

OFFICE OF THE TOWN CLERK  
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TOWN HALL  
2725 MALABAR ROAD  
MALABAR, FLORIDA 32950-4427

**MALABAR CHARTER REVIEW COMMITTEE WORKSHOP**  
**MARCH 20, 2003 7:30 PM**

CALL TO ORDER

PRAYER AND PLEDGE

ROLL CALL

DISCUSSION OF TOWN CHARTER BY THE CHARTER REVIEW COMMITTEE

If any individual decides to appeal any decision made by this Council with respect to any matter considered at this meeting, a verbatim transcript may be required and the individual may need to insure that a verbatim transcript of the proceeding is made (FS 286.0105). In compliance with the Americans with Disabilities Act (ADA) anyone who needs a special accommodation for this meeting should contact the Towns ADA coordinator at 727-7764 at least 48 hours in advance of this meeting.

**CHARTER REVIEW COMMITTEE WORKSHOP MINUTES**  
**March 20, 2003**

This meeting of the Malabar Town Council was held at the Town Hall at 2725 Malabar Road. The meeting was called to order at 7:30 pm by the Chair, Bobbi Moccia. The prayer and pledge were lead by Mr. Rivet.

ROLL CALL: MAYOR:	PHILLIP CREWS
CHAIR:	BOBBI MOCCIA
VICE-CHAIR:	STEVE RIVET
COUNCIL MEMBERS:	JANE HAVET – ABSENT
	BRIAN HUNTER – WILL BE LATE
	BOB ROSSMAN
COMMITTEE MEMBERS:	ROY BAKER
	PAT BENINGTON
	STUART BORTON
	CAROL BRIGGS – EXCUSED
	PAT DEZMAN – WILL BE LATE
	TOM ESCHENBERG
	CHUCK FRAZEE
	FRANK HICKSON
	DON KRIEGER
	CHRIS NORTON – EXCUSED
	WILLIAM WITHERS
ADMINISTRATOR:	ED BOOTH
ATTORNEY:	KARL BOHNE
CLERK:	SUSAN KABANA

Also present were Carl Beatty, Public Works Supervisor, and Fire Chief Chuck McClelland.

**DISCUSSION OF TOWN CHARTER BY THE CHARTER REVIEW COMMITTEE**

Rossman – what about Beatty's statement? Kabana – we were created by referendum, not by special act.

Preamble:

After discussion about the redundancy of the word 'rural' it is determined not to change the preamble.

Sec 1.04:

Benington – regarding Norton's comment, the charter already says 'not limited to' so do not use his comment.

Sec 1.06:

Rossman – would a 'strong council plan' need to be defined? Bohne – it is defined by

the Council's powers in the charter. He is not sure it can be defined. Leave the strong council plan statement.

Sec 2.02:

Moccia – will be decided by the voters next week. Discussion.

Sec 2.03:

Discussion regarding the changing the 6 month residency requirement to 1 year.

Brian Hunter arrives.

The Chair takes a poll the group: those in favor of one year – 5. Those for leaving it as is (6 months) – 9. The majority does not want this changed.

Sec 2.04:

Discussion of the veto power of the Mayor, should the position have that power or not. And if the position does have that power should the Council have to ability to override it by a 3/5 vote as opposed to a 4/5 vote.

The committee does not agree on this issue and wants to get back to it.

**CHANGE:** *delete item (d) in Sec 2.04.*

Kreiger – notes that we could do a questionnaire for Malabar day.

Pat Dezman arrives.

Sec 2.07:

Committee members agree that Council members can serve up to 3 two-year terms, and the Mayor can serve up to 2 four-year terms.

**CHANGE:** *The Mayor shall be elected to a three-year (3) term in 1997 and four-year term in 2000 and thereafter no more than two (2) consecutive four-year terms.*

Sec 2.08:

Discussion of how many Council members should it take to censure a Council member.

**CHANGE** *in subsection (e): If an elected official has violated any standard of conduct or code of ethics established by law for public officials, the town council, after public hearing, may vote to censure that elected official with a minimum of three (3) votes being required for censure.*

Discussion of moral turpitude and should the term be taken out or left in. The committee deletes the verbiage after the work felony.

**CHANGE:** *in subsection (b) The office of the elected official shall be forfeited automatically and immediately when the member is convicted of a felony ~~or a crime involving moral turpitude.~~*

Sec 2.11:

Bohne states that Robert's Rules has been around for forever and we don't have the power to change it. Crews – a special meeting should only cover legislative issues.

Discussion.

**CHANGE** add somewhere: All meeting types may be defined by ordinance.

Sec 2.12:

**CHANGE:** Delete all of Section 2.12.

Sec 2.13:

**CHANGE:** The full council shall elect from among its members and mayor a chairperson and vice-chairperson.

Sec 2.14:

Discussion of who should hire or fire employees and who should work for who. And that the administrator's position should be in the charter and it should be right before the clerk's position.

**CHANGE:** add a section for Town Administrator.

**CHANGE:** in subsection (c) there is a scrivener's error: change 'appointive' to 'appointed'.

Sec 3.01:

**CHANGE:** subsection (1) change 'employees' to 'administrative offices'.

Sec 3.03:

**CHANGE:** any time the word 'treasurer' appears change that to 'finance officer'.

Sec 3.04:

Discussion of Town Attorney and should the position be in the charter because the position is contracted. The committee decided to leave the position in the charter as stated.

Sec 3.05:

**CHANGE:** add the words 'by appointment' in the first sentence after the words "advisory boards"

Sec 3.06:

Rossman – why is this section in the charter? Eschenberg – so some future Council can't turn the developers loose on us. Withers – feels this protects us. Crews – and if it's not in the charter then this would be at the will of any Council. Eschenberg – feels that this is in here so that all RR65 will remain RR65. Crews – and if there is any new zoning district created then it must comply with this section.

Sec 4.01:

The committee wants to add the administrator as a signatory for check signing and delete the clerk from doing so.

**CHANGE:** *in the last sentence delete 'clerk' and replace with 'administrator'.*

Sec 4.02:

Discussion of who is to be assigned to do the budget. The committee like the administrator to do this in conjunction with the clerk but they feel that the administrator's job description is a better place for this.

Sec 4.03:

Discussion of adding a clause for acceptance of donated land. Bohne – not a good idea because we may not want the land. The committee agrees.

Sec 5.03:

Discussion as to why a charter referendum can be done with 10%, and initiative for referendum petitions are 15%.

**CHANGE:** *subsection (a) change 15% to 10%.*

Sec 5.06:

The committee feels that the statement 'the town clerk has determined the sufficiency of an initiative' is confusing.

**CHANGE:** *add verbiage to subsection (a) ...referendum petition 'in accordance with state statute and the provisions of this charter', the council will review ....*

**MOTION: Mayor/Hunter to adjourn. Vote: no hands raised.** Motion fails.

Sec 9.01:

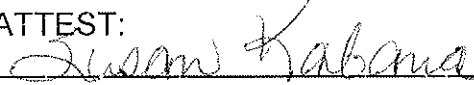
**CHANGE:** *add a percent sign after the number 10 so it will read 10%.*

Bohne – is the end of this charter committee? Chair – no. Bohne – reminds the members that sunshine law prevails they are not to talk about charter review issues unless they are at a noticed meeting.

**MOTION: Moccia adjourned without objection.**

Meeting adjourn 10:27 pm.

ATTEST:

  
\_\_\_\_\_  
Susan Kabana, CMC  
Town Clerk/Treasurer

BY:   
\_\_\_\_\_  
Chair Bobbi Moccia

DATE:

4/7/03