

CITY OF WINTER PARK  
CIVIL SERVICE BOARD  
REGULAR MEETING  
January 13, 2009

The Special meeting of the Winter Park Civil Service Board was called to order by Chairman Don Palladeno at 2:30 p.m. in the Community Room at the Public Safety Complex, 500 N. Virginia Avenue, Winter Park.

Present: Don Palladeno, Chairman  
Gary Brewer, Chief Examiner  
John Melaugh, Vice Chairman  
Rick Frazee, Board Member  
Ron Ryan, Fire Representative  
Tim Volkerson, Police Representative

Doug Ball Chief of Police

Absent: Jim White, Fire Chief  
Jere Daniels, Board Member

A quorum was present.

I. Police Representative Election Results

Chief Ball introduced City Attorney Trippe Cheek who gave a summarization of Civil Service Code Sec. 74-52 (f) Election of Police and Fire Department Members. Mr. Cheek proceeded to give a legal opinion based on research using general rules of interpretation of Code of Ordinances contained in Chapter 1. Mr. Cheek gave Board Members the three conclusions he reached (1) Interpret Civil Service Code Sec. 74-52(f)- as the board did on January 6, however if the board did that it would be making law which the board does not have the authority to do. (2) Interpret as previously interpreted in 2006 and (3) Commission to make decision. Based upon Mr. Cheek's legal analysis he determined that the case law and the code does not provide an answer for the board. He recommended that the board follow the interpretation that was previously given during the 2006 election and present a recommendation to the commission to review the procedure. In the 2006 election it was determined that the majority of votes cast is not required and the candidate that received the highest number of votes is elected.

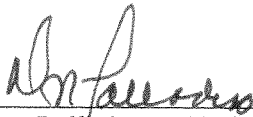
At this time, Mr. Cheek answered questions from Mr. Melaugh regarding the meaning of majority.

Motion made by Mr. Melaugh and seconded by Mr. Ryan to interpret the Civil Service Code Sec. 74-52(f) that the candidate that received the most votes is certified the winner. Motion Carried.

Motion was made by Mr. Frazee and seconded by Mr. Melaugh to certify the results of the previous election. Motion carried.

Chief Ball announced that Mark Dawkins is the Police Department Representative for 2009.

There being no further business the meeting was adjourned.



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Don Palladeno, Chairman

Kathy Reed, Recording Secretary