

WINTER PARK TOWN COUNCIL WORKSHOP

Winter Park Town Hall - 50 Vasquez Road

Tuesday, March 19, 2019

3:00 p.m.



WORKSHOP AGENDA

1. E-Bike Regulations Discussion (3:00 p.m. – 3:15 p.m.)
2. Committee Discussion (3:15 p.m. – 4:30 p.m.)

Upcoming Workshops

- *Hideaway Junction Phase II Development Proposals 4/16/19*



MEMO

TO Mayor and City Council
FROM Keith Riesberg, Town Manager
CC
DATE February 15, 2019
RE Governance & Council Committee discussion

Background

At Tuesday's workshop, Council member Periolat requested to put the topic of "Governance" on for discussion. He will initiate and lead this discussion. In coordination with this topic, the Council will also be asked to provide input and guidance on the use and appointment to boards, commissions & committees. Outlined below is some information for your consideration prior to Tuesday's discussion.

Analysis

Article VIII of the Town Charter (Attachment #1) governs the formation of boards & commissions. Section 8.5 of the Charter grants the right to establish boards and commissions. This section also outlines the process to be followed when forming boards and commission. From my review it appears the Charter is silent on the formation of Council committees. A review of the Council Handbook (last revised 2012) also appears to be silent on the formation and use of Council committees.

In reviewing the Town Charter, Section 2.6 (Attachment #2) calls for the appointment of an Election Commission. Staff is verifying the last time the Council appointed this Commission. We are also reviewing for any statutory provisions that would prohibit/negate the use of this Commission.

City Code Section 6-3-1 (Attachment #3) establishes a Design Review Committee. Records indicate this Committee last met in 2016. Town Council should decide if you wish to continue the use of this Committee.

The Town Council's Personnel Handbook does contain a provision in Section 3.6 (Attachment #4) referencing the Personnel Committee. This Committee either needs to be formalized or removed to allow for routine and periodic updating of personnel regulations

and employee benefits. Many communities assign these functions to the Town Manager, with oversight through the budget review and approval process and the Manager's evaluation process.

The analysis of representation to boards, commissions and committees outlined in this memo is internal focused. It does not take into consideration representation to regional or state entities such as NWCCOG or similar organizations.

Recommendation

The governance discussion will be initiated by Council member Periolat. While persons may give indication of their future intentions, it should be clear that any discussion at Tuesday's workshop is not intended to be and should not be viewed as a declaration of candidacy.

Due to the technical and legal issues surrounding the appointment and use of Boards, Commissions and Committees, Town Attorney Kendra Carberry will be at Tuesday's workshop.

Should you have any questions or need additional information regarding this matter, please contact me.

ATTACHMENT #1 – City Charter section governing Boards & Commissions

ARTICLE VIII - BOARDS AND COMMISSIONS

Section 8.1 Existing Boards and Commissions

All existing boards and commissions may continue as established or abolished by ordinance, except as otherwise provided in this Charter.

Section 8.2 Composition of Boards and Commissions

The following shall apply to the composition of all existing permanent boards and commissions and these created by this Charter or subsequently by ordinance:

- (a) Neither the mayor nor any town employees shall serve on any such board or commission.
- (b) No board or commission shall have more than two council members appointed to serve on such board or commission.
- (c) Terms and conditions of appointment to such boards and commissions shall be determined by ordinance, except as provided in section 8.3 regarding the planning and zoning commission.

Section 8.3 Planning and Zoning Commission

There shall be established a seven (7) member planning and zoning commission appointed by the council. At least five (5) members of the planning and zoning commission shall be residents of the Town of Winter Park and electors. The terms of appointment to the planning and zoning commission shall not exceed four (4) years. Terms of office shall be on an overlapping basis.

Section 8.4 Vacancy

Whenever a vacancy occurs on any board or commission, the council shall cause public notice of such vacancy to be made and encourage qualified volunteers to seek appointment to such board or commission. The council shall then make the appointment to fill such vacancy.

Section 8.5 Right to Establish

In addition to those boards and commissions heretofore created by ordinance, council shall have the power and authority to create boards and commissions, including advisory and appeal boards. All permanent boards and commissions, including advisory and appeal boards, shall be created by ordinance, which shall set forth the number and qualifications of members including residency requirements, if any, and the powers and duties delegated to such boards and commissions. Initial appointments by the council to any board or commission shall specify the term of office of its members in order to achieve overlapping tenure. All members, however, shall be subject to removal by the council. Each board and commission shall elect its own chairman and vice-chairman from among its members. Each board and commission shall operate in accordance with its own rules of procedure and its meetings shall be open to the public. Any board or commission created under this article which is not required by statute or this Charter may be abolished by the council.

ATTACHMENT #2 – City Charter Section pertaining to Election Commission

Section 2.6 Election Commission

An election commission is hereby created, consisting of the Town clerk and two qualified and registered electors of the Town, who during their term of office, shall not be Town officers or employees or candidates or nominees for elective Town office. These two members shall be appointed by the council in the first June meeting following a regular Town election, for a term of two (2) years and shall serve without compensation.

The Town clerk shall be chairman. The election commission shall have charge of all activities and duties required of it by statute and this Charter relating to the conduct of elections in the Town. In any case where election procedure is in doubt, the election commission shall prescribe the procedure to be followed.

The commission shall provide procedures to establish proof of residency qualification where residency is in question. Upon a showing for good cause, the election commission may require proof of residency by any person registered to vote or attempting to register to vote in the Town of Winter Park. Said person shall not be qualified to vote in any municipal election until the election commission is satisfied that he has presented sufficient proof of residency as required by law or ordinance adopted pursuant to this Charter.

The election commission shall provide for the use of paper ballots, voting machines, electronic voting equipment or a combination thereof, a method and procedure for determination of the winner in the event of a tie vote, for canvass of returns and for issuance of appropriate certificates.

A member of the election commission shall not act as a judge of an election. (4-12-83)

The Election Commission shall be the judge of elections and qualifications of Town Council candidates. (Ord. 138, Series of 1986)

ATTACHMENT #3 – City Code establishing Design Review Committee

6-3-1: DESIGN REVIEW COMMITTEE ESTABLISHED:

A design review committee (DRC) is hereby established, the members of which shall be appointed by the town council. The design review committee shall consist of three (3) members. The town shall provide necessary staff and professional consultants to serve the design review committee. The design review committee shall be appointed for a two (2) year term but shall serve at the pleasure of the town council. The design review committee shall act in an advisory capacity to the Winter Park planning and zoning commission, the board of adjustment, and the planning and building departments. (Ord. 229, Series of 1994)

ATTACHMENT #4 – Employee Handbook reference

3.6 PERSONNEL COMMITTEE

The Personnel Committee is comprised of the Mayor and two Council Members. Management works together with the Personnel Committee to develop, review, update and implement the Town's Personnel Handbook with Council approval. The Personnel Committee's duties shall be as follows: 1) review the personnel handbook (and any changes thereto), 2) perform exit interviews as requested by employees, 3) review any EEO/harassment complaints involving the Town Manager, 4) review any changes to employee health or retirement benefits, 5) recommend changes to the personnel handbook or to employee health or retirement benefits for Town Council approval, and 6) coordinate the Town Manager's performance evaluation with the Town Council.