

Charter Review Special Committee
Meeting Minutes
Council Chambers
August 12, 2020
11:00 a.m.

Chair R. McKnight called the meeting to order at 11:04 a.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 Clay Adkinson, Deputy City Manager C. Lejeune, City Marshal James Hurley, Jr., and Mayor Campbell.

Chair R. McKnight asked if there were any citizen comments. No citizens were present.

Chair R. McKnight stated the objectives of the meeting and stated he had received some comments. He asked the committee if anyone else had received feedback.

Councilmember T. Bierbaum also received some comments.

Chair R. McKnight mentioned on page 1 a), “States” after “United” needs to be uppercase.

Councilmember T. Bierbaum mentioned on the Preamble, 1/3 way down, suggestions he received were to change “strong” to “engaged” leadership change the word “progressive” because of the current meaning. The committee concurred that our city is progressive in the sense we are progressing, so they decided to keep as written. Also, Councilmember T. Bierbaum was asked about changing corporate “limits” to “boundaries”. The Committee agreed to that change.

Chair R. McKnight on page 2, pointing out the Boundaries section after the first comma, “provided that the city shall have the power to change its boundaries.”. City Attorney Clay Adkinson said you have to attach the clause, as you are fixing the set of boundaries that someone could not encroach on to. The proviso is being put into effect. The Committee agreed the language should remain.

Councilmember T. Bierbaum asked about Section 3.02 e), regarding the appointment of the City Clerk. City Manager M. Smigielski said the Ordinance was changed to give him authority to hire and provide discipline, when necessary. Discussion ensued on whether to keep the language or change to appointed by the City Manager but confirmed by City Council. City Attorney Clay Adkinson advised the City Clerk is a lynch pin in daily activities. He added the Florida Public Records Law is the single biggest legal issue many cities face, as the City Clerk is in charge of Records Management and policies. The position has a true administrative duty to the city. The committee supported leaving it, as written.

Chair R. McKnight moved to page 3 regarding the seat numbers. After discussion the seat numbers, the Committee decided to leave it as written. Chair R. McKnight suggested changing “seat” to plural, under b). He added under g) to change “will” to “shall” in the first sentence.

Councilmember T. Bierbaum moved to Section 3.04 a), stating he had question from a citizen on what a Special Election is. He said it is an understood definition. He went to f), and said he had questions on the “drawing of lots”. The citizens suggested adding, “as defined in Ordinance”.

City Attorney Clay Adkinson recommended not placing it in an Ordinance, as there is potential for the Council to change it. He said the idea of drawing lots is that it is a random act. The idea is it is a rare occurrence, but it gives an “equal random chance”. Committee left it as written.

Chair R. McKnight moved to Page 4 c), are we missing a word in the second sentence? City Attorney Clay Adkinson replied “as a Law Enforcement Officer, as provided by Law” should be added after law enforcement.

Councilmember T. Bierbaum went to Section 3.06 a) stating someone asked if “annual” should be added before budget. After discussion on the appropriateness, the committee left it as written.

Chief Marshal J. Hurley stated on Section 3.05 d), the City Marshal residency is not consistent with the other Council members. The committee discussed the increase in the pool of candidates. Chair R. McKnight said a compromise offered to him was a “candidate should be a citizen of Walton County at the time of qualification”. The committee agreed on the “The City Marshal is required to be a resident of Walton County at the time of qualification”, and the remaining stays the same.

Chair R. McKnight move to Page 5, c) recommending splitting the two sentences. Also, swap e and f. He also asked about the 90 days was too short in f). City Attorney Clay Adkinson said the longer you leave it open could cause a problem. The committee agreed to switch e) and f).

City Attorney Clay Adkinson said the longer you leave it open, could cause a problem. He added the vacancy reference relates to the elected officials. He also suggested in Section 4.01 c) to change to a numerical format and for consistency, edit the formatting everywhere in the document.

Chair R. McKnight moved to page 6, Section 6.01, and the committee agreed to remove “County Charter” from the third sentence as none exists. City Attorney Clay Adkinson said to change “such” to “all” before “powers of the city” and add a semicolon and the words “are hereby vested” in the fourth sentence.

Councilmember T. Bierbaum moved back up to Article V asking whether we should say use “Ethical Standards” in title. The committee kept it as written, as City Attorney Clay Adkinson said conduct goes beyond ethics, so it is referencing a code of conduct. Councilmember T. Bierbaum mentioned capitalizing “city” in the last paragraph.

Chair R. McKnight asked about Section 6.01 c) regarding whether we should add the Mayor in the first sentence. The Committee agreed to add “Mayor” in the first sentence.

Councilmember T. Bierbaum asked whether “city attorney” should be referenced in the document. After discussion on the Council is not able to dictate to legal, as an attorney would have ethical obligations to the Florida Bar, the committee agreed to strike “city attorney” throughout the document and place the reference by Ordinance.

Chair R. McKnight went to Section 6.02 a) suggested moving “city manager” after dictate and adding “to dictate”.

Chair R. McKnight moved to page 7, Section 6.04 c) and said he had received a question on whether “appointed” should be included after “following”. The Committee agreed to add “appointed after “following in the first sentence.

On Section 7.01 b), City Attorney Clay Adkinson said “law” and “policy” should be lowercase.

Councilmember T. Bierbaum mentioned in Section 8.01 c), asked if it should read “as defined by Florida law” for the number of signatures. City Attorney Clay Adkinson said the law is 10% of registered voters from the last preceding regular election, and there were 3,329 registered voters. He added the signature number will only change after each regular election.

Councilmember T. Bierbaum also mentioned the last sentence on page 8 “City Council” must be capitalized.

Chair R. McKnight brought up the 14-day maximum on e) a – suggesting seven days. However, City Attorney Clay Adkinson said it could be less than ten days. The Committee agreed to changed it to seven days.

After Councilmember T. Bierbaum brought up adding “to” for either approve or veto. In sentence in e) b. City Attorney Clay Adkinson suggested adding the sentence, “The Mayor’s right to veto shall be presented to the City Council in writing at the next regular scheduled meeting”. Afterward, City Attorney Clay Adkinson mentioned the Mayor Pro Tem has no veto authority in c)., committee added in e).

Chair R. McKnight went to page 9 and said Executive Branch should be uppercase in Section 10.01 e). In i), the committee agreed to strike “and return”.

Chair R. McKnight said we could eliminate a) and the Committee agreed.

Councilmember T. Bierbaum said on the current c) to change “activities” from activates.

Chair R. McKnight went to page 10, Powers and Duties, on 11.01 b) to change “see” to “ensure”. City Attorney Clay Adkinson said to change to “fully and faithfully” – start with “ensure”.

Councilmember T. Bierbaum said he was asked about “control” in 11.01 a). Committee agreed to keep “control”.

Chair R. McKnight went to page 11. Councilmember T. Bierbaum said he heard questions on 12.02, that we should add benefits. However, the Committee left it as written because the discussion earlier was that compensation includes benefits.

Chair R. McKnight asked about 12.05 a), take out ‘city attorney’ should we add the Mayor and City Council? However, after discussion on functions, such as governmental and proprietary and how wide is the activity, City Attorney Clay Adkinson stated it falls under administration and management, so the paragraph is written broadly intentionally.

Councilmember T. Bierbaum went to 12.05, h), and the committee agreed to remove h).

Per the committee agreement, “City Manager” was removed in m) and changed the sentence to start with “Not” and in p), removed “City Manager” and changed the sentence to start with “Have”.

Chair R. McKnight had been asked about the last line on page 12, regarding the City Clerk residency. The Committee agreed to remove the City Clerk’s residency from the Charter. City Attorney Clay Adkinson suggested including it in the Personnel Manual.

Councilmember T. Bierbaum moved to Section 13.02, referencing the third sentence, regarding striking “to the City Council”, and b) regarding recommendations, the Committee agreed to keep, as the City Clerk works closely with the Council.

Councilmember T. Bierbaum said he was asked about c), asked about journal being used twice. The Committee decided not to change, as “record” and “journal” is used interchangeably.

Councilmember T. Bierbaum was asked about l), and the Committee agreed to change to “City Manager” from “City Council” and remove “as a whole”.

City Attorney Clay Adkinson advised removing “or” from the heading in Section 13.03.

Chair R. McKnight went to page 14, c) regarding the recruitment of the City Clerk, asking if the six-month vacancy was enough time to recruit? The Committee agreed to use “will” in place of “shall, added an add “additional six months” and mirror the City Manager from page 11, 12.04 b) capitalized “City Manager”. The wording, “The City Manager will within nine months appoint a City Clerk, however, an additional three months may be granted by the City Council provided that the hiring of the City Clerk was on-going at that time”.

Mayor Campbell asked about the term limits for the ones being set by the Council currently in office.

Chair R. McKnight said there are two issues, one is the City Marshal being elected or appointed and term limits. In reply to those questions, this new Charter allows a citizen initiate with a number of signatures required to make a request for a Charter amendment to go to a referendum. If people want term limits, we can have a referendum and write out the options. Councilmember T. Bierbaum said the Council already voted on those issues and everyone he spoke to did not want to lose their ability to vote for the City Marshal.

City Attorney Clay Adkinson said the comments came up at the last committee, on term limits. It would have to be a yes or no ballot per State Law regarding whether the City Marshal is elected or appointed, as both cannot be on the ballot. The question would fall to “Shall the City Marshal be appointed”?

Chair R. McKnight said he will be the Chair at the Special Meeting on August 17th in the absence of Mayor Campbell. He said to make the Charter understandable, he will pose eight simple questions. What is the City Charter, what is the current Charter, why do we want to re-write it, what is new and different, what stays the same, what are the benefits, what is the process, and the referendum? He requested Smith Printing or whoever our vendor is to print the 14 pages in large print to be placed around the Chambers.

City Attorney Clay Adkinson said to state we are not here to advocate for the document; we need feedback.

The Committee agreed that Citizen D. Redwine would provide the introduction at the meeting.

Councilmember T. Bierbaum will briefly explain how a Charter works and how important it is. He will cite parts of the Grand Jury report.

City Attorney Clay Adkinson then suggested he would start with questions 1-3 on the Charter and summarize the Grand Jury report, and state we are re-writing it because we were criticized in the Grand Jury report. One of the reasons, we as a city government saw the opportunity to not only clean up the current Charter but bring a modern document that is easy to understand. He suggested Reverend Redwine talk about the process of how we got here. He will add the Council requested the Committee take up the document, making it easy to read and cover items the existing document lacked. He suggested giving the Council opportunity to speak and then turn it over to the public.

Chair R. McKnight said the final form must be posted on August 20th for 1st Reading on August 24th. The committee agreed to meet August 19th at 8:30 – 10:30 a.m. and on Thursday, August 20th at 8:00 a.m. to discuss any error on the final document from Councilmember T. Bierbaum.


City Attorney Clay Adkinson said on the 19th, we need to be clear that the public can make final comments, but the 20th is not for substantive changes.

Chair R. McKnight wrapped up that the dates are Monday, August 17th at 5:30 p.m. for the Special Meeting, then the 19th at 8:30 a.m. to determine any changes based on the Monday meeting comments, and August 20th at 8:00 a.m. He added the Council meeting is August 24th at 9:00 a.m.

Chair R. McKnight adjourned the meeting at 1:14 p.m.

Approved:


Robert McKnight, Chair


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

