

MINUTES OF THE CHARTER REVIEW COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 6:00 P.M. ON **TUESDAY, FEBRUARY 27, 2018.**

1. **CALL TO ORDER** - Chairman Bryan called the meeting to order at 6:00 p.m.

2. **ROLL CALL**

Present: Gloria Johnson; Frank Fee, III; Eddie Becht; Darrell Drummond; Ben Bryan, Jr.; Harold Smyth; Bob Burdge

Staff Present: James Messer, City Attorney
John Tompeck, Director of Utilities
Linda Cox, City Clerk

3. **MINUTES**

a. Approval of minutes from the November 14, 2017 meeting.

Motion was made by Eddie Becht, seconded by Frank Fee, III to approve minutes of the 11/14/2017 meeting.

AYE: Ben Bryan, Jr., Darrell Drummond, Eddie Becht, Frank Fee, III, Gloria Johnson
Passed

b. Approval of minutes from the January 23, 2018 regular meeting.

Motion was made by Eddie Becht, seconded by Frank Fee, III to approve minutes of the January 23, 2018 meeting.

AYE: Ben Bryan, Jr., Darrell Drummond, Eddie Becht, Frank Fee, III, Gloria Johnson
Passed

4. **OLD BUSINESS**

5. **NEW BUSINESS**

a. Approval of final Charter Review Commission report for public input and transmission to City Commission.

Mr. Fee suggested that the items that were considered by the Commission which resulted in no action being taken could be specified as such in the final report. It was additionally suggested that Mr. Messer's memo be included as part of the report as an attachment.

Mr. Becht mentioned the letter from Mr. Bey which talked about term limits. Chairman Bryan indicated he talked with Mr. Bey and advised him that term limits was outside of the purview of the Charter Review Commission but would receive any information someone wanted to offer.

Mr. Becht made a motion that the Charter Review Commission recommend City Commission term limits to the City Commission; seconded by Ms. Johnson. Chairman Bryan indicated that he carefully reviewed the charge to this Commission (CRC) and its review is limited to that portion of the charter as it relates to the Fort Pierce Utilities Authority. Chairman Bryan ruled

the motion out of order. No one objected to the Chairman's ruling.

Chairman Bryan offered the following comments on the draft final report. As to the discussion item number 4, he is not suggesting that the Commission take any action but expressed his serious concern that an automatic increase may be in conflict with the Charter. It was suggested that this be reviewed by the attorneys prior to utilizing this provision.

As to paragraph a) regarding an annual meeting, Chairman Bryan suggested it should read as follows:

a) The City and FPUA should meet annually in a mandatory Joint Planning Session to review and discuss Capital Improvements' budgets of each and the strategic goals and perspective growth of the City and FPUA including the potential joint participation in projects.

Motion was made by Eddie Becht, seconded by Frank Fee, III to approve modification as suggested.

AYE: Ben Bryan, Jr., Darrell Drummond, Eddie Becht, Frank Fee, III, Gloria Johnson
Passed

As to paragraph c) regarding the selection of members, Chairman Bryan suggested it should read as follows:

c) The City Commission should adopt a policy that would ensure that one person would be a District 1 resident, one person would be a resident of District 2 and the remaining two seats would be filled by city residents without regard to district of residence. In order to accomplish this, the Charter Review Commission suggests the following appointment process: one resident of District 1 should be appointed to the FPUA Board by the Commissioners of District 1 by mutual agreement; in the event they do not agree on the appointee, each District 1 Commissioner would make a nomination and the Mayor would select one of the two nominees as the FPUA Board Member. The next year, the Commissioners of District 2 would do the same thing for a resident of District 2. For the remaining two appointments, the City Commission as a whole would appoint the FPUA Board Members. If persons representing District 1 or 2 move out of the district, the seat would automatically become vacant and a new person would be appointed to fill the balance of the term. Nominations should be received using a revised application form that would contain more background information on the candidates and the candidates should acknowledge their willingness to attend a training session.

Motion was made by Frank Fee, III, seconded by Eddie Becht to approve suggested modifications.

AYE: Ben Bryan, Jr., Darrell Drummond, Eddie Becht, Frank Fee, III, Gloria Johnson
Passed

As to the final paragraph, Chairman Bryan suggested it should read as follows:

In order to comply with the requirements of Resolution 17-R17, while deferring to the City Attorney the CRC reports that the proposed recommendations will not require amendments to the charter, will not have budgetary impacts and will not have an impact on existing city laws.

Motion was made by Darrell Drummond, seconded by Frank Fee, III to approve modification.

AYE: Ben Bryan, Jr., Darrell Drummond, Eddie Becht, Frank Fee, III, Gloria Johnson
Passed

Chairman Bryan suggested that the application for appointment to the FPUA Board in the section regarding doing business with the FPUA include the addition of language, "outlining any businesses or matters deemed appropriate" and also specify or suggest that an applicant may attach a curriculum vitae (CV) or other information that may demonstrate why someone would be a good Board member of the FPUA.

Motion was made by Frank Fee, III, seconded by Darrell Drummond to approve suggested revisions.

AYE: Ben Bryan, Jr., Darrell Drummond, Eddie Becht, Frank Fee, III, Gloria Johnson
Passed

Motion was made by Frank Fee, III, seconded by Gloria Johnson to approve the Charter Review Commission Final Report as revised.

AYE: Ben Bryan, Jr., Darrell Drummond, Eddie Becht, Frank Fee, III, Gloria Johnson
Passed

6. PUBLIC COMMENTS ON FINAL REPORT - (5 minutes per person)

There were no public comments.

Seeing no public comments, Chairman Bryan suggested that the report be approved once more following the opportunity for input.

Motion was made by Eddie Becht, seconded by Gloria Johnson approve final report as revised.

AYE: Ben Bryan, Jr., Darrell Drummond, Eddie Becht, Frank Fee, III, Gloria Johnson
Passed

7. SET NEXT MEETING DATE (if necessary)

No additional meeting is necessary.

8. ADJOURNMENT

Meeting adjourned at 6:25 p.m.

ATTEST:

CITY CLERK

CHAIR

MINUTES OF THE CHARTER REVIEW COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA,
HELD IN THE SECOND FLOOR CONFERENCE ROOM, 100 NORTH U.S. #1, FORT PIERCE,
FLORIDA, AT 4:00 P.M. ON TUESDAY, **JANUARY 23, 2018.**

1. **CALL TO ORDER**

Chairman Bryan called the meeting to order at 4:00 p.m.

2. **ROLL CALL**

Present: Gloria Johnson; Eddie Becht; Darrell Drummond; Ben Bryan, Jr.; Harold Smyth; Bob Burdge

Absent: Frank Fee, III

Staff Present: James Messer, City Attorney
John Tompeck, Director of Utilities
Linda Cox, City Clerk

Mr. Fee arrived at 4:25 p.m.

Mr. Burdge left the meeting at 5:00 p.m.

3. **MINUTES**

- a. Approval of minutes from the November 14, 2017 meeting.

Approval of the minutes was postponed until next meeting.

4. **OLD BUSINESS**

- a. Information gathered in response to requests of November meeting - City Attorney's Office

Everyone has received a lot of information.

5. **NEW BUSINESS**

- a. Discussion and decision on recommendations to be included in the final report to the City Commission in accordance with Section 11 of Resolution 17-R17.

Chairman Bryan indicated that Mr. Messer prepared suggested issues for consideration. They are not intended to be all inclusive or limited to just the items. Chairman Bryan distributed the listed items which are as follows:

1. Whether the City of Fort Pierce should be directly involved in hiring and/or terminating an Executive Director of the FPUA.
2. Whether the definition of "Gross Revenue" for purposes of the 6% transfer should include all revenue without exceptions, including the PCA.
3. Whether the City and FPUA should meet annually in a mandatory Joint Planning Session to set mandatory Capital Improvements' budgets and Strategic Goals.
4. Whether there should be an automatic increase in any utility rate using a formula based on a State or National data collection entity.
5. Whether 50% of audited funds should be transferred from the unrestricted cash reserves of the FPUA to the City in order to enhance the City's capital improvement budget.

6. Whether the Charter should be revised to include additional criteria for the appointment or removal of the FPUA Board Members.

Chairman Bryan indicated that he will be very flexible with these items; the items are intended to be a starting point.

Mr. Becht indicated that at the last meeting, the Board discussed number 3.

Motion was made by Eddie Becht, seconded by Darrell Drummond to send item #3 less the second mandatory to the City Commission as part of the package, as follows, "The City and FPUA should meet annually in a mandatory Joint Planning Session to set Capital Improvements' budgets and Strategic Goals."

AYE: Ben Bryan, Jr., Darrell Drummond, Eddie Becht, Gloria Johnson
Passed

Mr. Tompeck explained that FPUA already has the ability to adjust rates utilizing the Public Service Commission indices as suggested in item #4 without city approval so a recommendation is not necessary on Item #4. Item #4 was deemed moot.

Next, item #1, whether the City of Fort Pierce should be directly involved in hiring and/or terminating an Executive Director of the FPUA was discussed.

Motion was made by Darrell Drummond, seconded by Frank Fee, III made a motion that the hiring and/or firing of the Executive Director should remain with the Utilities Authority.

AYE: Ben Bryan, Jr., Darrell Drummond, Frank Fee, III
NAY: Eddie Becht, Gloria Johnson
Passed

As to Item #2, whether the definition of "Gross Revenue" for purposes of the 6% transfer should include all revenue without exceptions, including the PCA. Motion made by Becht, seconded by Johnson to advance item #3. Discussion ensued regarding the history of the PCA levels, whether it is actually a revenue or not and how it can be used to manipulate the base rate. Discussion continued regarding developing a formula to establish a percentage cap of PCA in relation to the base rate, to determine when the base rate must increase or decrease accordingly. FPUA pays the employees at the Energy Center through their payroll so the question as to whether the reimbursement from FMPA to the FPUA would also be considered revenue upon which the 6% would be imposed.

Mr. Becht withdrew his motion.

Mr. Fee made a motion to advance Item #2 excluding the PCA, "the definition of 'Gross Revenue' for purposes of the 6% transfer should include all revenue without exceptions"; seconded by Mr. Drummond. Chairman Bryan clarified that years ago the City and the FPUA agreed to go with "gross income" so there was no longer an argument as to what is included. Because there are still outstanding questions as to what makes up gross income, Chairman Bryan suggested that this item be put to the side to allow those with the knowledge work out the definition of gross income.

Mr. Fee withdrew his motion.

Mr. Becht made a motion to recommend to the City Commission that they enter into mandatory arbitration between the parties to define gross revenue; seconded by Ms. Johnson.

Mr. Becht withdrew the motion.

Motion was made by Eddie Becht, seconded by Frank Fee, III to recommend that the City Commission and FPUA work together to establish a formal dispute resolution process that would be far simpler and more efficient and expedient than the statutory process,

AYE: Ben Bryan, Jr., Darrell Drummond, Eddie Becht, Frank Fee, III, Gloria Johnson
Passed

Motion was made by Ben Bryan, Jr., seconded by Eddie Becht to adopt a policy that would allow one member who is a resident of District 1 to be appointed to the FPUA Board by the Commissioners of District 1 by mutual agreement; in the event they did not agree on an appointment, each District 1 Commissioner would make a recommendation and the Mayor would select one of the two nominees as the FPUA Member. The next year, the Commissioners of District 2 would do the same thing for a resident of District 2. For the remaining two appointments, the Board as a whole would select the FPUA Members. For clarification, Ms. Cox stated that one person would be from District 1, one person from District 2 and the remaining two seats would be filled by city residents without regard to district of residence. In summary, Seat 1 is held by District 1 resident; Seat 2 is held by District 2 resident; Seats 3 and 4 are city residents and Seat 5 is the Mayor.

AYE: Ben Bryan, Jr., Darrell Drummond, Eddie Becht, Frank Fee, III, Gloria Johnson
Passed

As to #5, whether 50% of audited funds should be transferred from the unrestricted cash reserves of the FPUA to the City in order to enhance the City's capital improvement budget, Mr. Becht made a motion to hire a consultant to be shared jointly with the FPUA to develop a formula fair to both the City and FPUA for the definition of unrestricted cash reserves and the transfer in an orderly fashion of a percentage of the unrestricted cash reserves. Motion died for lack of a second.

Ms. Johnson asked for a Profit and Loss by fund or department. Unrestricted funds are not broken down by fund.

As to #6, whether the Charter should be revised to include additional criteria for the appointment or removal of the FPUA Board Members. Discussion included qualifications of board members, having a better application to provide more background and qualifications and how members are selected. Chairman Bryan passed the gavel to Vice Chairman Drummond.

Vice Chairman Drummond returned the gavel to Chairman Bryan.

The Charter Review Commission asked that the City develop a revised application form to include greater qualifications. Mr. Becht suggested making a training session mandatory for all new board members. Mr. Tompeck confirmed that every new board member goes through training; they have never had an issue with getting new board members to attend. It was suggested that a statement acknowledging required FPUA training be included on the application. Mr. Smyth expressed his disappointment in #1 not being advanced, stating that FPUA should be run like a corporation.

6. **PUBLIC COMMENTS (3 minutes per person)**

There were no public comments.

7. **SET NEXT MEETING DATE**

- a. Schedule public input meeting on Final Report prior to submission to the City Commission as required by Section 8 of Resolution 17-R17.

Mr. Messer suggested that the next meeting date should be the mandatory 2nd meeting where this board seeks public comment on the final report. Once that is accomplished, this Board business is complete and the final report would be presented to the City Commission. If necessary, any member could to raise any additional issues to be addressed at the public meeting and a follow up meeting could be held on that issue(s) for inclusion in a final report.

The mandatory meeting for public comment will be held on Thursday, February 15 at 6:00 p.m. in Commission Chambers.

8. **ADJOURNMENT**

Meeting adjourned at 5:58 p.m.

ATTEST:

CITY CLERK

CHAIR

MINUTES OF THE CHARTER REVIEW COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE SECOND FLOOR CONFERENCE ROOM, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 4:00 P.M. ON TUESDAY, **NOVEMBER 14, 2017.**

1. **CALL TO ORDER**

Chairman Bryan called the meeting to order at 4:00 p.m.

2. **ROLL CALL**

Present: Frank Fee, III; Eddie Becht; Darrell Drummond; Ben Bryan, Jr.; Harold Smyth; Bob Burdge

Absent: Gloria Johnson

Staff Present: James Messer, City Attorney
John Tompeck, Director of Utilities
Linda Cox, City Clerk
Nicholas Mimms, City Manager

Ms. Johnson arrived at 4:02 p.m.

3. **MINUTES**

- a. Approval of minutes from the October 18, 2017 regular meeting and the October 24, 2017 public input meeting.

Motion was made by Eddie Becht, seconded by Frank Fee, III to approve both sets of minutes

AYE: Ben Bryan, Jr., Darrell Drummond, Eddie Becht, Frank Fee, III, Gloria Johnson
Passed

4. **NEW BUSINESS**

- a. Presentation by Jim Hartley, CPA, FPUA Auditor

Jim Hartley presented a report showing Statement of Net Position for FPUA showing a 5 year analysis. He was asked to speak on Unrestricted assets and reported his focus was on 2016 which showed 25 million in unrestricted cash and 31 million in adjusted unrestricted assets.

He discussed the number of days of cash liquidity and reserves reported that the bonds requires 45 days, which is 9.2 million; GFOA recommends 60 days which would be 12,329 million; the best practices for some entities can be 90 days or 18,493 million. FPUA is currently at 120 days. When discussing who makes the determination of how many days the UA holds in reserves, it was suggested that staff makes a recommendation and the Board approves. Mr. Tompeck indicated that no specific decision is made as to how many days of cash they have on hand. The annual CAFR is the true up with the City and there are no charter requirements as to the

amount of reserves.

Mr. Becht indicated he was prepared to discuss bringing the UA into the city as a department. Mr. Drummond inquired about an annual retreat where they discuss a 5 year projection and capital plans and how excess funds were handled; Mr. Tompeck indicated that no strategic plan has been done in 3 years, however they are initiating developing a strategic plan immediately.

Discussion continued regarding FPUA growth, City growth, having a mechanism in place for planning for the growth of the city and the UA through a strategic plan. Such plan could address a formula for what is right and fair to the UA in terms of their reserves and when, how and for what purpose those funds be distributed. It was noted that both the County and Port St. Lucie have seen growth with their utility improvements where the City of Fort Pierce has not enjoyed the same growth.

Mr. Hartley then reviewed the Statement of Cash Flows which showed operating revenues of 21,754 million, which is a decrease in cash of 3 million over 2015.

Discussion continued as to evaluating what items can be worked out between the city and the UA without charter amendments. Mr. Tompeck indicated a willingness to include revenue from FPUANet into the transfer.

5. **OLD BUSINESS**

- a. Transfers to General Fund Survey Conducted by FMPA.
- b. Distribution Calculation for FY 2017
- c. Utility Tax and Surcharge Information
- d. Discussion on memorandum presented by City Attorney James Messer which outlines issues raised at prior meetings including the following: 1. Distribution of Gross Revenue, 2. FPUA Membership and Management, and 3. Strategic Plan and Business Purpose.

Chairman Bryan recommended that the information in items a, b, and c be discussed at the same time as item d which is the memorandum prepared by Mr. Messer. In reviewing the memorandum, the board agreed to take the three parts of the memo in reverse order.

As to Section 3 regarding Strategic Plan and Business Purpose, consensus was that a joint strategic plan is appropriate looking at both long term and short term strategies on an annual basis. It was recommended that Mr. Mimms and Mr. Tompeck get together to develop a method to get a strategic plan moving forward and to address how we might lead FPUA to grow.

As to Section 2 regarding FPUA Membership and Management, additional information was requested. Chairman Bryan did recommend that the selection of Board members be modified to insure that there was at least one member representing each of the

election districts of Fort Pierce. Additionally, the group sought more information about how directors were appointed in other utilities along with the reporting structure.

As to Section 1 regarding the distribution of gross revenue, much more additional information was requested. In summary, the following additional information will be gather for consideration by the Board at the next meeting:

- Number of FPUA customers for each year in order to demonstrate growth or not
- What does FPL pay to municipalities as a franchise fee
- What does FPL pay to municipalities in property and tangible taxes
- What are the rates being charged in PSL, Vero, Stuart, Ocala, Orlando, St. Pete, Tampa; primarily electric but wastewater as well
- How are the independent utilities set up in their respective Charters and Ordinances
- What are the rates of autonomous utilities compared to those organized as a city department
- How is the selection of utilities director accomplished in other cities with an autonomous utility and to whom does he/she report; structure of the relationship with the municipality
- What are the cash reserves of the Port St. Lucie Utility
- Is there an average of number of days of cash for a utility which is a city department versus an autonomous
- What is the distribution of reserves among the various funds (water, wastewater, etc.)
- What is the plan for the use of the restricted funds

- e. Population Numbers as requested based upon the 2010 Census: District 1 - 21,487
District 2 - 20,103

6. **PUBLIC COMMENTS (3 minutes per person)**

There was no public comment.

7. **ADJOURNMENT**

The meeting was adjourned at 5:59 p.m.

ATTEST:

CITY CLERK

CHAIR

MINUTES OF THE CHARTER REVIEW COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 6:30 P.M. ON **TUESDAY, OCTOBER 24, 2017.**

1. **CALL TO ORDER**

Chairman Ben Bryan called the meeting to order at 6:30 p.m.

2. **ROLL CALL**

Present: Ben Bryan, Jr.; Eddie Becht; Bob Burdge; Darrell Drummond; Frank Fee, III; Harold Smyth

Absent: Gloria Johnson

Staff Present: James Messer, City Attorney
John Tompeck, Director of Utilities
Linda Cox, City Clerk
Nicholas Mimms, City Manager

3. **OVERVIEW OF LIMITED CHARTER REVIEW COMMITTEE - SCOPE OF REVIEW**

James Messer, City Attorney, described the limited scope and purpose of the Charter Review Commission. First, to review the relationship of the FPUA to the City of Fort Pierce. Second, to review the methodology of how funds are transferred to the City. Finally, to discuss how and if the Utility Authority should expand its boundaries.

4. **PUBLIC INPUT (5 minutes per person)**

Mike Perri indicated that he knew when they put \$30.00 from the power cost adjustment into the base rate to increase the city's take by about \$1,000,000, he said then that it wouldn't stop and here we are. He estimates ad valorem taxes at approximately \$14 million; the FPUA collects approximately \$3.6 million on the utility bill for the City; the Redevelopment Agency has about \$5 million coming each year and the transfer is about \$6.5 million dollars. He discussed what he believes to be the city's financial condition and outstanding bond issues. He believes it is wrong for the city to seek additional funds from the Utility Authority just because they run a prudent operation. Mr. Perri suggests expanding the FPUA board to include representation of those customers that live outside of city limits with no representation on the board; possibly to seven members to include 2 county residents.

John Tompeck, Director of Utilities, reported that they continue to work on the items requested at the last meeting. He expects to have the information by the end of the week and will provide to the Clerk for distribution.

Chairman Bryan discussed the scheduling of the next meeting. Consensus was to hold the next meeting on November 14, 2017 at 4:00 p.m. in the 2nd Floor Conference Room. Mr. Messer plans to have a "road map" to outline issues and alternatives with appropriate back up materials.

Bob Burdge suggested that as the Commission gets closer to the end with some potential recommendations, it would be a good idea to hold two public meetings, one in the northwest section of Fort Pierce and another in City Hall. The public should have a clear understanding of what the Charter Review Commission may be recommending the the City Commission for consideration and have more ideas upon which to speak.

Chairman Bryan confirmed with Mr. Messer that the Commission has now met the requirement to seek public input prior to consideration of specific issues.

5. **ADJOURNMENT**

Chairman Bryan adjourned the meeting at 6:42 p.m.

ATTEST:

CITY CLERK

CHAIR

MINUTES OF THE CHARTER REVIEW COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA,
HELD IN THE SECOND FLOOR CONFERENCE ROOM, 100 NORTH U.S. #1, FORT PIERCE,
FLORIDA, AT 4:00 P.M. ON WEDNESDAY, OCTOBER 18, 2017.

1. **CALL TO ORDER** - Chairman Ben Bryan called the meeting to order at 4:01p.m.

2. **ROLL CALL**

Present: Frank Fee, III; Eddie Becht; Darrell Drummond; Ben Bryan, Jr.; Harold Smyth; Bob Burdge

Absent: Gloria Johnson

Staff Present: John Tompeck, Director of Utilities
Nina Pennick, FPUA Finance
James Messer, City Attorney
Miriam Garcia, Deputy City Clerk

Gloria Johnson arrived at 4:21pm.

3. **MINUTES**

a. Approval of Minutes from the September 27, 2017 meeting.

Motion was made by Eddie Becht, seconded by Frank Fee, III to approve the September 27, 2017 minutes.

AYE: Ben Bryan, Jr., Darrell Drummond, Eddie Becht, Frank Fee, III
Passed

4. **OLD BUSINESS**

a. Background Minutes & Transfer Formula

Board discussion included the current transfer formula of 6%. Currently the transfer is made once a year. Suggestions to possibly transfer twice a year or once a quarter.

The Board requested information about other municipalities' transfer rate.

The Board also agreed that the FPUA needs to be more proactive as far as an expansion program.

b. Other information deemed valuable.

Board discussion included the Charter revisions and recommendations that should be made to the City Commission. For example the transfer, base rate, budget, and when should the City Commission have more input in regards to the FPUA.

The Board requested a list of exemptions to the 6% transfer. Comparisons of transfer formulas of other municipalities' utilities authorities so that they can make appropriate Charter revision recommendations to the City Commission.

Discussion also included methodology and appointment of the FPUA Board. The Board requested application requirements from other jurisdictions. Minimum qualification requirements were also discussed.

- c. Identify all FPUA and City of Fort Pierce Revenue Streams

The Board requested a list of reserve funds along with dollars amounts.

5. **NEW BUSINESS**

- a. Preparation of Agenda for Public Input Meeting on October 24, 2017 at 6:30 p.m.

6. **PUBLIC COMMENTS** - There were no public comments.

7. **ADJOURNMENT** - Chairman Bryan declared the meeting adjourned at 5:25pm.

ATTEST:

CITY CLERK

CHAIR

MINUTES OF THE CHARTER REVIEW COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA,
HELD IN THE SECOND FLOOR CONFERENCE ROOM, 100 NORTH U.S. #1, FORT PIERCE,
FLORIDA, AT 4:00 P.M. ON WEDNESDAY, **SEPTEMBER 27, 2017.**

1. **CALL TO ORDER**

City Attorney Jim Messer called the meeting to order at 4:03 p.m.

2. **ROLL CALL**

Present: Gloria Johnson; Frank Fee, III; Eddie Becht; Darrell Drummond; Ben Bryan, Jr.; Harold Smyth; Bob Burdge

Staff Present: James Messer, City Attorney
Linda Cox, City Clerk
Nicholas Mimms, City Manager

3. **NEW BUSINESS**

a. Election of Officers

Motion was made by Frank Fee, III, seconded by Darrell Drummond to nominate Ben "Buck" Bryan to serve as Chairman.

AYE: Ben Bryan, Jr., Darrell Drummond, Eddie Becht, Frank Fee, III, Gloria Johnson
Passed

Motion was made by Frank Fee, III, seconded by Eddie Becht to nominate Darrell Drummond to serve as Vice-Chairman.

AYE: Ben Bryan, Jr., Darrell Drummond, Eddie Becht, Frank Fee, III, Gloria Johnson
Passed

b. Prioritization of Issues

Mr. Messer reviewed the resolution establishing the Limited Charter Review Commission. Specific review will be of Article XII of the City's Charter and the life span of the Commission is limited to 6 months. The work of the Charter Commission should be complete around March or April, 2018 with a report to the City Commission at a joint meeting in May or June, followed by any language to be placed on the ballot to the Supervisor of Elections in July. The provisions to be studied are Sections 169, 176 and 178.

City Manager Nick Mimms explained that his staff and that of the Fort Pierce Utilities Authority is available to assist with the gathering of any technical information required by the Charter Commission.

c. Sunshine Law and Public Records Briefing - City Attorney

Mr. Messer provided a brief overview of the requirements of the members of the Charter Review Commission to adhere to the Florida Sunshine Law, Public Records laws and Florida Code of Ethics.

The members of Charter Review Commission developed an extensive list of information they deemed important to their future discussions in preparing to make recommendations to the City Commission. The items include the following:

1. Identify all municipal taxes that route to the city through the UA for the city's benefit (like the CSI, Garbage, utility tax)
2. Identify all FPUA revenue streams
3. Identify all City of Fort Pierce revenue streams
4. How was the formula for transfer originally determined
5. Identify cities with similar sized utilities
 1. Identify the basis of the transfer used by other cities
 2. Identify number of customers and size of systems in other cities
 3. Rates of the UA and other similar sized systems
 4. How do other utilities calculate their transfer
 5. Identify structure as with a department or separate authority
 6. Copies of computations
 7. Outside service boundary rates
 8. Other autonomous entities and method of appointing their board members
6. FPL fee and tax info for that which is in City limits
7. 1994 Minutes from City Commission and UA when changed from 40% of net profit to 6% (compromise to get rate)
8. 1970-72 Minutes leading up to creation of authority
9. Any other information deemed by staff to be valuable to review.

The information will be gathered by staff and forwarded to the members for review.

d. Establishing Future Meeting Schedule

The Commission agreed to hold its next meeting on October 18, 2017 at 4:00 in Commission Chambers. The public input meeting required by the Resolution will be held on Tuesday, October 24, 2017 at 6:30 p.m. in Commission Chambers.

At the next meeting, the Commission will discuss all of the information that was gathered and distributed.

4. **PUBLIC COMMENTS (3 minutes per person)**

There was no public comment.

5. **ADJOURNMENT**

Meeting was adjourned at 5:20 p.m.

ATTEST:

CITY CLERK

CHAIR