager or any subordinate of the city manager is empowered to appoint, but the commission may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees. (c) *Interference with Administration.* Except for the purpose of inquires and investigations under section 4.11, the mayor and city commission shall not give orders to city officers and employees who are subject to the direction and supervision of the city manager, either publicly or privately, provided this prohibition shall not be construed so as to prevent the mayor and commission members from communicating with the various officers and employees of the city, as in the case of any other citizen of the city.	**ARTICLE II. CITY COUNCIL** **Section 2.06. Prohibitions.** **(a) Holding Other Office.** Except where authorized by law, no council member shall hold any other elected public office during the term for which the member was elected to the council. No council member shall hold any other city office or employment during the term for which the member was elected to the council. No former council member shall hold any compensated appointive office or employment with the city until one year after the expiration of the term for which the member was elected to the council, unless granted a waiver by the Board of Ethics. Nothing in this section shall be construed to prohibit the council from selecting any current or former council member to represent the city on the governing board of any regional or other intergovernmental agency. **(b) Appointments and Removals.** Neither the city council nor any of its members shall in any manner control or demand the appointment or removal of any city administrative officer or employee whom the city manager or any subordinate of the city manager is empowered to appoint, but the council may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees. **(c) Interference with Administration.** Except for the purpose of inquiries, and investigations under § 2.10, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately. ***See Commentary below.**

Commentary.

(a) This provision prohibits council members from concurrently holding other elective office, such as state legislator, as occurs in some states. Also prohibited is holding any other city office or employment during one's council term or for one year after leaving office. These provisions are designed to avoid conflict of interest situations. The charter is specific, however, that these prohibitions do not restrict any current or former officeholder from service on the boards of regional or other intergovernmental agencies. Such service is particularly valuable in accomplishing the objectives of intergovernmental cooperation.

(b) The prohibition against interference by council members in the appointment and removal of employees and in the administration of city programs does not include the broad language of earlier editions of the Model because it was considered too rigid and unrealistic. This provision, while expressing the general policy of noninterference, does not exclude communication between council members and the manager on questions of appointment and removal. The manager may seek advice from the council regarding appointments. Council members are strictly prohibited from giving orders to city officers or employees. However, the prohibition against interference with administration does not prevent council members from making inquiries of department heads or employees for the purpose of obtaining information needed by them in the discharge of their duties including response to constituent requests. Information provided to one council member should be shared with the entire council as warranted. The council and manager should define the parameters for such requests and establish reasonable boundaries. In some cities, automated information systems make information on aspects of departmental operations readily available to council members on computer terminals.

Winter Springs City Charter	Model City Charter, 9th Edition
ARTICLE IV. GOVERNING BODY (continued) **Section 4.08. Vacancies; forfeitures of office; filling of vacancies.** (a) *Vacancies.* The office of the commissioner or mayor shall become vacant upon their death, resignation, removal from office in any manner authorized by law or forfeiture of their office, or in the event no one is elected to the office of mayor or commission member. (b) *Forfeiture of office.* A commissioner or mayor shall forfeit their office if a commissioner or mayor: (1) Lacks at any time during their term of office any qualifications prescribed by this Charter or by law; or (2) Knowingly and willfully violates any express prohibition of this Charter; or (3) Is convicted of a felony; or (4) Fails to attend three (3) consecutive regular meetings of the commission without being duly excused by the commission. (c) *Filling of vacancies.* A vacancy in the mayor's position or a commission member's seat shall be filled by a qualified person until the next regular election by a majority vote of all remaining members of the city commission. It shall be the duty of the remaining members to fill the vacancy at either of the next two regular meetings of the commission following the creation of the vacancy. At the next regular election, a qualified person shall be elected for a term equaling that period of time necessary to complete the unexpired terms of the previously vacated position or seat; unless the previous term was to expire, in which case such person shall be elected for a four (4) year term.	**ARTICLE II. CITY COUNCIL** **Section 2.07. Vacancies; Forfeiture of Office; Filling of Vacancies.** (a) *Vacancies***.** The office of a council member shall become vacant upon the member's death, resignation, or removal from office or forfeiture of office in any manner authorized by law. (b) *Forfeiture of Office*. A council member shall forfeit that office if the council member: (1) Fails to meet the residency requirements, (2) Violates any express prohibition of this charter, (3) Is convicted of a crime involving moral turpitude, or (4) Fails to attend three consecutive regular meetings of the council without being excused by the council. (c) *Filing of Vacancies*. A vacancy in the city council shall be filled for the remainder of the unexpired term, if any, at the next regular election following not less than sixty days upon the occurrence of the vacancy, but the council by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office, if the council fails to do so within thirty days following the occurrence of the vacancy, the election authorities shall call a special election to fill the vacancy, to be held not sooner than ninety days and not later than 120 days following the occurrence of the vacancy, and to be otherwise governed by law. Notwithstanding the requirement in § 2.12(c), if at any time the membership of the council is reduced to less than _____, the remaining members may by majority action appoint additional members to raise the membership to _____. ***See Commentary below.**

Commentary. The section specifies the events or conditions, which create a vacancy, the grounds for forfeiture of office, and the manner by which the council shall fill vacancies. Subsection (b)(3) requires forfeiture of office for crimes involving "moral turpitude." This is a legal standard that in most jurisdictions means the crime - felony or misdemeanor - violates community standards of morality and involves an element of knowing intent by the perpetrator. Court findings include *In re Flannery,* 334 Or. 224 (2002) (misrepresenting address in renewing driver license to obtain valid license to rent a car was not a crime involving moral turpitude); *Klontz*

v. Ashcroft, 37 Fed. Appx. 259 (9th Cir. 2002) (petty theft and grand theft are both crimes of moral surpitude); *Antorietto v. Regents of the University of California,* 2002 WL 1265552 (Cal. App. 4 Dist. June 7, 2002) (misuse of university funds and fraudulent diversion of donor funds intended for the university are crimes that involve moral turpitude). Another approach focuses on felonies, as in Kansas City's charter, which reads: "No member of the council shall, during the term for

which he is elected, be found guilty or enter a plea of guilty or nolo contendere to a felony under the laws of the United States or of any state, even if subsequently followed by. the suspended imposition of the sentence." The council shall temporarily fill vacancies until the next regular election, when the voters will fill such vacancies for the remainder of the term '(unless that election occurs within sixty days of the vacancy, in which case the candidates would have insufficient time to file). The provision calls for a special election if the council fails to fill a vacancy within thirty days. This provision should ensure that the council will act, but in the event of a deadlock a special election will resolve the situation. Finally, the section provides for filling vacancies by council action even if the membership falls below the quorum otherwise required for council action by § 2.12(c).

Winter Springs City Charter	Model City Charter, 9th Edition
ARTICLE IV. GOVERNING BODY (continued) **Section 4.09. Judge of qualifications.** The commission shall be the judge of the election and qualifications of its members and of the grounds of forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require production of evidence. A member charged with conduct constituting grounds for forfeiture of their office shall be so notified by certified mail and shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of a general circulation in the city at least one week in advance of the hearing. Decisions made by the commission under this section shall be subject to review by the courts.	**ARTICLE II. CITY COUNCIL** **Section 2.08. Judge of Qualifications.** The city council shall be the judge of the election and qualifications of its members, and of the grounds for forfeiture of their office. In order to exercise these powers, the council shall have, power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public, hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the city at least one week in advance of the hearing. ***See Commentary below.**

Commentary. This section makes council the judge of qualifications for office and of grounds for forfeiture. It provides procedural safeguards to protect a member charged with conduct constituting grounds for forfeiture. The provision authorizing the council to set additional standards for the conduct of its members empowers the council to impose on itself the highest possible ethical standards.

Winter Springs City Charter	Model City Charter, 9th Edition
ARTICLE IV. GOVERNING BODY (continued) **Section 4.10. City clerk.** (a) The city commission, after receiving a nomination from either the mayor or a commission member (s) shall, by a vote of not less than four (4) commission members, appoint an officer of the city who shall have the title of city clerk. The city clerk's compensation shall be established by the city commission. The city clerk shall give notice of commission meetings to its members and the public, keep the journal of its proceedings and perform such other duties as are provided by this Charter, by the commission or by law. (b) The city clerk may be removed by a vote of not less than four (4) commission members.	**ARTICLE II. CITY COUNCIL** **Section 2.08. City Clerk.** The city council or the city manager shall appoint an officer of the city who shall have the title of city clerk. The city clerk shall give notice of council meetings to its members and the public, keep the journal of its proceedings and perform such other duties as are assigned by this charter or by the council or by state law. ***See Commentary below.**

Commentary. See §§ 2.16 and 2.17 for other duties assigned to the city clerk. In a number of states, certain statutory duties may be assigned to the city clerk, even in cities operating with their own charters.

Winter Springs City Charter	Model City Charter, 9th Edition
ARTICLE IV. GOVERNING BODY (continued) **Section 4.11. Investigations.** The commission may make investigations into the affairs of the city and the conduct of any city department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the commission shall be guilty of a misdemeanor and punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than sixty (60) days or both.	**ARTICLE II. CITY COUNCIL** **Section 2.10. Investigations.** The city council may make investigations into the affairs of the city and the conduct of any city department, office, or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Failure or refusal to obey a lawful order issued in the exercise of these powers by the council shall be a misdemeanor punishable by a fine of not more than $____, or by imprisonment for not more than _____ or both. ***See Commentary below.**

Commentary. This section gives the council, but not the manager, the power to make investigations. The manager has the power to appoint, remove, and suspend officers, but it is inappropriate for the manager to have the power to subpoena witnesses and compel production of evidence.

Winter Springs City Charter	Model City Charter, 9th Edition
ARTICLE IV. GOVERNING BODY (continued) **Section 7.08. - Independent audits.** The commission shall provide for an independent audit of all city accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of accountants who have no personal interest, direct or indirect in the fiscal affairs of the city government or any of its officers. The commission may designate such accountant or firm annually or for a period not exceeding three (3) years provided that the designation for any particular fiscal year shall be made no later than six (6) months after the beginning of such fiscal year. If the state makes such an audit the commission may accept it as satisfying the requirement of this section.	**ARTICLE II. CITY COUNCIL** **Section 2.11. Independent Audit.** The city council shall provide for an independent annual audit of all city accounts and may provide for more frequent audits as it deems necessary. Such audits shall be carried out in accordance with § 5.12. ***See Commentary below.**

Commentary. The necessity for annual independent audits of the city's financial affairs has long been accepted. This section authorizes and charges the council to conduct them.

Winter Springs City Charter	Model City Charter, 9th Edition
ARTICLE IV. GOVERNING BODY (continued) **Section 4.13. Procedure.** (a) *Meetings.* The commission shall meet regularly at least once every month, at such times and places as the commission may prescribe rule. Special meetings shall be held on the call of the mayor or three (3) or more members and whenever practicable, upon no less than twelve (12) hours' notice to each member. All meetings shall be public. (b) *Rules and journal.* The commission shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record. (c) *Voting.* Voting, except on procedural matters, shall be by roll call and the ayes and nays shall be recorded in the journal. Three (3) members of the commission shall constitute a quorum but a smaller number may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the commission. No action of the commission shall be valid or binding unless adopted by the affirmative vote of three (3) or more members of the commission.	**ARTICLE II. CITY COUNCIL** **Section 2.12. Procedure.** (a) *Meetings*. The council shall meet regularly at least once in every month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the mayor or of _____ or more members and, whenever practicable, upon no less than twelve hours' notice to each member. Except as allowed by state law, all meetings shall be public; however, the council may recess for the purpose of discussing in a closed or executive session limited to its own membership any matter which would tend to defame or prejudice the character or reputation of any person, if the general subject matter for consideration is expressed in the motion calling for such session and final action on such motion is not taken by the council until the matter is placed on the agenda. (b) *Rules and Journal*. The city council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record. (c) *Voting*. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. _____members of the council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. No action of the council, except as otherwise provided in the preceding sentence and in § 2.07(c), shall be valid or binding unless adopted by the affirmative vote of____ or more members of the council. ***See Commentary below.**

Commentary. This section sets forth what are, for the most part, standardized and well accepted procedural rules to govern the official action of the council, The frequency of meetings can, of course, be suited to the needs of the particular city. The section contains the important, standard protection that meetings must be

public and that a journal of proceedings be kept, as a public record. Most states have open meeting laws which specify the circumstances when closed or executive sessions may be held; such meetings are sometimes necessary for effective council functioning. This charter and state law contain ample safeguards to assure open meetings. All council actions require majority vote, except actions to adjourn, to compel attendance of members in the absence of a quorum, and to appoint additional members if the membership falls below a majority of the total authorized membership as provided in § 2.07(c).

Winter Springs City Charter	Model City Charter, 9th Edition
ARTICLE IV. GOVERNING BODY (continued) **Section 4.14. Actions requiring an ordinance.** In addition to other acts required by law or by specific provisions of this Charter to be done by ordinance, those acts of the city commission shall be done by ordinance which: (1) Adopt or amend an administrative code or establish or alter or abolish any city department, office or agency; (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed; (3) Levy taxes, except as otherwise provided in Article VII with respect to the property tax levied by the adoption of the budget. (4) Grant or renew or extend a franchise; (5) Regulate the rate charged for its services by the public utility, except as provided by law; (6) Convey or lease or authorize the conveyance or lease of any land of the city; (7) Adopt without amendment ordinances proposed under the initiative power; and budget; (8) Amend or repeal any ordinance previously adopted, except as otherwise provided in Article IX with respect to repeal of ordinances reconsidered under the referendum power.	**ARTICLE II. CITY COUNCIL** **Section 2.13. Action Requiring an Ordinance.** In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the city council shall be by ordinance which: (1) Adopt or amend an administrative code or establish, alter, or abolish any city department, office, or agency; (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed; (3) Levy taxes; (4) Grant, renew, or extend a franchise; (5) Regulate the rate charged for its services by a public utility; (6) Authorize the borrowing of money; (7) Convey or lease or authorize the conveyance or lease of any lands of the city; (8) Regulate land use and development; (9) Amend or repeal any ordinance previously adopted; or (10) Adopt, with or without amendment, ordinances proposed under the initiative power. Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution. ***See Commentary below.**

Commentary. This section assures that the enumerated types of council action be taken only after compliance with all the procedural safeguards required for passage of an ordinance by the succeeding sections.

Other subjects requiring an ordinance are not mentioned here because the requirement is specifically stated elsewhere in the charter. These include adoption of codes of technical regulations (§ 2.16), appropriation and revenue ordinances (§ 5.06), supplemental and emergency appropriations and reduction of appropriations (§ 5.07), and creation of a charter commission or proposal of charter amendments (§ 9.01).

Council may act via ordinance or resolution on matters other than those enumerated in this section or as required by law or by specific provision in the charter to be by ordinance. This does not preclude motions relating to matters of council procedure, which may involve even less formality than resolutions.

Winter Springs City Charter	Model City Charter, 9th Edition
ARTICLE IV. GOVERNING BODY (continued) **Section 4.15. Ordinances in General.** (a) *Form.* Every proposed ordinance sha11 be introduced in writing in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The City of "Winter Springs hereby ordains . . " (b) *Procedure.* An ordinance may be introduced by any member at any regular or special meeting of the commission. Upon introduction of any ordinance, it shall be read in its entirety; provided however the said reading may be by title only if all members of the city commission so vote. All ordinances shall be read twice, the second reading of any ordinance shall be by title only and shall follow the first by a minimum, of ten (10) days; provided however, this requirement may be waived by a unanimous vote of all five (5) members of the commission. All ordinances shall be posted in the city hall for thirty (30) days after their first reading. *(c) Effective date.* Except as otherwise provided in this Charter, every adopted ordinance shall become effective at the expiration of thirty (30) days after adoption or at any date specified therein. *(d) Emergency ordinances.* Emergency ordinances may be adopted by the city commission in accordance with law. Every emergency ordinance shall automatically stand repealed as of the sixty-first day following the date on which it was adopted unless repealed sooner by the commission. Nothing herein shall prevent re-enactment of the ordinance in the manner specified in this subsection if the emergency still exists.	**ARTICLE II. CITY COUNCIL** **Section 2.14. Ordinances in General.** **(a) Form**. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. The enacting clause shall be "The city of hereby ordains . . ." Any ordinance which repeals or amends an existing ordinance or part of the city code shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matters to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matters by underscoring or by italics. **(b) Procedure**. Any member at any regular or special meeting of the council may introduce an ordinance. Upon introduction of any ordinance, the city clerk shall distribute a copy to each council member and to the city manager, shall file a reasonable number of copies in the office of the city clerk and such other public places as the council may designate, and shall publish the ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the council. The public hearing shall follow the publication by at least seven days, may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time; all persons interested shall have an opportunity to be heard. After the hearing, the council may adopt the ordinance with or without amendment or reject it, but if it is amended as to any matter of substance, the council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures herein before required in the case of a newly introduced ordinance. As soon as practicable after adoption, the clerk shall have the ordinance and a notice of its adoption published and available at a reasonable price. **(c) Effective Date.** Except as otherwise provided in this charter, every adopted ordinance shall become effective at the expiration of 30 days after adoption or at any later date specified therein.

	(d) "Publish" Defined. As used in this section, the term "publish" means to print in the contemporary means of information sharing, which includes but is not limited to, one or more newspapers of general circulation in the city, and, if available, in a web site: (1) the ordinance or a brief summary thereof, and (2) the places where copies of it have been filed and the times when they are available for public inspection and purchase at a reasonable price. ***See Commentary below.**

Commentary: This section dispenses with the unnecessary and cumbersome requirements of a full reading of all ordinances and publication of their full text both before and after adoption. Distribution of a copy to each council member obviates the need for a full reading. Permitting the printing of a brief summary, together with notice of the times and places where copies are available for public inspection, simplifies publication.

Further simplification occurs in §§ 2.15 and 2.16, which contain special provisions for expeditious handling of emergency ordinances and for adoption by reference of standard codes of technical regulations. The section retains the basic safeguards of a public hearing following notice by publication, and a second publication with notice of adoption. It does not go so far as charters that dispense with publication or that permit adoption at the same meeting at which a non-emergency ordinance is introduced. It retains protective features deemed necessary for full and careful consideration. Section 2.15 provides sufficient leeway for emergency situations.

Winter Springs City Charter	Model City Charter, 9th Edition
ARTICLE IV. GOVERNING BODY (continued)	**ARTICLE II. CITY COUNCIL**
[Addressed in s. 4.15(d), above]	**Section 2.15. Emergency Ordinances.** To meet a public emergency affecting life, health, property or the public peace, the city council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided in § 5.07(b). An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as am emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least ____ members shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except one made pursuant to § 5.07(b) shall automatically stand repealed as of the sixty-first day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances. ***Commentary**. To facilitate timely action, the charter permits an extraordinary majority to introduce and adopt such ordinances as the same meeting. Ordinances passed pursuant to this section may also have an immediate effective date.
[Florida has uniform state-wide technical building and fire codes adopted by the State.]	**Section 2.15. Codes of Technical Regulations.** The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that: (1) The requirements of § 2.14 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and (2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the city clerk pursuant to§2.17(a).

	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. ***Commentary:** This provision permits adoption of standard and often lengthy, detailed, and technical regulations, such as building and sanitary codes, by an ordinance which simply incorporates and adopts the code by reference. Publication of the adopting ordinance satisfies publication requirements. The adopting ordinance should indicate the nature of the code. The council is not required to include all such technical codes in the general city code pursuant to § 2.16. This approach minimizes burden and expense while at the same time reserving the essential safeguards of the general ordinance procedure of § 2.13.
Section 4.16. Authentication and recording; codification. The mayor and the city clerk shall authenticate by their signatures all ordinances and resolutions adopted by the city commission and the city clerk shall record in full in a properly indexed book kept for that purposes all such ordinances and resolutions.	**Section 2.17. Authentication and Recording; Codification; Printing of Ordinances and Resolutions**. (a) **Authentication and Recording.** The city clerk shall authenticate by signing and shall record in full in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the city council. (b) **Codification.** Within three years after adoption of this charter and at least every ten years thereafter, the city 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, together with this charter and any amendments thereto, pertinent provisions of the constitution and other laws of the state of_____, 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 _____city code. Copies of the code shall be furnished to city officers, placed in libraries, public offices, and, if available, in a web site for free public reference and made available for purchase by the public at a reasonable price fixed by the council. (c) **Printing of Ordinances and Resolutions.** The city council shall cause each ordinance and resolution having 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 as fixed by the council. Following publication of the first _____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 of _____, or the codes of technical regulations and other rules and regulations included in the code. ***Commentary**: Subsections (a) and (c) of this section state essential procedures for maintaining legally authenticated records of all ordinances and resolutions and for making them available to the public. The merits of the

	general codification provided for in subsection (b) speak for themselves. The *Model* provides for inclusion of pertinent parts of the constitution and state statutes, thus envisioning a city code to which people may turn for all state and local legislation governing the city. This contrasts to "the situation still existing in many cities where much of this legislation, particularly state laws of limited application, are nowhere collected and are often out of print, unavailable, or difficult to find.

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WINTER SPRINGS CHARTER REVIEW COMMITTEE
CITY CHARTER COMPARISON
GOVERNING BODY

CHARTER PROVISION	WINTER SPRINGS	ALTAMONTE SPRINGS	OVIEDO	HAINES CITY	LEESBURG	PARKLAND
POPULATION 2020 Census/Estimate	38,342 39,800 est.	46,231 48,100 est.	40,059 41,600 est,	26,669 49,400 est.	27,147 41,500 est.	34,670 37,000 est.
COUNCIL/COMMISSION	Commission	Commission	Council	Commission	Commission	Commission
TERM (YRS)	4	2	2	4	4	4
TERM LIMITS	3 consecutive 4 yr terms	NO	NO	NO	2 consecutive 4 yr terms	8 consecutive years
# COMMISSION MEMBERS	5	5	5	5	5	5
MAYOR PART OF COMMISSION	NO, but part of governing body with 5-Commissioners	YES	YES	YES	YES	YES
MAYOR ELECTED	YES	YES, 3 yr term	YES	NO, chosen by commission	NO, chosen by commission	YES
VOTING MAYOR	NO, except to break tie	YES	YES	YES	YES	YES
MAYOR VETO	YES	NO	NO	NO	NO	NO
# COMMISSION DISTRICTS	5	4	NO	NO	5	4
QUALIFYING BY DISTRICT	YES	YES	NO	NO	YES	YES
ELECTED BY DISTRICT	NO, elected at-large	NO	NO	NO	NO	NO
MAYOR PRESIDES AT MEETING	YES	YES	MAYBE – Council decides	YES	YES	YES

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