TOWN OF PALM BEACH

Office of the Town Clerk

REPORT OF THE CHARTER REVIEW COMMISSION MEETING HELD ON 2/26/98

I. CALL TO ORDER

Chairman Doyle Rogers called the sixth meeting of the Charter Review Commission to order at 2:00 p.m. on February 26, 1998, in the Town Council Chambers.

II. ROLL CALL

Town Clerk Mary Pollitt called the roll and the following Commission Members were found to be in attendance: Chairman Doyle Rogers; Vice-Chairman James McC. Wearn; Rodney Fink; William Guttman; Jeanne Habicht; and Tom Keresey. Also attending the meeting were Town Manager Robert Doney, Town Attorney John Randolph, Assistant Town Manager Peter Elwell, and Town Clerk Mary Pollitt.

III. APPROVAL OF AGENDA

Chairman Rogers suggested that after the continued consideration of the "Revised Synthesized Charter Agenda Proposals", the Commission should take a straw vote on each of the items to see where the contention might be.

Mr. Fink said he thought that was a good suggestion.

Mr. Wearn said he had not thoroughly considered his position on any of the items and until he has an opportunity to really study the merits of them, he would not want to participate personally in a straw vote because he would not want to state a position that would be inappropriate at this time.

Mr. Rogers asked Mr. Wearn if he would be ready to start on a discussion of the items.

Mr. Wearn responded he similarly was not prepared to address that at this meeting.

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Mr. Rogers said if a discussion were not started, the Commission would just be revising and revising–that was the problem.

Mr. Wearn said he understood the Commission would conclude the list of subjects that would be taken under consideration, and that would be the significant subject of this meeting. After concluding that list of subjects for consideration, the Commission would then determine how to proceed with discussions on the merits of those.

Mr. Rogers asked if any Commission member disagreed with that procedure? Mr. Rogers, hearing no responses, said the list of items would be finalized at this meeting and then determine how the discussion on the merits of those items should take place.

Mr. Rogers said he had a meeting with (former Town Manager) George Frost and discussed with him the possibility of getting some assistance or advice from former city mangers in the State of Florida. He asked if the Commission members had an opportunity to review the subject matter he handed out earlier?

Mr. Rogers said Mr. Frost told him that the organization has what they call "Range Riders" who are former city managers who are giving their time and being paid by their association to help groups such as this commission at no cost. A number of comments have been received from the audience regarding the cost of the hearings; however, Mr. Rogers hoped that no one thought a commission or committee could operate without some expense to the Town.

Mr. Rogers said he talked to Dick Simmons who had been a city manager in eight to ten different cities. He was a former city manager in West Palm Beach and may be especially qualified to give the commission some advice because he knows how the West Palm Beach Commission looks at Palm Beach. Mr. Rogers said his comments may be very interesting and to see what he thinks the Town of Palm Beach may need.

Mr. Rogers said Mr. Simmons suggested that Mr. Black, another Range Rider, be asked to meet with the Commission. He said that he had sent them both copies of recent minutes, the Charter, and the Revised Synthesized Charter Agenda Proposals. Whenever the Commission is ready to discuss the merits of those proposals, Mr. Simmons and Mr. Black could attend a meeting and offer suggestions at no cost to the Town.

Mr. Rogers reported he received a list of other "Range Riders" from Mr. Simmons, including some resumes. He said that was good information and suggested this information could be used to the Commission's benefit.

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IV. APPROVAL OF REPORTS OF THE CHARTER REVIEW COMMISSION MEETINGS ON DECEMBER 19, 1997, AND JANUARY 16, 1998

Chairman Rogers requested any suggestions for changes for the two reports be submitted to the Town Clerk.

V. COMMENTS FROM FORMER ELECTED AND APPOINTED OFFICIALS OF THE TOWN

Mr. Rogers asked Mr. Doney if there were any former officials who said they would appear before the Commission?

Mr. Doney responded that the item was on the agenda to allow for anyone who attended this meeting who had not appeared at any prior meeting to have the opportunity to address the Commission at this meeting.

Mr. Rogers said he did not see anyone in the audience who was a former elected or appointed official who had not been heard from.

VI. COMMENTS FROM RESIDENTS OF THEIR TOWN CONCERNING AGENDA TOPICS FOR CHARTER REVIEW

There were none.

VII. CONTINUED CONSIDERATION OF "REVISED SYNTHESIZED CHARTER AGENDA PROPOSALS," AS REVISED JANUARY 16, 1998

Mr. Rogers said the list had been well "synthesized" by now.

Mr. Rogers referred to Blitz Robinson's discussion regarding the framing of an item raised by Mr. Guttman.

Mr. Wearn said he had reviewed the minutes of the last two meetings and noted that some items may be subjects to add to the list. Mr. Wearn said he was prepared to identify those. These are subjects that were raised, either by former Mayors or Town Council persons or members of the public, for consideration to be added to the list.

Mr. Wearn identified the first of those subjects was:

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From the December 19, 1997, meeting minutes, page 19–Mrs. Wiener is addressing the Commission and identified the question of "education of persons seeking election to the Town Council and the need for that. " It was discussed as perhaps having a requirement for that. Mr. Wearn said that perhaps after completion of nomination, a presentation should be available to all of the prospective new councilmen from the Town Manager, Department Heads, and the Town Attorney that may take up a relatively short amount of time but give everyone an equal understanding of the unique Town of Palm Beach government. This would allow everyone to start off on an equal footing with similar basic knowledge.

Mr. Rogers asked if that would be mandatory?

Mr. Wearn said he thought it would be appropriate to require it for those who would be new.

Mr. Fink questioned if that would be a Charter requirement?

Mr. Wearn responded it could be in the qualifications, so it could be by Charter. He said he was suggesting that for consideration purposes and was not necessarily advocating that position. He said it was an item, raised by Mrs. Wiener, quite appropriately.

Mrs. Habicht asked if this would be a qualification requirement, would there be a test or a question if these people would be qualified?

Mr. Wearn responded that he did not think the discussion had gone that far, but he did not think a test would be appropriate; however, attending a presentation could be required as a qualification just as having twenty-five signatures on a petition are required for all candidates who had not previously served on the Town Council or as Mayor.

Mr. Rogers said he remembered a discussion regarding the circumstance of a resignation or a death, late in the term, where there would be a pool of former Council persons who should be nominated.

Mr. Wearn said that was already on the list that was identified under the provision for "vacancies" and the filling of vacancies.

Mr. Wearn said the second item he had identified from the minutes that were suggested for the Commission's consideration came from Mrs. Wiener's presentation, and that was the suggestion that there be a small stipend for the members of the Town Council as noted on page 20 of the December 19, 1997, minutes.

Mr. Wearn thought that it was appropriate for the Commission to put all items on the list that were presented to the Commission for consideration at this point.

Mr. Wearn said that Mr. Grace's presentation during that same meeting, bottom paragraph on page 26, he suggested a revision to Section 3.10 which deals with the Mayor and Town Council dealing with Town offices and employees who are subject to the direction and supervision of the Town Manager, and Mr. Grace suggested that section may be rewritten to give the Mayor a little more leeway than the Council members in dealing and giving orders publicly or privately.

Mr. Rogers clarified that the reason for this was that the Mayor is charged with enforcing the ordinances of the Town. Mr. Rogers said he thought that Mr. Frost's testimony clarified that administrator and chief executive were more or less interchangeable in today's council-manager government.

Mr. Wearn said he was not sure he agreed with that, but the Charter refers to the Chief Administrator. He thought there was a difference being a Chief Executive and a Chief Administrator; however, he thought that was already on the list.

Mr. Wearn referred to the minutes of the January 16th Charter Review Commission meeting. A letter was presented to Chairman Rogers from James Nemec which included his letter to Mayor Ilyinsky. The subject of the letter was to equalize voters' strength throughout the entire Town by districting. That is a subject that has been raised by the general public for consideration by this Commission.

Mr. Wearn said the next two items he noted were made by Adrian Winterfield and were on page 47 of the 1/16/98 minutes in the second full paragraph, Section 3.08 on Compensation. Mr. Winterfield's comment was: "an eye toward improving the language". Mr. Wearn said he thought the suggestion was that the language might be clarified. He said that the issue was an insurance question concerning compensation. Mr. Wearn said that was the fifth item identified for addition to the list.

Mr. Wearn said on the bottom of page 46 of the same minutes, Mr. Winterfield referred to Section 3.05(f), Emergency Powers, and pointed out that there might be a question regarding a deadlock of the three people making a decision in an emergency.

Mr. Wearn said the seventh addition to the list was below the item on compensation dealing with elimination of, what he characterized as, artificial designation of seats for Council persons. (Page 47, third full paragraph)

Mr. Guttman questioned if Mr. Wearn meant to include Mr. Winterfield's suggestion that the Caucus should be done away with as well?

Mr. Wearn responded he may have missed that, but perhaps that should be added also. Mr. Wearn noted that Mr. Winterfield characterized it as a vestigial coda appendage.

Mr. Wearn said that concluded the additional items he found in the minutes that were raised by the public in the minutes for consideration.

Mr. Rogers asked if any other Commission members had any other items to add?

There were none.

Mr. Doney clarified there were eight additional items to add to the existing list of twenty-nine items.

Mrs. Pollitt said that only the first item was identified as a mandatory "Charter" item.

Mr. Randolph said that anything the Commission wanted to mandate as opposed to having it be changed from Council to Council would be required to be a Charter change.

Mr. Rogers said the items would have to be discussed as to the intent of the item. He cited the issue of the mandatory education for all candidates to qualify.

Mr. Randolph said that during discussion, the Commission would make a determination whether or not that is something that is valuable enough to require as a mandate rather than have it by an ordinance which would provide flexibility.

Mr. Rogers said the issue of a small stipend for Council members could be an ordinance unless the intention was to have it continue forever.

Mr. Randolph said the problem with an ordinance is that the Council members should not be voting on an issue for their own benefit. If it were to be done by ordinance, the ordinance should not become effective until the term of that Council that voted for it was over.

Mr. Rogers said that would be Charter then.

Mr. Wearn said the stipend would also deal with the Charter prohibition against compensation. Although a stipend could be addressed in an ordinance, for it to be permissive to be addressed in an ordinance, there would have to be a Charter revision in the "no compensation" provision. Mr. Randolph concurred with that remark.

Mr. Rogers said the third item, granting the Mayor authority to contact employees, under his authority to enforce ordinances and laws of the Town....

Mr. Fink questioned that the proposal dealt with department heads rather than rank and file employees or has that distinction been made?

Mr. Rogers said that Mr. Wearn suggested, as he understood, that it was any employee of the Town.

Mr. Wearn said the suggestion was Mr. Grace's and his language did not limit it to department heads or any specific member of the Town staff.

Mr. Randolph stated that because the present Charter does have a prohibition on Council members approaching employees directly as opposed to through the Town Manager, this one would probably also require a Charter change.

Mr. Rogers read Section 3.05(c), Mayor's Powers, "The Mayor shall have the responsibility to see to the faithful enforcement and execution of all Town ordinances and laws." Mr. Rogers said that might mean that he has to go see the Town Manager and observe that some things are not being done. In other words, he could observe these things without being the person who actually enforces them.

Mr. Randolph said that under the Town Manager form of government, the appropriate way to deal with it, would be to go through the Town Manager. This appears to, without knowing Mr. Grace's intent, give the Mayor more power in that regard than the current Charter does.

Mr. Guttman said he believed Mr. Grace intended to do that, and he said it in the context of in which he compared our Mayor as being an executive type of Mayor.

Mr. Rogers concluded that item would be "Charter".

Mr. Doney said that he understood that item referred to Section 3.10 of the Charter, Interference with Administration. He said that currently the Mayor or any individual Council member has the right, except for inquiries and investigations, to make any inquiry or any investigation with any Town employee. They cannot direct any employee to do anything, but they can ask any questions or make any comments. Is it the intent of this comment to have the Mayor to have individual authority to direct an employee, at any level, to take a certain action?

Mr. Wearn quoted the bottom of page twenty-six of the 12/19/97 minutes: "Mr. Grace said he would like to see this in some way rewritten to give the Mayor a little more leeway than the Council members in terms of dealing with giving orders, publicly or privately." Mr. Wearn said it was his opinion that Mr. Grace was talking about more than posing questions or finding out information.

Mr. Rogers read the next additional item: "Should voters' strength be equalized by voting districts?" He said that was obviously to be addressed in the Charter.

Mr. Rogers went on to the next item: "Consider the improvement of language in Section 3.08 regarding compensation for the Mayor and Town Council." He said that would also probably be Charter.

Mr. Randolph replied that if the question related to the interpretation of the Charter language as it exists and the proposal is to clarify that, then it should be done by Charter.

Mr. Rogers read the next item: "Consider redrafting the language in Section 3.05(f), Emergency Powers, to have one responsible individual." Mr. Rogers said that would be handled by a Charter amendment.

Mr. Rogers read the next item: "Consider the elimination of artificial designation of Council seats." That would also be handled by a Charter amendment.

Mr. Rogers said the last item concerning the elimination of the caucus procedure would also be handled in the Charter.

Mr. Rogers asked for additional suggestions for any other issues or items. There were none.

Mr. Wearn posed a question for the Commission and suggested the list be closed at this point to allow the Commission to go forward, unless there would be a compelling reason to vary from that process. After the list was closed, the Commission could proceed in an orderly fashion to consider the merits of each of the items.

Mr. Rogers agreed but said if a good suggestion would come later, a motion could be made to consider adding that suggestion to the list.

Mr. Wearn agreed and that suggestion was stated in the form of a motion. The motion was seconded by Mr. Fink and carried unanimously.

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

Mr. Rogers suggested that the Commission could consider a time frame for discussion of the merits of the items on the list and when the "Range Riders" could attend a Commission meeting when the Commission was discussing these items. He said there was no reason why they could not be at a meeting and perhaps make suggestions when the items were discussed.

Mr. Rogers said they have had many experiences in towns in Florida and other states as well.

Mr. Guttman said it might help the merits of the discussion if the Range Riders were heard from earlier rather than after the Commission had gone through most of the proposals.

Mr. Rogers said he could ask them if they would like to address the Commission.

Mrs. Nancy Douthit, former member of the Town Council, asked if the Commission were trying to maintain Palm Beach as a unique community or were they trying to make it like every other community in the State of Florida ?

Mr. Rogers replied that, in his opinion, the Commission was attempting to create a list of items for discussion that were brought up by Commission members, members of the public, and former Council members.

Mrs. Douthit responded that she understood that, but these "Out Riders" are totally unfamiliar with the Town of Palm Beach. They can tell you what happened in their towns ....

Mr. Rogers said he did not think that was true, since they dealt with problems in other municipalities that may be similar, and the Commission does not expect to be bullied by their opinions.

Mr. Doney said he has known Richard Simmons since 1974, and it was not a foreign matter to him. Mr. Doney recalled Mr. Simmons left the City of West Palm Beach in 1985 and Ron Schutta took over when he was in the City Engineer's capacity. Substantial change occurred from 1980 until the time when Mayor Nancy Graham came into office. Mr. Doney said the current situation between Mayor Graham and the City Commission is well publicized.

Mr. Rogers said he hoped that Mr. Simmons could provide some interesting perspectives concerning the relationship between the Town of Palm Beach and the City of West Palm Beach.

Mrs. Yvelyne deMarcellus Marix, former Mayor, (and former Charter Review Commission member) 1570 North Ocean Boulevard, said she was deeply troubled about what was going on at this meeting. Mrs. Marix said that Mr. Rogers had mentioned that different people should come to the Charter Review Commission meetings to discuss the Town of Palm Beach's problems. Mrs. Marix said the reason she left the Charter Review Commission was that no one could identify what problems the Commission was looking for. The Commission, as a group, should identify what problems the Town has and not the high-faluting ideas someone might have. The Commission talks about the Town's problems—why we want to correct these problems. Mrs. Marix asked to hear what the problems are, then the

Commission or the public could try to address them. If this is opened up like Pandora's box or a can of worms, it precludes the identification of seeing what is wrong first with the Charter. The Commission was formed to do that. The Commission should only address problems connected with the Charter and not other problems in the Town. The problems connected with the Charter should be identified and the "whys" or the reasons the Charter would be changed. She said the rest of the time spent by the Commission is a waste of everyone's time until the problems are identified. Mrs. Marix recalled that this was brought up by every previous, past elected official or George Frost. What is the problem you are looking for? Why are you trying to change it? When that is known, she thought the Commission would find many more cooperative people than at the present time.

Mrs. Marix said she worked with the Town Charter for more than eighteen years and did not notice any big problems. She said what is wrong with the Town that can be addressed through a Charter change–not management changes, not traffic changes or any other area–should be addressed.

Mr. Rogers responded that the Commission was not looking for a cooperative attitude but was reviewing the Charter. Mr. Rogers reminded Mrs. Marix that she had always said she was completely against any changes in the Charter before she even accepted her position on the Charter Commission.

Mrs. Marix replied that she had stated her reasons for that.

Mr. Rogers said that was fine; however, others who have addressed the Commission have made some suggestions that are on the list to be considered that would improve the Charter. Mr. Rogers said these suggestions do not have to be problems every time. Mr. Rogers said the Commission is actually trying to review the Charter by listening to every one who has appeared before the Charter Commission. Mr. Rogers said he thought the Commission should have open minds and consider the suggestions. He told Mrs. Marix that he did not understand why Mrs. Marix did not want the Commission to go forward and do what the Commission is supposed to do as a Commission. Mr. Rogers said the Commission has not suppressed anyone who wished to speak. After hearing all the comments, the Commission will make its recommendation. The recommendations do not have to be accepted. If they are accepted, they may not be approved by the voters. Mr. Rogers said the Commission would be happy to hear Mrs. Marix's comments at any time.

Mr. Fink agreed with Mr. Rogers' comments. He said Mr. Rogers stated the Commission's mission. If no suggestions for changes to the Charter are made, at least the issue will have been explored.

Mr. Rogers noted that Adrian Winterfield made three technical suggestions for changes to the Charter. Mr. Rogers said that may prove valuable in the future if something would trigger that section of the Code.

Adrian Winterfield said there was no reason to identify two subjects which are dealing with the same matter, separately. He gave the example of the method of election. There are two or three possible changes, and he suggested that they should all be considered together. Compensation suggestions from Mrs. Wiener and himself are not necessarily in conflict, but they are both dealing with the same matter and should be treated as one rather than two questions.

Mr. Winterfield asked Mr. Rogers if the "Range Riders" were provided with a copy of the present Charter?

Mr. Rogers replied affirmatively.

Mrs. Habicht asked if it also included the list of items?

Mr. Rogers replied he had sent the list in addition to the minutes from the last two meetings.

Mrs. Habicht said she was speaking for herself, but when she was asked to be on this Commission, no one mentioned that there were problems of any kind. She said she considered this a type of review because it had been around for several years, and it was customary – just as by-laws are changed to suit the times and so on. She said she was under the impression that was being done with this Commission.

Mr. Fink asked what the Commission's attitude will be regarding hearing from Mr. Cassella, the previously named expert?

Mr. Rogers said when he found out about the local men who live in the State of Florida with no costs involved with their appearances before the Commission and who have had wide experiences serving as city managers, he thought those men should speak to the Commission first. If they cannot answer some of the questions that may come up, then the Commission can go to another level. Mr. Rogers asked if there was any Commission member who disagreed to have these former city managers address the Commission before the merits of the items on the list are discussed?

Mr. Wearn recalled that the suggestion was made that it might be better to have them at the beginning of the discussion of the merits as opposed to any time after the beginning. He said that he thought it would be perfectly appropriate to ask them if they are going to come and make a presentation to address the items just like Mr. Frost did – either make no comment or this is a good or bad idea and why it is.

Mr. Rogers thought it would be a good idea if the minutes of this meeting were available and the eight items were added to the list. That packet could be forwarded to them. He suggested that at the next meeting, if the Commission agrees, the two of them, either individually or together, could start off and comment on the each of the proposals.

Mr. Rogers said that Dick Simmons received his B.S. in Public Administration from the University of Florida; Masters of Public Administration from the University of Florida; and has served as city manager for Davenport, Florida; Kissimmee, West Palm Beach, Melbourne, Winter Park, Haines City, and prior to that was in the Army.

Mr. Rogers said that Mr. Richard Black, the Range Rider in this area, will be accompanying Mr. Simmons. Mr. Black also served in towns in Florida, South Carolina, and New Jersey.

Mrs. Wiener said the attendance of the "Range Riders" at the next Commission meeting bothered her, and she wanted to share her reason with the Commission. She thought the Commission was asking Administrative people to make Policy judgements, and there is a clear distinction between those who make policy, who are the elected officials, and the people who take that policy and administer it. In her mind, she did not think that was the place to look for experts because there is a different frame of reference and a different way of thinking. It is asking people who are experts in one area to make judgements in an area that is really no part of their overall working situation. She wondered if the Commission would consider that and realize the direction the Commission may be heading in was totally different from what was intended when the Commission started.

Mr. Wearn said he appreciated Mrs. Wiener's comments, but, in lawyers' language, Mrs. Wiener's comments went to the weight of what they say, not to the expertise perhaps that they may have. It just goes to their viewpoint.

Mr. Doney said he saw a number of issues that he would like to address at the appropriate time. He saw his role in attending these Commission meetings as having input at some time on behalf of the department managers and himself.

Mr. Doney said he knew Mr. Simmons and Mr. Black very well and their experiences with their particular communities; however, the relevancy of those experiences as it relates directly to the Town of Palm Beach with day in - day out issues and organizational structure as the Commission is currently reviewing with the Mayor and five independent, voting Council members may or may not be relative.

Mr. Doney offered to make all of the contacts with the elected or appointed officials the Commission would like to have appear before them.

Mr. Rogers replied that he would be able to maintain the contact with Dick Simmons.

Mr. Doney requested that as long as the Commission wished to give that authority to Mr. Rogers, as Chairman of the Commission, that would maintain clarity in the official actions of the Commission.

The Commission discussed the procedure by which Mr. Simmons and Mr. Black would be notified of their appearances before the Commission.

Mr. Wearn suggested that the initials used on the left hand column of the Synthesized Charter Agenda Proposals be identified to allow Mr. Simmons and Mr. Black to contact the individuals who made the suggestions should there be any questions regarding any item. Mr. Wearn said he wanted to clarify with Mr. Doney if he intended that any additional items would be added by the staff or himself or was the intention to hear from Mr. Doney and staff regarding any of the items that were already on the list?

Mr. Doney responded that, from a staff perspective, he did not have any additional items to add; however, when the items were discussed , he had particular comments on some of them. He also would like to have particular department heads present when certain items are discussed because of their concerns, questions, comments, apprehensions of the issues as they currently evolve at the meetings as well as in the newspaper.

Responding to questions from Mr. Rogers, Mr. Doney elaborated that the department heads had expressed concern over any prospective changes in the form of government and their respective employment roles with the Town. Mr. Doney explained the concern centered on the possible protection the department heads would have if the Town Manager appointed department heads as opposed to their appointment by the Town Council as is the current practice.

Mr. Wearn said all that is being said is that the Town Manager and the Town staff may well wish to comment on the items that are on the list–either some or all of them when the Commission is at the point when the merits of the items will be discussed. Mr. Wearn said he thought that would be welcomed by the Commission. Mr. Rogers agreed.

Mr. Doney said the Town has 383 employees and not one, as far as he knew, lived on the island. He did not see the issue of employees living on the island as a practical consideration; however, that would be up to the Commission. Mr. Doney said he was specifically concerned about items 22(a), 22(b), and 22(c) that related to the authority of the Town Manager.

Mr. Wearn suggested that the Commission hear from Mr. Simmons and Mr. Black at the beginning of the next meeting regarding the items on the list, followed by perhaps taking the first ten items on the list and going through them for purposes of discussion on the merits. He asked that a fixed amount of time that the Commission would not exceed be assigned so that the Commission meeting could be brought to a conclusion although a lesser number may actually be discussed during that time period. That would allow the items to be dealt with in an orderly process. Then the Town staff or anyone who wanted to address an item would know that a particular item was on the agenda for discussion. At the end of discussion on each of the items, the Commission could either recommend or not recommend approval of a provision.

Mr. Rogers said the Commission should probably set up a number of hours to discuss the items and also consider the time to start the meetings–either early in the morning at 9:00 a.m. or in the afternoon like this meeting. After hearing comments from the members of the Commission, Mr. Rogers decided a starting time of 1:30 p.m. would be preferable.

Mrs. Habicht asked Mr. Doney if the employees were satisfied with the present Charter or possibly had suggestions regarding changes?

Mr. Doney responded that the appointed officials who are subject to being recommended by the Town Manager and ultimately approved or not approved by the Town Council are the employees who have concerns from an administrative change perspective. He did not anticipate, nor did he think it was proper, for a particular department head to make a pro or con comment regarding changes to the Charter that did not pertain to the Town Manager or the Town staff.

Mr. Randolph suggested he and Mr. Doney should discuss the issue of Town staff addressing the Commission and report later.

Mr. Rogers suggested Friday, March 20, 1998, for the next meeting. Mr. Wearn said he would be away at that time and would be gone from March 12th to March 23rd.

Mr. Rogers suggested Tuesday, March 24, 1998. Mrs. Habicht responded that she would be in Washington all of that week. Mr. Fink added that he would be out of the country that week also.

Mr. Rogers then suggested Friday, April 3, 1998, at 1:30 p.m. Town Clerk Pollitt said she would not be available that day, but the Deputy Clerk could be present at the meeting.

Mr. Rogers suggested Friday, April 17, 1998, as a follow up date for discussion on the merits. After consideration, the date was set for Friday, April 24, 1998, at 1:30 p.m.

Mr. Wearn said he understood the agenda for the April 3rd meeting would include hearing from Mr. Simmons and his associate first, and then perhaps the Commission could set a maximum number of items that would be considered that day.

Mr. Guttman suggested the Commission work on a time certain system and gave the example of starting at 1:30 p.m. and finishing at 4:30 p.m. or 5:00 p.m. If an item was not completed within the required time, that item could be the first on the agenda at the next meeting.

After discussion, the Commission agreed to the hours of 1:30 p.m. to 5:00 p.m.

Mr. Fink clarified with Mr. Rogers and Mr. Doney that the staff would not be heard from until the items Mr. Doney mentioned, 22(a), 22(b), and 22(c) were discussed.

Mr. Doney asked the Town Clerk to prepare a full list of names with the identity of the persons who suggested any item on the list. Telephone numbers and addresses should be included. After discussion, it was decided to prepare the Revised Synthesized Charter Agenda Proposals list and the identification list prior to the preparation of this report.

Mrs. Marix brought up the subject of a potential violation regarding the Sunshine Law involving the passing on of information. Mr. Randolph commented that the current situation with Mr. Simmons and Mr. Black was somewhat different from the situation last summer where information was going to be generated among the Commission members.

Mrs. Wiener commented that it may not be a Sunshine violation but it was highly irregular. All correspondence always went through the Town Manager's office to deal with the issue of public records.

Mr. Randolph responded although that is not a violation of the public records act; however it is the policy that actions that are taken by Commission members that are formal actions of the Town, via the commission, normally go through the Town Manager's office. Mr. Randolph stated that if the Commission, as a body, directed a member (like the chairman) to carry out specific actions, then that one person is acting on behalf of the Town.

Mrs. Lesly Smith, President of the Town Council, said she was listening to the meeting and questioned why the Commission was spending so much time on this issue. She said similar requests that came from the Shore Board to review public relations people. The statement was made that any information to be solicited would go out under the Town letterhead, signed by the chairman of the commission. Mrs. Smith suggested that Mr. Rogers write the letter on the Town of Palm Beach's letterhead, send it from the Town Manager's office, and move onto another subject.

Mr. Rogers said he would be happy to do that.

Mr. Doney explained that by sending correspondence through the Town Manager's office, any other department or the Town Attorney can be advised if any additional services are needed.

Mr. Guttman clarified that Mr. Rogers will contact Mr. Simmons and Mr. Black, by telephone, to inform them of the next meeting.

IX ANY OTHER MATTERS

There were none.

X. ADJOURNMENT

The meeting was adjourned at 3:30 p.m.

Doyle Rogers, Chairman

Prepared by:

Mary A. Pollitt
Town Clerk