

Charter Review Committee Minutes – September 7, 2017

Charter Review Committee Board

Members Present	Staff	Visitors
Ellis Conner	Growth Management Director	Graham Fountain
Adrienne McKinnie	Planning Coordinator	Cal Zethmyer
Andrew Rencich		Paul Lowery
Warren Robinson		Stephen Storm
Michelle Simmons	Members Absent	
Joshua Molyneux		
Gene Strickland		

The data reflected within these proceedings constitute an extrapolation of information elicited from notes, observations, recording tapes and photographs. Comments reflected herein are sometimes paraphrased, condensed and have been edited to reflect essential subject matter covered during the meeting. Parties interested in receiving a verbatim account of the proceedings are responsible for coordinating with the City Clerk's office and providing their own representative and equipment to produce a verbatim account of the proceedings pursuant to Crestview Policy 91 1, Duplication of Public Records, Chapters 119 and 283, Florida Statutes and Attorney General opinions in force at time of enactment of Policy 91 1.

CONVENE - The Charter Review Committee meeting was called to order at 6:00 p.m. on Thursday, September 7, 2017, in the City Hall Council Chambers, by Mr. Conner.

A motion was made by Mr. Rencich to approve the August 31st minutes, second by Mr. Strickland. Motion passed.

Mr. Conner suggested that discussion begin with looking at the updated document. All agreed.

Mr. Conner asked for comments on page 1.

Ms. Gaillard commented that the City Attorney had a conflict and is unable to attend the meeting.

Mr. Conner discussed that after this meeting, the document they agree upon should be handed to the Attorney and if there are any significant changes, Ms. Gaillard will contact the committee to reconvene to discuss those changes.

Mr. Conner had a comment on page 2 and read item 2, Section 4.01: "In time of public danger or officially declared state of emergency, the Mayor shall take command of the police, maintain order and enforce the law." He then asked for consensus and comments from the committee. Discussion ensued. All agreed.

Mr. Conner continued with a comment from page 3: "To preside over at all meetings of the City Council with authority to participate in discussions, but without power to vote."

Mr. Rencich stated he read this to mean that the Mayor is not a tie breaker vote. Discussion ensued and all agreed.

Mr. Conner went on to read from item 9: "The Mayor pro tem shall be chosen by the members of the Council, to serve in the event of the Mayor's absence. The Mayor pro tem shall retain all voting privileges

of an elected member of the City Council.” Mr. Conner asked for discussion on the lack of definition of the term pro tem Mayor.

Ms. Gaillard pointed out that most research for the definition of pro tem was for a one year term.

Mr. Conner asked that verbiage to be added to the document in the most appropriate location.

Discussion ensued.

Mr. Conner moved to page 6, item (e) and stated that the above requested definition for pro tem may be appropriately placed here.

Ms. Gaillard stated that this item was in red to confirm the committees request to delete this item.

The committee was in agreement.

Mr. Conner moved to page 7. Moved discussion to chain of command.

Ms. Gaillard stated that two scenarios have been provided and needed consensus of the board. Discussed the differences and responsibilities of each variation.

Mr. Molyneaux stated this had been discussed in the previous meeting, oversight is a concern.

Ms. Gaillard then questioned, will the Council appoint the City Clerk and City Attorney or will the City Manager.

Mr. Conner pointed to page 8, item (j) and stated that the department heads should hire and have it approved by the City Manager. Discussion ensued.

Mr. Strickland questioned if the City Manager would be responsible if the employee hired by the City Manager did not work out. The board stated the employee would be fired by either the City Manager or HR.

Mr. Rencich questioned the difference between appointed versus employed. Discussion ensued.

Ms. Gaillard stated that often a hiring committee is formed for hiring department heads.

Mr. Molyneaux stated his concern was that the committee was going too far and felt it best to let the City Manager and HR handle it.

Mr. Conner stated it should be done by an ordinance.

Ms. Gaillard stated it needs to be stated in the Charter to prevent future issues.

Discussion moved to differences between resolutions and ordinances where resolutions are intended for internal City matters whereas ordinances are intended for the public. Discussion ensued.

Mr. Conner then asked for a consensus of the committee to delete the portion of 5.02 discussed and let it read: “The City Manager shall...”

Ms. Gaillard stated that there are duties listed in 5.01 that address every day duties, and asked if the committee wanted that included or removed.

Mr. Molyneaux asked about changing the order to place City Manager at 5.01, City Attorney at 5.02 and City Clerk at 5.03. All were in favor.

Mr. Molyneaux then questioned the roles of the City Clerk and the finance department on signing checks etc. Discussion ensued.

Mr. Rencich stated that the City Clerk and the City Manager would review items together.

Mr. Robinson commented that there must be a State policy somewhere that stipulates what can be signed and by whom.

Mr. Conner discussed the current Finance Director and the department functions such as, receives licenses and water bills and that the City Clerk over sees the Finance Director.

Ms. Gaillard stated that the City Clerk resembles a department head in her functions and duties over the Finance Department and the Utility Department, but the City Clerk is not technically a Department Head.

Mr. Molyneaux stated we will be taking those duties away from the City Clerk and place them under the City Manager in an effort to keep the City government unified.

Mr. Conner stated that the City Clerk would no longer be an elected official.

Mr. Robinson asked who does the yearly audit.

Mr. Conner stated that the City pays the Auditor to perform that duty.

Mr. Molyneaux stated that a lot of Cities are moving away from a City Clerk and towards a Chief Financial Officer (CFO) that falls under the City Manager. The City Manager and the CFO sign the financial statements together and if the City Council or Mayor don't like what they see, they are able to open up an investigation.

Ms. Gaillard stated that the Finance Director that also handles the bookkeeping and oversees the Finance Department, Payroll, Accounts Payable and Accounts receivable. She's like a Controller and she does not sign checks.

Ms. Gaillard stated that 6.04 (a) was kept on page 10.

Mr. Rencich asked about the status of the items under 6.07.

Ms. Gaillard stated that they are waiting on legal and it would be streamlined or remain based on legal recommendations.

Mr. Conner then discussed summarization of previous meetings and guest speakers. Large items are in the Charter, small items can be handled by ordinances. He also stated that Jack Dorman comments were in favor of a City Manager.

Mr. Rencich commented that citizens have a hard time figuring who to contact during a time of need.

Mr. Conner stated that the point of contact would be the City Manager. He went on to discuss the comments from Dr. Goetsch and Graham Fountain as well.

Mr. Rencich then discussed the document prepared and stated he felt it was a great document for the City Council to make a decision on and commented that the committee can meet again if needed and discuss any recommendations or requests from the City Council or City Attorney.

Mr. Strickland stated that a citizen needs to be able to pick up the document and know who to contact in the event of an issue, provide clarity for the citizens.

Mr. Molyneaux stated he agreed and felt this was a great improvement of the archaic current charter.

Mr. Robinson stated he felt that people will always go to the Mayor regardless of the document.

Ms. McKinnie stated she felt this was a step in the right direction for the City.

Ms. Simmons stated simply to get it to the voters.

Mr. Rencich asked for consensus of the committee to suggest to the Council to break up the vote into multiple items as opposed to all one item.

Mr. Conner stated, he would like to see if the City Attorney could break out the City Manager into one piece by itself.

Mr. Rencich stated his intentions would be that City Manager be one voting item, City Clerk another.

Mr. Molyneaux stated that the work of the committee is not yet done. It still has to be presented and voted on and each person needs to get out and speak to others and get the word out.

Mr. Conner commented on statements in the document on Mayors duties and stated that he would like to keep the Mayor involved in this process.

Ms. Gaillard then asked if there was a preference for a referendum or a mail out ballot.

Discussion ensued.

Mr. Rencich stated he understood it would be a 6-month timeline to get on a ballot.

Mr. Molyneaux stated he felt mail out would be best, it would be a cost, but it would be advantageous.

Ms. Gaillard stated the mail out ballot is stated as being a higher return than referendum based on recommendation from a company that presented the information.

Mr. Fountain stated that it was possible to touch more people with the mail out ballot.

Mr. Conner asked for consensus of the board. The consensus supported a mail out ballot. Discussion ensued.

Public and Board Comments/Questions: Mr. Conner asked for comments from the public.

Mr. Strong commented that he has been to almost all meetings and stated he saw a diverse group and was thankful for seeing a County Commissioner in attendance several times as well. Thanked the board.

Mr. Lowery stated he was glad to see the committee moving in this direction and he has done a lot of research on his own and came to the same conclusion as the board. He also stated he was happy with the committee making efforts to make sure it doesn't fail the ballot this time.

Mr. Fountain stated that the City Managers that do well are ones that have a high level of education and have experience, but are also still young and not looking for retirement yet. Also, someone that does not know Crestview would be most beneficial. He continued stating that the Mayor or City Manager should also be listed as the Emergency Management Director.

Mr. Conner stated that verbiage has already been added.

Mr. Fountain stated that City Clerks were becoming a thing of the past for most Cities and he feels the document is done very well and looks like a great document.

Mr. Rencich stated the wording of the Mayors emergency powers needs to be revised to Emergency Director.

Mr. Molyneaux read the similar statement from Fort Walton Beach: "The mayor shall be recognized as the head of the city government for all ceremonial purposes, by the courts for serving civil processes, and by the governor for purpose of military law. In time of public danger or emergency the mayor shall, if so authorized and directed by vote of the council, take command of the police, maintain order and enforce the law."

Mr. Rencich asked if the language was strong enough or if it needed to be revised.

Mr. Fountain stated that someone needed to be declared as the Emergency Director but that the language may suffice. Discussion ensued.

Mr. Molyneaux then read a rewording of that passage: "In the time of public danger or officially declared state of emergency, the Mayor shall assume the role of Emergency Management Director, taking command of the police and fire, maintaining order and enforcing the law." Committee recommended this change.

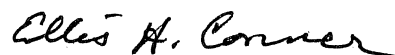
Motion made by Mr. Rencich and Mr. Strickland to submit the document to the City Council with City Attorney review, seconded by Mr. Molyneaux, all approved, no nays.

Discussion ensued regarding the first public meeting on this document will be on October 9th. Once legal has finished their review of the document, the document is to be emailed to the committee members. Members of the committee are to be present at that council meeting to present the document. Meeting minutes will be emailed, for a vote of acceptance or with comments.

Mr. Conner called for a motion to adjourn. Meeting adjourned at 7:08.



Secretary



Chairman/Vice Chairman