

Charter Review Special Committee
Meeting Minutes
Council Chambers
January 29, 2020

Members present: Councilmember R. McKnight, Councilmember T. Bierbaum, and Citizen Doyle Redwine. Also, in attendance: City Attorney Clay Adkinson, City Manager Mell Smigielski, City Clerk Maryanne Schrader, Mayor Bob Campbell, Mr. Jack Owen and Chief James Hurley.

Councilmember R. McKnight opened the meeting at 11:32 a.m.

Councilmember R. McKnight asked to amend the agenda to state “discussion and other” instead of draft working document and set items for the time of next meeting and adjournment.

Motion by Councilmember T. Bierbaum and seconded by citizen D. Redwine to approve the agenda, as amended. All ayes. Motion carried.

Next, the Charter Committee took a few moments to review the minutes. Councilmember R. McKnight suggested that on page 3 the Rules of Procedure on the last line of the first paragraph be amended to include an expectation that the Mayor and Council members have a knowledge of rules of Parliamentary Procedure.

Motion by Councilmember T. Bierbaum and seconded by citizen D. Redwine to approve the minutes of January 22, 2020, as amended.

Vote: Councilmember R. McKnight: aye; Councilmember T. Bierbaum: aye; Citizen Doyle Redwine: aye. All ayes. Motion carried.

Next, Councilmember R. McKnight presented a printed-out version of the 109-page Charter DeFuniak Springs. City Attorney Clay Adkinson mentioned it was without some of the referendums and Municode additions up to Home Rule of 1973.

Councilmember R. McKnight went over the last meeting where the committee discussed the inclusion of a preamble, articles and issues of the City Manager and City Clerk. He presented two other issues which could be determined as possibly a separate article. He mentioned circumstances of a department head that is elected and the area of overlap of perceived potential conflict and how this unique circumstance and the other components connect. He mentioned the key item to speak on is the issue of what is best for the city in who oversees administration regarding the City Manager’s expectations and/or part of the City Marshal’s expectations. Councilmember R. McKnight thought the Charter should reflect this issue and asked for discussion.

Basically, City Manager M. Smigielski said there is confusion for the police department employees on who to report to and whose command to follow. He referred to the current organizational chart. City Manager M. Smigielski added that he works well with the present City Marshal, but that may not always be the case with someone else.

City Marshal J. Hurley distributed his proposed draft on what he foresees is the best example. He read number 4 of his handout: The City Marshal should serve as the Chief Law Enforcement Officer with the City of DeFuniak Springs. It shall be the duty of the City Marshal to perform such duties as may be proper to his office under the provisions of law or required by ordinance. No person shall be eligible for the office of the City Marshal who does not: (a) have at least five years of experience in law enforcement, or related fields; (b) meet the qualifications for employment as a law enforcement officer, and; (c) meet all requirements to hold office.

City Marshal J. Hurley said the City Marshal should act as Chief of Law Enforcement. He explained, in an appointed situation, it would fall under the City Manager, but as an elected official, he should be able to have the authority to run his department. The citizens said they want the position to be elected, as he has gone door to door. He stressed the City Marshal should be his own entity. If the Council sees personnel issues, they could bring their concerns to the city attorney. With the current reporting hierarchy, it creates internal strife, for him as an elected official. He does not have authority to do the day to day stuff. He said he would like to change the section on his reporting to the City Manager. He added the Charter from Mariana is good, as that position is elected. He said as a minimum requirement, qualifications should be added, such as five years of experience and be a certified officer.

Discussion ensued on hiring and firing of police employees, whether some structure should be set in place, processes in place so the City Marshal would not have to duplicate the Finance department efforts, and the need for management skills. City Attorney Clay Adkinson cautioned that the more restrictions that are put in, it would have to fall on the City Clerk to qualify or disqualify candidates, as Mr. Beasley had voiced his concern to him. Mayor Campbell said the City Marshal would have to make emergency decisions on his own and was concerned of the level of experience needed for financing a budget.

Discussion ensued on mirroring the office with the Sheriff's department. Councilmember R. McKnight said one difference is how many square miles of service, as the sheriff serves the County, whereas the city is less than fourteen square miles, as well as a concern of duplication of services.

J. Owen recommended the requirement that the City Marshal report to the City Manager be stricken. In reference to the organizational chart structure, a solid line relationship would be his officers reporting to the City Marshal, and the dotted line would be administrative things, such as operations with firing being strictly HR. He added the detailed requirements should be in the Ordinances, as the Charter should be broad.

In response to D. Redwine, J. Hurley said the police budget is 2.7 million dollars. J. Owen suggested the City Marshal would hire and fire based on his needs.

Discussion ensued on the relationships between solid and dotted lines in the organizational chart. Councilmember T. Bierbaum suggested the City Marshal follow the county and sheriff to mimic

the Federal government – judicial, executive and legislative levels. He stated, the City Marshal could maintain accreditation at the Ordinance level, as there are protections that we could use.

In response to Councilmember R. McKnight, City Attorney Clay Adkinson replied the City Council would be the executive branch. He added Chapter 30 falls under judiciary, but the sheriff is more an executive function. The City Marshal is an executive officer, so the role should be defined, and said the budgetary area is derived from Florida statute. He mentioned the City Marshal does not fall under Chapter 30 for arrest authority like the sheriff's department. He added that one of the comments of the Grand Jury report was the relationship between the City Manager and Finance Director, as the City Manager writes the check and the Finance Director approves it. He suggested the Mayor and City Manager should be defined and the general definition of the relationships should be spelled out especially for the elected official as an article of the Charter.

City Attorney Clay Adkinson suggested that if the desire is to place the employees under the City Marshal, the level of authority should be designated in the Charter.

Councilmember R. McKnight posed the question: "That the City Marshal serve as the Police Chief"? In response to Councilmember T. Bierbaum, City Marshall J. Hurley said the official title should state City Marshal as long as he is the Chief Law Enforcement Officer.

Discussion ensued on the authority and autonomy relationship between the City Manager and City Marshal with the question - at what point does the City Marshal authority stop and where is the relationship to other departments of the city? City Attorney Clay Adkinson added currently the City Manager has the authority over the City Marshal.

Discussion ensued over the organizational chart. City Manager M. Smigielski provided examples of potential conflict issues in his experience with working with police chiefs for over thirty years. He has had to reign in police chiefs, if they were going out of line of what the Council wanted. At the request of D. Redwine, City Manager M. Smigielski gave another example when a police chief wanted a SWAT team - it was in his budget, but the Council said no. If the police chief had been elected, that would have been contrary to what the Council wanted. He stressed the City should have a say in what happens in the police department.

Councilmember R. McKnight suggested the Mayor, City Manager and City Marshall meet to talk about the requirements and expectations of the executive side of the city.

Discussion ensued about the budget for the police department being under the purview of the City Marshal. Councilmember T. Bierbaum said the Council can deal with issues that may arise and could suspend the budget at any time there was an issue.

Discussion ensued on whether the police department could act as a separate entity. Councilmember R. McKnight suggested the organizational chart contain dotted lines, but we must explain what the dotted lines are. J. Owen agreed the dotted line relationship definition is

crucial and it must be specific. He thought the Union could be a sticky area. He thought personnel issues would wind up under the City Manager purview.

Councilmember T. Bierbaum mentioned the City Marshal should be his own entity because of personnel issues. D. Redwine agreed the person over the police department should have the authority, as it adds too much to the City Manager.

Discussion ensued on whether the Finance Director should be in the Charter, as the person is in control of the budget which is in excess of 30 million dollars. City Manager M. Smigielski stated that the position should not, as all the directors are an important person in the organization. He added the goal is to keep the Charter short. He added the city manager should have authority over the hiring and firing. City Attorney Clay Adkinson added the discussion occurred at the initial committee, and they voted the finance director position should be at the ordinance level.

After discussion on requirements, Councilmember R. McKnight suggested the office of the city attorney not be part of the Charter but should include the Mayor, City Council, City Clerk, City Manager, and City Marshal. City Attorney Clay Adkinson added the City Manager is a fixed position in the current Charter, and the Council has the authority to appoint the city manager. If the council abolished the provision, they would have to have a unanimous vote of the Council – 5 to 0.

City Attorney Clay Adkinson said the appointment of a City Attorney and Finance Director can be done by ordinance.

Councilmember R. McKnight asked about the committee whether the wording of Mayor Pro-tem be changed to the term vice-mayor, as some cities do? City Attorney Clay Adkinson said Mayor Pro-tem is used more frequently, as it was included in the statutes in 1969.

Councilmember R. McKnight said it would be helpful for the Mayor, City Marshal and City Manager to review the organizational chart before the next meeting. He would like the committee to investigate the corresponding relationships of the City Manager, City Clerk, Council, Mayor and City Marshal.

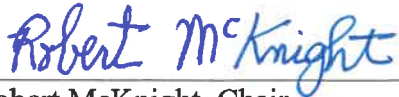
Councilmember T. Bierbaum called for a Point of Order regarding calling for citizen comments. J. Owen asked about the draft charter and asked about the draft ordinance, but he will hold until the next meeting.

Councilmember R. McKnight asked the draft ordinances to be dated. City Attorney Clay Adkinson suggested placing a footer at the bottom as revised through the last meeting date.

The committee discussed the next meeting dates as February 19th 1:30 p.m. – 3:30 p.m. and will determine after getting everyone's schedule if they will also meet February 7th 2:30 – 4:00 p.m. They determined that the committee members will disseminate their draft comments to the City Clerk.

Mayor Campbell voiced his appreciation of the fresh viewpoint of Mr. Redwine.

The meeting adjourned at 1:09 p.m.



Robert McKnight, Chair



Minutes submitted by,
Maryanne Schrader
City Clerk

