

RESOLUTION NO. 17-R17

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, **ESTABLISHING A LIMITED CHARTER REVIEW COMMISSION**; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the existing Charter became effective on April 24, 1972; and

WHEREAS, since then, there has been no review of the Charter; and

WHEREAS, the City Commission desires to have a Limited Charter Review Commission review provisions of Article XII of the Charter regarding the Fort Pierce Utilities Authority ("Authority"), and propose any amendments or revisions that may be advisable for placement on the general election ballot on November 6, 2018.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Fort Pierce, Florida as follows:

SECTION 1. CREATION OF THE CHARTER REVIEW COMMISSION. The City of Fort Pierce, Florida hereby establishes a Limited Charter Review Commission ("CRC").

SECTION 2. CHARGE OF THE LIMITED CHARTER REVIEW COMMISSION.

The City of Fort Pierce CRC shall be charged with the task of undertaking a review of provisions of Article XII, "Fort Pierce Utilities Authority", of the Fort Pierce Charter as set forth in section 3, "Scope of Review," of this Resolution. The CRC shall make recommendations to the City Commission at the conclusion of its deliberations.

The CRC is authorized to make recommendations regarding any and all issues related to the amendment of the provisions of the Charter outlined in section 3 of this Resolution, and the deletion or creation of new provisions relating to the same. The City Commission has chosen not to limit the scope of the CRC's authority with regard to the provisions outlined in section 3 of this Resolution.

The CRC shall prepare its recommendations for amendments, deletions, or new provisions as a single item in a final report ("Final Report") to the City Commission. The CRC shall not issue interim or partial recommendations to the City Commission.

The Final Report of recommendations of the CRC shall be approved by a vote of not less than a majority of the voting members of the CRC.

This Charge shall expire and the CRC shall cease to exist forty-five (45) days after issuance of its final report, unless extended by majority vote of the City Commission.

SECTION 3. SCOPE OF REVIEW. The CRC is directed to render recommendations including but not limited to the following Charter provisions of Article XII, "Fort Pierce Utilities Authority":

- 1) Section 169, relating to the relationship between the Authority and the City;
- 2) Section 176, relating to the enumeration of specific powers and duties, including but not limited to service territory; and
- 3) Section 178, relating to the percentage of revenue paid to the City and/or methodology for calculating amount paid to the City.

SECTION 4. MEMBERSHIP. The CRC shall be composed of seven (7) members: five (5) appointed members, and a first and second alternate member. The City Manager and the Director of Utilities of the Authority, or their designees, shall serve as ex officio members without vote.

All members of the CRC shall either be residents of the City of Fort Pierce or St. Lucie County residents and an FPUA rate payer at the time of their appointment to the CRC and shall remain residents and/or rate payers during the entirety of the CRC's tenure. Any member who experiences a change in status as a resident or rate payer during the tenure of the CRC shall forfeit his or her membership on the CRC and shall be replaced by appointment of the appropriate alternate.

Each member of the City Commission shall appoint one (1) member. Two (2) alternate members shall be appointed by majority vote of the City Commission. The Chairperson shall be appointed by majority vote of the CRC.

If a member of the CRC resigns, the appropriate alternate shall be appointed to replace the resigning member.

Both alternate members shall attend all meetings of the CRC in order to be knowledgeable of the issues in the event that an appointment to the CRC occurs. However, during their tenure as alternates, the alternates shall not be actively involved in the deliberations of the CRC and shall not have any vote on the CRC.

The City Attorney or his designee shall be legal counsel to the CRC and attend meetings when requested by the Chairperson.

SECTION 5. TIMELINE. The following timeline shall apply to proceedings of the CRC:

- 1) The City Commission will appoint members to the CRC by September 5, 2017.
- 2) The first meeting of the CRC shall occur on or about September 11, and thereafter the CRC shall set its own meeting schedule.
- 3) No later than six (6) months after its first meeting, the CRC shall issue a Final Report containing its findings and recommendations to the City Commission.
- 4) After issuance of the Final Report, a joint meeting of the City Commission and CRC shall be scheduled to discuss the CRC's findings and recommendations.

SECTION 6. GENERAL PROVISIONS. The CRC is encouraged to undertake and complete its work in a timely fashion, while at the same time taking all necessary steps to ensure that it has conducted a thorough and responsible review of the provisions outlined in section 3 above. The CRC shall meet no less frequently than once each month and shall meet more often at its discretion. The CRC is encouraged to establish meeting times that will allow maximum opportunity for community participation.

All meetings will be scheduled by the CRC in coordination with and noticed by the Office of the City Clerk.

In order to ensure that the work of the CRC remains comprehensive and coordinated, the CRC shall conduct all of its meetings as a committee of the Whole. The CRC shall not establish committees or sub-committees.

A majority of the members of the CRC entitled to vote shall constitute a quorum for the transaction of business. All recommendations from the CRC for either approval or disapproval shall be by majority vote of the members of the board entitled to vote.

SECTION 7. ATTENDANCE. All members of the CRC shall attend all meetings of the CRC. Any member who shall miss more than two meetings consecutively, or more

than three meetings cumulatively, shall be automatically removed from membership on the CRC and shall be replaced by the designated alternate. The designated first and second alternate shall attend all meetings and shall be subject to the provisions of the preceding paragraph.

SECTION 8. PUBLIC INPUT. All meetings of the CRC shall be subject to the requirements of the Florida Government in the Sunshine Law. The CRC shall provide an opportunity for public comment at each of its regularly scheduled meetings and may adopt rules governing such public comment. The CRC shall hold a meeting early in its schedule that will solicit community input prior to initiating its deliberations on the substantive issues of the Charter review. The CRC shall hold a similar meeting to provide public input after it has produced its final version of any Charter amendments, prior to submitting its Final Report to the City Commission.

SECTION 9. CONDUCT OF MEETINGS. The CRC shall use the Roberts Rules of Order for Small Boards and Committees for the conduct of its business. The rules should be sufficient to allow for the efficient and effective conduct of its business but not so restrictive or complex as to hamper the free flow of opinion, or to prevent the open expression and examination of positions on issues under consideration.

SECTION 10. EXPERT WITNESSES, STAFFING AND CLERICAL SUPPORT. The CRC is encouraged to solicit participation at its meeting from expert witnesses qualified by specialized knowledge, skill, experience, training, and/or education in matters that will assist the CRC in its charge, including but not limited to municipal government generally, or specifically, the history and creation of the relevant Charter provisions, and/or the organizational and financial relationship between the Authority and the City.

If recommended by the CRC, and contingent upon approval of the City Commission or its designee, the City will retain a consultant to provide technical assistance and guidance to the CRC in its review and deliberations and provide principal assistance with drafting any proposed revisions to the Charter. The City Clerk shall provide public notice and keep minutes of all CRC meetings and shall provide all clerical support. The City Manager's staff will provide additional clerical support to the work of the CRC as needed.

SECTION 11. FINAL REPORT. The CRC shall issue a Final Report containing its findings and recommendations to the City Commission at any time but no later than six (6) months after the first meeting of the CRC.

The Final Report shall include, but not be limited to, (1) the substance of any recommendations of proposed amendments, revisions, or repeals to the Charter, (2) the policy reasons for each recommendation, (3) estimated budget impacts for each recommendation, (4) the impacts of each recommendation on existing City laws, practices, and procedures, and (5) proposed ballot language for each recommendation.

Section 12. COMPLIANCE WITH APPLICABLE LAWS. The CRC, its members, and all of its proceedings shall be governed by and comply with the provisions of the Florida Sunshine Law, F.S. Ch. 286, the Florida Public Records Law, F.S. Ch. 119, and the Florida Code of Ethics, F.S. Ch. 112, and all other applicable local or state statutes, ordinances, or rules.

SECTION 13. EFFECTIVE DATE. This resolution shall take effect immediately upon its adoption.

IN WITNESS WHEREOF, this Resolution has been duly adopted this 7th day of August, 2017.

Linda Hudson
Mayor Commissioner

ATTEST:

Linda W. Cox, City Clerk

Approved as to Form
And Correctness:

James M. Messer, Esq.
City Attorney