

CITY COMMISSION WORKSHOP

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Mayor Chastain called the workshop to order to discuss the Potential Charter Revision and Referendum Deleting Requirements for a City Clerk from the City Charter. Present were Commissioner Janice D. Mortimer, Commissioner Danny Nugent, and City Manager Bob Milner. Commissioner Wilbur Waters, and City Attorney Dan Sikes were present by telephone conferencing and County Election Supervisor Terry Vaughn.

Mayor Chastain called the meeting to order and explained the purpose and scope of the workshop as advertised. He recognized Bradford County Supervisor of Elections Terry Vaughan who presented information regarding controlling state statutes for special and general elections and guidelines that his office must conform to if his office conducts the special referendum election as he is contracted to do for the General Election for the City of Starke in September of 2017.

Mr. Vaughan pointed out several provisions of the current City of Starke Charter regarding elections that he feels conflict with, or fail to conform to, state statutes and prevailing court orders. Specifically, he suggested that Chapter 38, Section 2 of the Charter must be amended to allow candidate qualifying period to adhere to state standard. As well, he suggested that it is impossible to adhere to the Section 3 requirement for a “run off” election (if there were more than 2 candidates seeking the same office and no one received more than 50% of the vote) since the Charter states that said run off would occur two weeks after the general election. He states that the state of Florida and most other jurisdictions had done away with run offs or second elections altogether and suggested that the City Commission should consider doing the same as they move forward with Charter revisions in the future. This section would have no consequence on the Special Referendum election regarding the elected Clerk’s position.

Mr. Vaughan distributed to all present copies of applicable state statutes and an opinion memo from the General Counsel of the State Division of Elections which stated in part, “Section 100.3605 Florida Statutes provides that no local charter or ordinance provision “shall be adopted which conflicts with or exempts a municipality from any provision in the Florida Election Code that expressly applies to municipalities”. Mr. Vaughan also referenced provisions relating to the pay of poll workers, when the Mayor shall issue a proclamation calling for the election and confusion over residency requirements that would need to be addressed

through future Charter revision efforts. Comments from various commissioners would indicate they are aware of the conflicts in the charter and expect Mr. Vaughan to follow controlling state statutes in the Special Referendum election as well as the general election.

Mr. Vaughan also mentioned Federal laws regarding overseas, military and international ballots would not allow for a runoff election after the General Election in September. He then presented timelines to address the Special Referendum election which include 1) preferred election date of June 6, 2) Logic & Accuracy testing on May 12 and a post-election manual audit on June 13. In the event the Charter Revision regarding an elected clerk does not pass, these dates would leave sufficient timelines for interested persons to qualify for the existing position of elected City Clerk. Mr. Vaughan then pointed to the sheet he had previously provided the commission regarding the costs for conducting a one day traditional election versus a mail ballot election. Based on current voter registration numbers for the City of Starke, the costs for a traditional election would be approximately \$5,500 and the costs for a mail ballot election would be approximately \$8,600, the difference in costs being primarily related to the costs of envelopes and mailing. There were short comments from Commissioners just confirming the information presented by Mr. Vaughan.

City Manager Milner asked Mr. Vaughan about what controlling documents would determine "residency" for the purposes of the special referendum and general election.

Mr. Vaughan advised that city residents would have until 29 days prior to any scheduled election to register to vote but that a voter already registered anywhere in the state of Florida could come in the day before the election and simply switch their status to the City of Starke if applicable. He also advised that his office would be using their normal means of public information to let Starke voters know they can request absentee ballots for the special referendum election and that his office already maintains a list of approximately 500 voters in the city who have standing requests for absentee ballots.

Mayor Chastain asked if there were any further questions from commissioners or the audience.

Citizen Steve Futch stated that he believed there would be a higher turnout if a mail ballot method were used but that he would support the referendum either way.

Attorney Sikes opined by phone that the proposed ordinance he had distributed to commissioners must be read and advertised at two separate commission meetings prior to adoption. Due to the language used in the announcement that was posted on March 8, and that it was given to the Bradford County Telegraph and posted on

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the public notice board at city hall, it was his opinion that the commission could have the first reading, discussion and vote at the commission meeting to follow this workshop at 7 pm.

Mayor Chastain asked if any additional comments or discussion, hearing none he closed the workshop.

Tommy Chastain, Mayor
Commissioner Daniel Nugent
Commissioner Janice D. Mortimer
Commissioner Wilbur L. Waters
Commissioner Travis V. Woods

Attest: _____
Ricky Thompson, City Clerk