

Town of Melbourne Beach

CHARTER REVIEW COMMITTEE MONDAY, JANUARY 27, 2025, 3:00 P.M. COMMUNITY CENTER – 509 OCEAN AVENUE

MINUTES

Board Members:

Chairman James Simmons
Vice Chairman Bruce Larson
Member Kathy Ivers-Osthus
Member Charles Leps Jr
Member Jessica Martinez

Staff Members:

Town Manager Elizabeth Mascaro
Town Clerk Amber Brown
Town Attorney Ryan Knight

1. Call to Order

Town Attorney Ryan Knight called the meeting to order at 3:00 p.m.

2. Roll Call with Determination of Quorum

Town Clerk Amber Brown conducted roll call

Board Members Present

Member Kathy Ivers-Osthus
Member Bruce Larson
Member Charles Leps Jr
Member Jessica Martinez
Member James Simmons

Staff Members Present

Town Attorney Ryan Knight
Town Clerk Amber Brown

3. Election

A. Chairperson

Town Attorney Ryan Knight spoke about the Committee and said it will require three affirmative votes for approval of a vote and it would take three members present to constitute a quorum.

Member Bruce Larson requested each member introduce themselves.

Member James Simmons introduced himself and spoke about his background. - 2:20

Member Charles Leps introduced himself and spoke about his background. - 3:22

Member Kathy Ivers-Osthus introduced herself and spoke about her background. - 4:22

Member Bruce Larson introduced himself and spoke about his background. - 4:45

Member Jessica Martinez introduced herself and spoke about her background. - 6:36

Member Charles Leps Jr asked what the duties are of the Chairperson, and who will record the changes.

Town Attorney Ryan Knight spoke about how the duties of the Chairperson are to be the presiding officer over meetings and would be in charge of adhering to the agenda and calling for any votes. In the absence of a Chairperson, the Vice Chairperson would assume that role. Said any agreed to changes to the charter would be made by the Town Attorney and kept with the Master Copy with Town Clerk Amber Brown.

Member Kathy Ivers-Osthus asked if you can nominate yourself or if someone else has to.

Town Attorney Ryan Knight said normally the protocol is for someone else to nominate you.

Member Jessica Martinez made a motion to nominate Jim Simmons as Chairperson; Member Kathy Ivers-Osthus seconded; Motion carried 4-1 with Member Bruce Larson dissenting.

B. Vice-Chair

Member Charles Leps Jr made a motion to nominate Bruce Larson as Vlce Chair; Member Jessica Martinez seconded; Motion carried 5-0.

4. **Public Participation**

None

5. **Town Attorney Report-Legal Review Presentation**

A. **Sunshine Law and Public Records - 11:45**

Town Attorney Ryan Knight spoke about the Sunshine Law and Public Records Law and how they apply to the Charter Review Committee. What that means is any business done through this Committee needs to be done in public. Do not group text, email or speak outside of these meetings about issues that could come up in meetings. Applies to social media as well. Emails, texts, posts on social media, really any form of communication are all subject to Public Records Law.

Member Charles Leps Jr clarified that communication between members of the Committee is restricted on matters that are relevant to this Committee. And asked if someone initiates conversation about work of this Committee, that is to be turned over to the Town Clerk.

Town Attorney Ryan Knight said if it is verbal communication you do not have to summarize, some people think it is easier to turn over communication immediately, some hold onto it but the important thing is not to delete anything.

Chairman James Simmons asked if it is communication with Town Staff, we do not need to retain that.

Town Attorney Ryan Knight said those would be retained by the Town.

Member Jessica Martinez asked if her email is public record.

Town Attorney Ryan Knight said matters that could come before this Committee are public record, but not personal emails.

B. Responsibilities of Members -17:08

Town Attorney Ryan Knight spoke about the responsibilities of the Members of the Charter Review Committee. The resolution that constituted this Charter Review Committee provides that within 150 days from today, the Committee shall submit a written report to the Town Commission. This is an advisory role, any recommendations you make would go in front of the Town Commission for a vote to go to a referendum. Said the goal would be to get their recommendations in front of the Town Commission by the end of May for two readings. The Town has to submit to the County in mid-August.

Member Jessica Martinez said June 26th is the end of 150 days.

Vice Chairman Bruce Larson said that would be too late and it should really be the end of May.

Town Attorney Ryan Knight said that he would send a sample that they have done with another municipality regarding the written report of what to give the Town Commission so the Committee has an idea of what the end goal will look like. The Committee will want to identify any changes to the Charter and will work on wording for a referendum.

Vice Chairman Bruce Larson clarified the end product from the Commission would be a written report with a recommendation on the draft of the 75 words and a full new wording of the Charter if there are changes.

Town Attorney Ryan Knight spoke about how the changes would work and that each item would be voted on.

Vice Chairman Bruce Larson asked if they would have access to the Town Attorney for advice and clarification between meetings.

Town Attorney Ryan Knight said the members could direct him to write a memo or if there are any individual questions, email him and he would respond to the whole Committee.

Chairman James Simmons pointed out that the Committee needs to be mindful of how often they are interacting with the Town Attorney from a cost perspective.

Town Attorney Ryan Knight said that the Committee will also need to establish a schedule for meetings.

Member Jessica Martinez said there are 9 chapters to get through in 4 months, asked if there could be multiple meetings a month.

Town Attorney Ryan Knight said typically for Charter Review Committees there would be a meeting every other week.

Vice Chairman Bruce Larson made a motion that we hold our meetings every two weeks alternating to straddle the Town Commission meeting so that we are meeting a week after the Town Commission meeting and the week before. Second part of my motion is that we make a report to the Town Commission for each of their monthly meetings, update them on progress and enhance public visibility and transparency. - 25:30

Chairman James Simmons amended the motion to be the second and fourth Monday of every month at 6:00; Member Charles Leps Jr seconded; Motion carried 5-0.

Vice Chairman Bruce Larson made a motion that we report back to the Town Commission at their monthly meeting;

Town Clerk Amber Brown said there will only be two days to get updates into the packet for the Wednesday Town Commission meeting.

Town Attorney Ryan Knight said he could also put it under his section of the Attorney Report for the Town Commission meeting.

Vice Chairman Bruce Larson's amended motion is to make the monthly report to the Town Commission as part of the Attorney's written monthly report and we agree to the summary wording of that report at the Monday prior to the Wednesday submission deadline;

Chairman James Simmons said he would be okay with the Town Attorney making a verbal summary, and would not need to approve it.

Member Charles Leps Jr said that will engage the public more.

The Committee agreed to have the Town Attorney summarize their meetings.

6. New Business

A. Charter Overview - 33:10

Town Attorney Ryan Knight said the next step would be to establish a framework or schedule as to how the Committee would like to discuss each of the 9 articles. Said some articles will take multiple meetings, some might only take 20 minutes to get through.

Chairman James Simmons spoke about starting the first meeting with Article 1 and going in order.

Member Jessica Martinez spoke about going in order and allocating more time for the topics that need it.

Vice Chairman Bruce Larson suggested that there really are 7 meetings because the last one will need to be a report. Said to start with Article 1 at the first meeting and get a feel for how they are moving.

Town Attorney Ryan Knight said the schedule for what to discuss at meetings is fluid, suggests if the Committee wants to go in order to be prepared to talk about Article 1 and some of Article 2 at the first meeting.

Chairman James Simmons said he would rather be prepared for all of Article 2 because of time, so for the first meeting, be prepared to discuss Articles 1 and 2 and then after that move through the Charter sequentially.

Member Jessica Martinez spoke about wanting a time limit for meetings, if possible two hours. - 42:40

The Committee approved a goal for a time limit of 2 hours.

Vice Chairman Bruce Larson spoke about having everyone do track changes and provide them to the Town Clerk prior to the meeting. Mentioned having the changes projected on a screen to follow the changes. Spoke about there being numerous grammatical changes.

Town Clerk Amber Brown mentioned every change has to go on the ballot.

Town Attorney Ryan Knight clarified that a consistent language change throughout the Charter would be considered one issue which would result in one ballot question.

Chairman James Simmons said he believes some language issues would not make a big difference overall and should be ignored.

The Board discussed the ability to change where they are sitting to be able to project changes onto the screen and all were in favor of the idea.

Member Charles Leps Jr discussed addressing the order of importance for what they will be discussing, mentioning language and grammar changes would be low on the priority list.

Town Attorney Ryan Knight said reserved sections are for newly created sections.

The Board discussed wanting the referendum language from the prior Charter Amendments, which the Town Attorney said they should be able to get.

Vice Chairman Bruce Larson asked about Sections 1.01 and 1.02. - 1:05:35

Town Attorney Ryan Knight said the Committee would not need to make any changes to those 2 sections.

Chairman James Simmons spoke about Section 2.03(a)(1) Term of Office that says the Commissioner-at-Large, and asked if that includes the Mayor or not.

Town Attorney Ryan Knight said that in this context it would not include the Mayor since it's not specifically spelled out to the Mayor.

The Board discussed adding an agenda item to the next RTCM to get feedback on holding odd year elections.

Town Clerk Amber Brown discussed the costs of elections where everyone is on the ballot which is \$400-\$600, and the costs of odd year elections which are only municipal elections, and that cost is over \$10,000. She said she had brought up moving from a 3 year term to a 4 year term to save money on the elections and the Commission at the time did not want to make that change unless the cost increased to over \$30,000.

Member Charles Leps Jr clarified that if there is an appointment, in the following election, that seat is up for grabs and if we changed it to even year elections only, that appointee could potentially hold their seat for two years. Believes the Commission needs to be informed of all this as they weigh in on this issue.

Town Attorney Ryan Knight said it will be on the next Commission agenda.

Member Charles Leps Jr asked about Section 2.02 about moral turpitude and if this is normal language in other Charters. Also asked about members of the Town Commission being residents of the Town for a certain amount of time beforehand. - 1:16:40

Town Attorney Ryan Knight said if the Charter is older this might be in there but the more updated Charters usually say convicted of a felony or malfeasance, which would be defined in Florida Statutes. Said residents and electors are referenced in the code of ordinances, could make recommendations to the Town Commission if they find any inconsistencies. Said some municipalities have 12 months of needing to be a resident, some have 6 months, so there is a wide range, but cannot be something like 10 years.

Vice Chairman Bruce Larson spoke about how residence needs to mean that this is their primary residence, not just that they own a house here.

Chairman James Simmons spoke about the Board receiving the ordinances from the prior Charter updates, and having the limits of terms be added as an agenda item for the next Town Commission meeting.

Vice Chairman Bruce Larson spoke about having something on the Town website about the Board so the public knows.

Town Clerk Amber Brown said there is a news article on the website called Charter Review Committee Established and the Board will have their own page that is being created.

7. Announcement of Next Scheduled Meeting Date

A. To be Discussed

Vice Chairman Bruce Larson made a motion to hold a meeting every two weeks opposite of the Town Commission the second and fourth Monday of each month at 6:00 pm; Member Charles Leps Jr seconded; Motion carried 5-0.

Vice Chairman Bruce Larson made a motion to have a monthly report to the Town Commission be included in the Town Attorney report; The Committee decided to let the motion die in lieu of the Town Attorney doing a verbal update to the Town Commission.

The next meetings are scheduled for February 10th at 6:00 and February 18th at 6:00.

8. Adjournment

Member Charles Leps Jr made a motion to adjourn; Vice Chairman Bruce Larson seconded; Motion passed 5-0.

Meeting adjourned at 4:48 pm.

ATTEST:



James Simmons
Chairman



Rachel Pembroke (Feb 10, 2025 17:45 EST)
Rachel Pembroke
Transcriptionist



