

Charter Review Special Committee  
Meeting Minutes  
Council Chambers  
July 28, 2020  
1:00 p.m.

Chair R. McKnight called the meeting to order at 1:00 p.m.

City Clerk Maryanne Schrader called the roll. Members present: Councilmember R. McKnight, Councilmember T. Bierbaum, and Citizen Doyle Redwine. Also, in attendance: City Manager Mell Smigielski.

City Attorney Clayton Adkinson and City Marshal James Hurley, Jr. were in attendance.

Chair R. McKnight distributed the draft July 24<sup>th</sup> minutes stating the draft will aid in the discussion today. Chair R. McKnight stated he also distributed a timeline proposing the workshop will be held on August 17<sup>th</sup> at 5:30 in the Chambers, and the goal is to have the referendum in December.

Chair R. McKnight turned the meeting over to Councilmember T. Bierbaum.

Councilmember T. Bierbaum said he sent his original draft to several people for review. By far, most people responded that it looked good. He noted that one person suggested the unanimous hiring of the city manager was not feasible and commented a 4 to 1 vote was more feasible. The other comment was to have the residency of the other elected officials and city marshal be consistent to fix any residency problems.

To clarify to City Attorney Clayton Adkinson, Councilmember T. Bierbaum said the issue was on the vacancy issue page 7, item e), discussion ensued on whether additional six months should be or one year for consistency.

City Attorney Clayton Adkinson agreed that it should be consistent with all elected officials being one year.

Councilmember T. Bierbaum said we will remove h) on page 6 – and recraft b). City Attorney Clayton Adkinson said to add the last sentence in item h) for all positions. “If the City Marshal is unable or unwilling to re-establish City residency by the deadline, the office of City Marshal will be declared vacant. At no time may the City Marshal relocate outside of Walton County without the office being declared vacant”.

Councilmember T. Bierbaum went over Section 1.01. After discussion, the committee agreed on

The City of DeFuniak Springs was incorporated on July 30, 1901 pursuant to general law. The municipal corporation now existing and known as the City of DeFuniak Springs located in Walton County, Florida, within the boundaries. “hereinafter described”, shall continue to be a body politic and corporate, and shall have all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except when expressly prohibited by law.

Councilmember T. Bierbaum said he will get with legal to clean up.

Chair R. McKnight mentioned that in Section 1.01 b), “project” should be plural.

Councilmember T. Bierbaum went on to page 3 (top of the page), corporate boundaries section. The committee agreed to add “as” in front of “of” –

“The corporate boundaries of the City of DeFuniak Springs shall remain fixed and established as they exist **“as”** of the date this Charter takes effect, provided that the City shall have the power to change its boundaries in the manner prescribed by law. The boundaries of the City shall be defined by metes and bounds with official records being kept by the City Clerk on an illustrated map.”

Councilmember T. Bierbaum went to form of government, and the committee agreed to move the second sentence to the end of the paragraph – “The form of government shall be a Council-Manager form. The Council shall hereinafter be called the “City Council” and shall constitute the legislative body. The Mayor and the City Manager shall constitute the executive body, with the elected City Marshal being a part thereof, who shall work in conjunction with the Mayor and City Manager. **This form of government shall not be abolished or modified except by referendum”.**

Councilmember T. Bierbaum moved to Section 3.02, City Officials. The committee concurred with Chair R. McKnight to add an introduction for the City officials, as “The City shall have nine Charter-level positions, as defined as five City officials consisting of the City Council, and the Mayor, City Marshal, City Clerk, and City Manager.”

Councilmember T. Bierbaum went on to page 4 and discussed for c), making the tense singular since the section refers to individuals.

**“c) The Councilmembers, Mayor, and City Marshal shall serve until their successor has been qualified, elected and sworn to the oath of office.”**

The committee decided to keep 3.04 e), as written.

e) “If fewer than two (2) persons qualify for nomination to an elected position, or if the death, withdrawal, or removal from the ballot of a qualified candidate following the end of a qualifying period leaves fewer than two (2) nominees, the qualifying nominee shall be deemed elected upon the closing of the qualification period”.

Councilmember T. Bierbaum went to Page 5. The Committee approved the word to “swear or affirm” to the oath of office instead of “subscribe to”.

g) Council Councilmembers, the Mayor, and the City Marshal will begin their term of office at the next regular council meeting following the certification of ballots by the City Clerk after the general election. The City Council will convene at that time for the purpose of announcing the election results and the newly elected officials shall ~~subscribe~~ swear or affirm to the oath of office at that meeting”.

Councilmember T. Bierbaum moved to Page 5, 3.05 under a), after discussion the committee agreed to move “at large” after “without regard”.

- a) The five (5) Councilmembers, the Mayor, and the City Marshal, shall be elected at large without regard to district or subdivision.

Councilmember T. Bierbaum said in c) candidates are being nominated by petition or paying the qualifying fee.

Discussion ensued on the method of qualification and making the qualifying clearer. The committee agreed to move e) right after a), collapse h) for clarity, b) will move to a), b) becomes e), c) becomes f), and d) becomes g).

Councilmember T. Bierbaum went to page 6. Discussion ensued on the position of City Marshal not being a resident of the city at time of qualification but will need but will be required to take residency to be consistent with the six months with one six-month extension.

Councilmember T. Bierbaum went to page 7, Vacancies. Discussion ensued on the title, Mayor Pro-tem. City Attorney Clayton Adkinson said the Council recommends a qualified person to serve, as a member of the Council would recommend to Council who would fill the vacant seat. The Council would vote on the recommendation. He added any member of the Council can make the recommendation.

Councilmember T. Bierbaum suggested that a member of the City Council shall nominate a qualified member, as defined in 3.05.

“When a vacancy occurs in the office of Mayor or City Council, ~~the vacancy shall be filled~~ by a member of the present council ~~recommending~~ **nominating** a qualified person, as defined in Section 3.05, to fill the vacancy.”

After discussion, the committee agreed to leave Item f) on page 7, as written.

Councilmember T. Bierbaum went over page 8 and the committee added, “The City Council shall function as the Legislative branch of City government”.

Councilmember T. Bierbaum moved on to the top of Page 9, and the committee concurred to add a period after City Manager in a) and remove reference to the City Clerk and City Attorney. The committee also decided to remove b), as it is covered in item d).

- a) Individual Councilmembers shall not dictate the appointment of any person to office or employment by the City Manager. ~~the City Clerk or the City Attorney.~~
- ~~b) Individual councilmembers shall not interfere with the City Manager's exercise of judgment in personnel selections of the City Manager's subordinates.~~

For part d), the committee agreed to add "or demands" after "orders".

- d) Individual Councilmembers may provide feedback, make suggestions, or make requests of the City Manager, the City Clerk, or the City Attorney but may not give orders **or demands** to the City Manager, the City Clerk, or the City Attorney.

Councilmember T. Bierbaum next went over Section 6.03 on Page 9 a), and the committee approved removing the reference to an "expense allowance".

- a) Councilmembers, Mayor, and City Marshal shall receive an annual compensation, to include salary and benefits, ~~expense allowance~~ as set forth by the City's budget.

The committee agreed to keep c), as written on Page 9.

Councilmember T. Bierbaum went on to Page 10, Item c), and the committee decided to strike "non-elected".

- a) The following ~~non-elected~~ Charter officer positions shall not be abolished except by referendum:
  - a. City Manager
  - b. City Clerk

Councilmember T. Bierbaum went to Article 7, Section 8.01 on page 11. The committee concurred with Chair R. McKnight to break up item a) into two sentences with a period after "governing body".

- a) An ordinance is an official legislative action of the governing body. **An ordinance** is a regulation of a general and permanent nature and enforceable as a local law."

The committee also agreed to break up the sentence in Part c), by adding a period after consideration.

- a) Additionally, any citizen of DeFuniak Springs may offer to the City an ordinance for consideration. **The process is done through a citizen initiative process**, which shall require the same process and number of signatures of citizens as would be necessary to bring forth a Charter amendment. Upon presentation of a proposed ordinance with sufficient signatures, as verified by the City Clerk, the proposed ordinance shall be presented to the

City Council to determine if the City Council wishes to proceed with the process for ordinance adoption, with any conditions the City Council may choose to impose, or if the Council wishes to reject the proposal.

After discussion, the committee agreed to change “two weeks” to “calendar days” in part e).

e) Upon adoption, each ordinance shall be presented to the Mayor by the City Clerk for ~~their~~ approval or veto.

1. The Mayor shall have no more than ~~two weeks~~ **fourteen calendar days** to either approve or veto the Ordinance. If the Mayor fails to take action, the City Clerk shall present the Ordinance for signature to the Mayor Pro-Tempore or City Council designee.

Councilmember T. Bierbaum went to page 12, part a), and discussion ensued on the method for resolutions.

City Attorney Clayton Adkinson said sometimes the Council could make a resolution because they are not law, and the Mayor does not need Council approval for proclamations.

City Manager Mell Smigielski said resolutions have time restrictions, so if we have a funding deadline, we will not be able to move forward.

Debate on whether there should be a time frame for resolutions ensued. In the interest of time Councilmember T. Bierbaum turned the meeting back over to Chair R. McKnight.

The committee set the next meeting for Friday at 8:00 a.m.

Chair R. McKnight adjourned the meeting at 3:07 p.m.

Approved:



Robert McKnight, Chair



Minutes taken by Maryanne Schrader, City Clerk  
Proper notice having been duly given

