



TOWN OF PALM BEACH

Office of the Town Clerk

REPORT OF THE CHARTER REVIEW COMMISSION ORGANIZATIONAL MEETING HELD ON APRIL 17, 1997

I. CALL TO ORDER

The meeting was called to order at 9:00 a.m. by Town Clerk Mary Pollitt.

II. ROLL CALL

The following Commission Members were found to be in attendance: Rodney Fink, Yvelyne deMarcellus Marix, Jeanne Habicht, Tom Keresey, Doyle Rogers, William Guttman, and James Wearn. The Town Officials attending all or part of the meeting were: Mayor Paul Ilyinsky, Councilmen Sam McLendon, Leslie Shaw, and Allen Wyett. Also attending the meeting were: Town Manager Robert Doney and Town Clerk Mary Pollitt.

Mayor Paul Ilyinsky addressed the Commission and explained he could not be part of the Charter Review Commission but would be available to provide any information requested by any member of the Commission. Mayor Ilyinsky added that he could not be part of the deliberations because his duties and job could be affected by the review of the Commission.

Mayor Ilyinsky reminded the Commission of the Sunshine Laws that will affect his communications with them in the future.

III. INTRODUCTION OF COMMISSION MEMBERS AND TOWN STAFF

Mrs. Pollitt introduced Town Manager Robert Doney.

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Mr. Doney said Town Attorney Randolph and he would be present at future meetings to address issues including the Sunshine issue. Mr. Doney recognized Jim Wearn, Attorney for the Town of Manalapan, and Doyle Rogers who served as Attorney for the Town of Jupiter Island.

Mr. Doney explained that Attorney Randolph was unable to be present at this meeting because of an earlier conflict but had submitted a letter, dated April 16, 1997, to the Charter Review Commission members regarding basic overall instructions and advice for deliberations and meetings of the Charter Review Commission.

Mr. Doney said that the Commission on Ethics advised Town Clerk Pollitt that each of the Town's Commissions, Boards, and Committees are potentially subject to financial disclosure. Mr. Doney stated that the Commission on Ethics provided an opinion as follows:

“Based upon these opinions and our conversations on Friday, it does not appear that the members of the Charter Review Commission are required to file annual disclosures.”

Mr. Doney said department heads would be available, if needed, to answer questions from the Commission members; however, either Mr. Doney or Peter Elwell, Assistant Town Manager, would be able to answer most questions. Mr. Doney stated he had been with the Town since February, 1974, and since 1971 Palm Beach County's population grew from approximately 300,000 to over 1,000,000 currently.

Mr. Doney reported that Mr. Randolph had been Town Attorney since 1979 and had experience and knowledge of the changes that occurred over the years. Mr. Doney recognized that Mrs. Marix had served as a member of the Town Council, Council President, and Mayor for many years. Mr. Wearn also served as a Council Member. Mr. Doney said additional historical insight into the Charter and Code of the Town of Palm Beach could be provided by these participants in the Charter review.

Mr. Rogers confirmed that Code of Ordinances books and Town Council minutes would be available to members of the Charter Review Commission if they were needed.

IV. TOWN ATTORNEY'S REMARKS REGARDING THE "SUNSHINE LAW", RULES OR PROCEDURE, AND OTHER LEGAL ISSUES RELATED TO THE OPERATION OF THE COMMISSION

Mr. Doney referred to the handout from Attorney Randolph that was provided to each Commission member.

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V. ELECTION OF COMMISSION CHAIRPERSON

Mrs. Pollitt called for nominations for a chairperson of the Commission.

Mrs. Habieth nominated Doyle Rogers as chairperson.

Mrs. Pollitt called for additional nominations. There were none. Mr. Rogers was declared chairperson of the Charter Review Commission.

VI. ELECTION OF COMMISSION VICE-CHAIRPERSON

Mrs. Pollitt called for nominations for a vice-chairperson of the Commission.

Mrs. Marix nominated Jim Wearn as vice-chairperson.

Mrs. Pollitt called for additional nominations. There were none. Mr. Wearn was declared vice-chairperson of the Charter Review Commission.

VII. REVIEW OF TOWN CHARTER

Mr. Rogers suggested the members of the Commission review the letter regarding the Sunshine Law as submitted in Attorney Randolph's letter.

(The Commission members reviewed Mr. Randolph's letter during a five minute break.)

Responding to questions and comments from Mrs. Habieth and Mrs. Marix, Mr. Rogers confirmed that no indirect contact or discussion could take place between Commission members.

Mr. Rogers suggested the Commission members could review specific areas of the charter at this meeting; otherwise, the charter could be reviewed in the interim, between this meeting and the next one, and the members could list particular areas of concern that could be addressed by agenda at the next meeting.

Mr. Guttman suggested an agenda for the next meeting could be addressed at this meeting. Mr. Guttman said a flexible, long-range schedule could be developed that addressed items the Commission wanted to address in the future. Mr. Guttman said the list could contain the names of experts, Town Council members or Town staff that would appear before the

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Commission. Mr. Guttman added that in addition to the two civic associations in the community, residents of the community should have opportunities to appear before the Commission.

Mr. Rogers referred to a letter from Robert Grace that should be read by Commission members (some of the members did not receive this letter). Mr. Rogers said Mr. Guttman's study that was prepared for the Civic Association was a good review of past actions and was worthwhile reading.

Mr. Wearn said it would be appropriate, if the Commission would be considering and addressing this report, to have Mr. Guttman's report made a part of the record.

Mr. Rogers agreed it should be made part of the record.

Mr. Doney stated copies would be made for Commission and staff members who did not have a copy of the report.

Mr. Rogers requested that the newsletter from Mayor Ilyinsky, recently published, should be made a part of the record.

Mr. Wearn asked that the Town Manager's office make available all of the files and records that pertained to the original adoption of the Charter and at least one, or possibly two, amendments. Mr. Rogers concurred with that request.

Mr. Doney replied that files and records would be available from 1970-71 and 1978-79 when the Charter was amended. These records will be available in the Town Manager's office.

Mr. Rogers requested input on a proposed time frame for addressing the Charter review and a possible date for presenting any proposals to the electors as a ballot issue. Mr. Rogers suggested a possible target date of November 1998 to ensure a greater turnout at the polls. Mr. Rogers noted that only approximately 1,300 voters turned out for the 1978 Charter amendment, and 6,000 to 7,000 voters could be expected to vote in any general election.

Responding to a question from Mr. Doney, Mrs. Pollitt reported the Town of Palm Beach has approximately 8,300 registered voters as of January 1997.

Mr. Guttman suggested a possible target date of the February 1999 election with input from experts including the Town Council, Town Manager, and residents and Commission deliberation in the intervening time period. Mr. Rogers agreed with those comments.

Mr. Keresey moved that February 1999 be the target date for presentation to the voters.

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Mr. Guttman recommended that the period October/November 1997 through May 1998 be used to hear from experts, the Mayor and Town Council, and the Town Manager. Mr. Guttman suggested targeting the period June 1, 1998, through August 1998 as a period for drafting reports to be used as a discussion basis for the Commission during September/October 1998 with a target completion date of November 1998. Mr. Guttman proposed submitting any recommendations to the Mayor and Town Council at that time.

Mrs. Marix reminded the members that schedule assumed the Commission would commit to meet for two years and conclude the Charter should be revised at that time. Mrs. Marix thought perhaps the Commission members would like to give some thought to studying the materials to determine if the Charter should be revised. Mrs. Marix said the members should decide if anything is wrong with the existing Charter before amendments are made.

After discussing the Commission's possible course of action, Mr. Rogers suggested the members review the submitted items and, if the members identify areas they think should be reviewed, submit reports to the Town Clerk's or Town Manager's office.

Mr. Doney suggested the Commission members could set a date certain to finish independent reviews, reduce the reviews to writing, and submit those reports to the Town Clerk by that date. After the reports are submitted, a date for a meeting could be set. Mr. Doney named some additional informational sources, i.e. Florida League of Cities, Municipal Code Corporation, etc.

of After discussion, the Commission agreed to submit letters by June 30 identifying the areas the Charter to be reviewed and recommendations for "guests". These letters would be distributed to all members of the Commission by the Town Manager's office. (*Town Attorney John Randolph's opinion would be requested before any letters were distributed.*) Mr. Doney said he would prepare a list of resource information including model charters.

VIII. IDENTIFICATION OF DATE AND TIME FOR THE NEXT MEETING OF THE CHARTER REVIEW COMMISSION

The Commission set Friday, October 31, 1997, at 9:00 a.m. as the next meeting for the Charter Review Commission.

IX. ANY OTHER MATTERS

There were none.

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X. ADJOURNMENT

The meeting was adjourned at 10:10 a.m.

Doyle Rogers, Chairman

Prepared by:
Mary A. Pollitt
Town Clerk