

A charter amendment workshop meeting of the City of Madeira Beach Board of Commissioners was held at 6:00 p.m. on July 30, 2018 in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida. Mayor Black called the meeting to order.

MEMBERS PRESENT: Maggi Black, Mayor
Deby Weinstein, Vice-Mayor/Commissioner District 1
Nancy Hodges, Commissioner District 2
Nancy Oakley, Commissioner District 3
John Douthirt, Commissioner District 4

MEMBERS ABSENT: None.

CITY STAFF PRESENT: Jonathan Evans, City Manager
Clara VanBlargan, City Clerk
Ralf Brookes, City Attorney

1. CALL TO ORDER

Mayor Black called the meeting to order at 6:00 p.m. She thanked the Charter Review Committee for their hard work on the City Charter.

2. ROLL CALL

City Clerk Clara VanBlargan called the roll.

3. PUBLIC COMMENT

There was no public comment.

4. REVIEW AND GIVE DIRECTION TO CHARTER AMENDMENTS RECOMMENDED BY THE CHARTER REVIEW COMMITTEE

City Attorney Ralf Brookes explained that the documents in front of the Board is the work that has been done by the Charter Review Committee. They have made their recommendation as a Committee to adopt these changes and bring them to the Board. One of the documents is the ballot ordinance listing the charter questions going to the voters. Each subject matter has to be a separate question and the question has to reflect what the change is accurately. We cannot advocate for a change in the ballot question language to take a position. The questions are put to the voters for them to decide. Because the Committee has done so much work in so many different areas of the Charter, there are 28 questions listed in the ordinance. Each charter amendment question is listed on a separate page number to help keep track of the questions while reviewing them. The Board can put all, some, or none of the charter amendment questions on the ballot, the Board can make tweaks to the questions and correct any typos, and limit how many questions to go on the ballot. Changes to the Charter are shown with strikeouts and underlines, which is Exhibit A to the ordinance. The City Charter is like the Constitution for the City. It establishes the framework for

the political governance of the City. Much of the detail can be put into the Code but the Charter itself sets up the Constitution. To change a Charter, it must go to the voters and to change the Code of Ordinances it simply takes two readings by the Board. Once a charter amendment goes into a Charter it is harder to change. When going through the ballot questions, we have to keep the State Statutes requirements in mind because the City cannot do anything that is in conflict with State Statutes.

The City Attorney explained that Ballot Question #1 addresses gender issues throughout the Charter. Commissioner Oakley asked if that question had to be listed first on each election ballot because those changes are needed throughout the Charter. The City Attorney explained that it only goes on the first ballot as long as there are no substantive changes made.

Mayor Black asked if "Exhibit A" listed in the ordinance is the City Charter. The City Attorney said he has not yet prepared that document, but it is the City Charter showing the recommended changes using strikeouts and underlines.

City Manager Jonathan Evans explained that Boards usually select two to four charter amendments to present to the voters and in some cases, the easier items or the more pressing items are put on the first ballot. Putting too many items on a ballot could cause voter fatigue and people could stop at a certain point on the ballot. Whichever way the Board chooses, staff will make sure that is complemented with information to the public and on the City's website to explain what happens and its impact to the City.

Commissioner Douthirt said he listed questions to go on the November ballot and questions to go on the March ballot. The ones pushed to March could be reworded and thought out more. The City Manager explained that the questions found to be harder to understand what the City is trying to accomplish, with the assistance of the City Attorney we can draft a layperson's interpretation of that and publicize it to explain what happens. Because each question is limited to 75 words, it is harder to explain its components. We can create a paragraph or two explaining why we are recommending the change and communicate the facts to the voters, which the statutes allow. We cannot advocate but we can educate.

The City Attorney said only the questions will appear on the ballot and not the strikeouts and unlined language. The City Manager said we can create a sample ballot listing the questions and a definition for each to explain what happens. It could serve as a cheat sheet for people to make their notes on.

Charter Review Committee member June Mohns explained that at their last meeting they quickly came up with the questions that the City Attorney drafted but after reading the ballot language today some are kind of awkward and needed to be reworded. She suggested a rewording of Ballot Question #2, the supermajority question to make it more understandable to the voters. The City Attorney said he will make that change and explained the reason necessary for changing the language to a supermajority vote.

Charter Review Committee member John Hendricks commented you cannot have a meeting without a quorum. The City Manager explained that the original language in the Charter says you need three affirmative votes so even if you have a quorum, you effectively still cannot pass something unless it is unanimous, which was the intent behind making that modification.

Doreen Moore, Chair of the Charter Review Committee said when meeting jointly with the Civil Service Commission they decided not to address the Civil Service Commission section of the Charter at that time because of the way it was structured and its complexity. They chose to address that section at a future meeting. The section of the Charter changing the city manager to a charter officer also needed more work because when reading that it is difficult to follow. In Charter Amendment #18, where they are removing the city treasurer people need to know why that was done. They had questioned the City Attorney who verified that the city treasurer is not required to be in the Charter. You have a finance director, but that position is not a standalone charter officer. The way the Charter currently reads is that the city treasurer is a charter officer, but the finance director is not and does not have that same capacity, so it is very confusing.

The City Attorney said it is a political question. You can have a certain number of charter officers, which typically answer to the City Commission who hires and fires them. This City seemed to have some language that kind of got glommed on and it grew over time because it appears it first started with the city treasurer and then said who shall also serve as the director of the finance department, and then in parenthesis called them a finance director. So, the positions are really one of the same. Under the existing Charter, the Board has the ability to hire and fire the city treasurer/finance director but must consider a recommendation from the city manager before hiring that person. If you are going to have a finance director or city treasurer pick one name and if you want to keep them on the same level as the city manager, you can keep them in the City Charter. He said the City Manager was concerned about having a department that is not under his control for hiring and firing of employees. Currently, the way the City Charter is structured, employees in the Finance Department have two masters. They take direction from the city manager, but they are hired and fired by the finance director. You could put all employees under the city manager including the director of finance but what the Board would be giving up is the check and balance because the city treasurer is sometimes the check and balance of the city manager. To make that determination, the Board needs to decide whether or not to keep the city treasurer/finance director as a charter officer.

Commissioner Oakley asked if the city treasurer is being taken out of the Charter and replaced with finance director. The City Attorney said the Charter Review Commission recommended taking them both out of the Charter, so they would only appear in the Code of Ordinances. It would be a department of the City just like any other department. Mayor Black said everything seems to work and she does not see a need in making a change.

The City Manager said the finance director is a key component that is the responsibility of the administrator. In accordance with the current Charter, the city manager recommends to the Board as to who to appoint as city treasurer. It doesn't go any further to say who is responsible for removing that person or who does their evaluation. There are also other contradicting responsibilities. To effectively run the operation, you hold the city manager accountable for the

fiscal operation and to the fiscal health of the organization and adhere to all the policies and the reporting structures, which can be done through the Code of Ordinances. It is better to leave the Charter Officers as the city manager, city attorney, and city clerk and have the finance director at the same peer level as the other department directors. The department directors serve at the pleasure of the city manager and not stipulated in the Charter.

Commissioner Douthirt said a former Commissioner had gotten slammed for talking to an employee or department director without going through the city manager. If there is a problem with that, the Board should be told upfront. Vice-Mayor Weinstein commented she did not think Commissioners should be going to employees without going through the city manager first.

Vice-Mayor Weinstein said her initial thinking was to split the charter amendments for placement on two separate ballots but when reading the information received that morning, she would like to see all the questions on the March ballot. That gives a voter more time to educate himself, so they will not be confused.

Commissioner Douthirt said the charter amendments that are very easy should be put on the November ballot and the others put on the March ballot. Putting them all on one ballot causes voter fatigue. It is too many for the City to do at one time. He suggested that the Board choose which ballot to put each question on as they go through them and that will show how many to put on the November ballot.

The City Attorney explained each ballot question separately. Following discussion, the Board consented to the following:

- Ballot Question #1: Place on the November ballot as is.
- Ballot Question #2: Revise and place on the March ballot.
- Ballot Question #3: Place on the November ballot as is.
- Ballot Question #4: Place on the March ballot as is.
- Ballot Question #5: Remove, not needed.
- Ballot Question #6: Revise and place on March ballot.
- Ballot Question #7: Revise and place on the March ballot.
- Ballot Question #8: Place on the March ballot as is.
- Ballot Question #9: Revise and place on the March ballot.
- Ballot Question #10: Revise and place on the March ballot.
- Ballot Question #11: Place on the March ballot as is.
- Ballot Question #12: Place on the March ballot as is.
- Ballot Question #13: Revise and place on the November ballot.
- Ballot Question #14: Place on the November ballot as is.
- Ballot Question #15: Place on the March ballot as is.
- Ballot Question #16: Place on the March ballot as is.
- Ballot Question #17: Revise and place on the March ballot.
- Ballot Question #18: Research, revise, and place on the March ballot.
- Ballot Question #19: Revise and place on the November ballot as is.
- Ballot Question #20: Place on the November ballot as is.

Ballot Question #21: Place on the November ballot as is.
Ballot Question #22: Remove, not needed.
Ballot Question #23: Revise and place on the November ballot.
Ballot Question #24: Revise and place on the November ballot.
Ballot Question #25: Place on the March ballot as is.
Ballot Question #26: Place on the March ballot as is.
Ballot Question #27: Place on the November ballot as is.
Ballot Question #28: Place on the March ballot as is.
Ballot Question #29: Place on the March ballot as is.

The revised proposed ordinance with the ten charter amendments chosen for placement on the November 6, 2018 General Election Ballot is attached and will be presented for first reading at the 6:00 p.m., August 1, 2018 BOC Special Meeting.

The Board thanked the Charter Review Committee for their hard work on the Charter.


A. ADJOURNMENT

Mayor Black adjourned the meeting at 8:08 p. m.



Maggi Black, Mayor

ATTEST:



Clara VanBlargan, MMC, MSM, City Clerk



