

**FINAL AGENDA AND COMMITTEE MINUTES  
TOWN OF JUPITER  
CHARTER REVIEW PANEL  
COUNCIL CHAMBERS  
THURSDAY, MAY 16, 2019**

The meeting was called to order at 4:01 P.M. by Mr. William Capko.

**Present:** William Capko; Tom McCarthy; Christopher Keller; Cheryl Schneider; Pamela Wohlschlegel; Thomas J. Baird, Town Attorney; and Sally M. Boylan, Town Clerk.

1. Approval of the May 7, 2019 meeting minutes.

Mr. Keller moved to approve the May 7, 2019 meeting minutes; second by Mr. McCarthy; motion passed.

Capko	McCarthy	Keller	Schneider	Wohlschlegel
Yes	Yes	Yes	Yes	Yes

2. **Final** recommendation on select issues.

Mr. Baird reviewed his May 14, 2019 memo outlining items which seemed to have a consensus for change and those items without a clear consensus.

**Article II. – Legal Description, Districts, and General Provisions -  
Section 5 – Schedule Elections**

Mr. Baird indicated there appeared to be a consensus of the Panel to eliminate run-off elections and he highlighted proposed language related to the one with the most votes wins; and in the event of a tie a run-off election would be held two weeks later. Then if the run-off ended in a tie the winner would be decided on a coin flip.

Ms. Schneider suggested the coin flip be performed by the Town Clerk.

Mr. Capko mentioned he recalled being the only member who suggested staying with a majority.

The majority of the Panel agreed to recommend the need to eliminate run-offs (TM, CK, CS).

Ms. Wohlschlegel was concerned with the winner possibly winning by one vote. She preferred the winner win by more than one vote, possibly a five percent requirement.

### **Article V. Municipal Organization and Officers - Section 4(3) – Filling Vacancies**

Mr. Baird referenced his proposed language stating: Is convicted of a crime involving moral turpitude, willful violations of Section 2-444(b), (c), (e) or 2-447 of the Palm Beach County Code of Ethics, or any felony. The Panel unanimously agreed.

### **Article V. Section 5 – Town Manager**

Mr. Baird explained the provisions added to allow the Council to appoint an acting Town Manager, if the Town Manager was in capable of doing so. The Panel unanimously agreed to support the following language: During such absence or disability, if the manager is unable to for any reason designate an acting manager to exercise the powers and duties of the office of manager, the Council shall designate an acting manager to exercise the powers and perform the duties during the time of the manager's absence or disability.

### **Article V. Section 6 – Town Attorney**

The Panel unanimously agreed to the following language: The town council, by a majority vote shall appoint a town attorney. The compensation and benefits of the town attorney shall be as determined by the town council. The town attorney shall serve as the general counsel and chief legal officer of the town and shall be responsible for all legal matters, including the recommendation of other attorneys for the disposition of the town's legal affairs. The duties of the town attorney shall include:

- a. Acting as legal advisor for the town and its officers on matters relating to the performance of their official duties.
- b. Preparing or reviewing as to form, legal sufficiency all contracts, resolutions, ordinances or other legal documents.
- c. Appointing such assistant town attorneys to perform the duties of this office.
- d. Prosecuting and defending federal, state or administrative law actions where the town is a party.
- e. Performing such other legal services as may be requested by the town council.

### **Article IX. – The Initiative - Section 2 – Disposition of Petition**

The majority of the Panel agreed to eliminate Section 2 and change Section 3 to uniformly require 20 percent. (CK, TM, WC)

**Article X. – The Referendum - Section 1 – Submittal of Ordinance to Referendum**

Ms. Schneider suggested the two references in paragraph one be changed from 10 days to 10 business days. The Panel discussed the time frame and the consensus agreed to change to fifteen days. (TM, PW, CS)

**Article II – Legal Description, Section 3 – District**

The Panel unanimously agreed to keep the districts by population rather than switch to registered voters.

**Article II Section 6 – Council Rules of Procedure**

Mr. Baird offered to include Ms. Schneider's proposal related to public participation on each agenda item in his memo to Council rather than add a new section to the Charter. The Panel unanimously agreed.

**3. New Provision to impose term limits; Subject to a referendum**

Mr. Baird summarized there was not a consensus to support term limits. However, if supported the consensus was no member would be permitted to serve more than five, three year terms.

Mr. Keller supported the five terms with consideration for additional terms with a separation period. Mr. Capko reiterated his opposition to term limits.

Ms. Wohlschlegel supported four life-time terms as a Council member with consideration for additional terms as a Mayor.

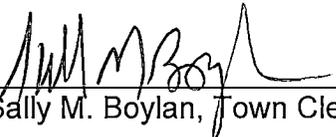
Mr. McCarthy did not support term limits.

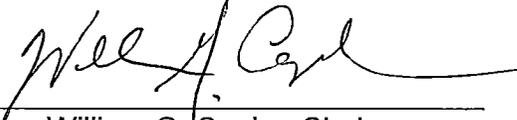
*At Approximately 5:07 P.M. Mr. Keller left the meeting due to a previous commitment.*

Ms. Schneider stated if the Town went with term limits she felt a large cap was best; four or five terms.

Mr. Baird agreed to distribute a draft report, prior to finalizing and releasing it.

**ADJOURNMENT** – 5:17 P.M.

  
Sally M. Boylan, Town Clerk

  
William G. Capko, Chair