



**THE CITY OF MADEIRA BEACH, FLORIDA
PUBLIC NOTICE**

**CHARTER REVIEW COMMITTEE/
CIVIL SERVICE COMMISSION
MEETING AGENDA**

The Civil Service Commission of the City of Madeira Beach, Florida will meet in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida to discuss the agenda items of City Business listed at the time indicated below.

10:00 a.m.

FRIDAY, OCTOBER 19, 2018

COMMISSION CHAMBERS

This is a joint meeting of the Charter Review Committee and the Civil Service Commission

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

- **August 20, 2018, Joint Meeting of the Charter Review Committee and Civil Service Commission**

4. REVIEW OF CITY CHARTER SEC. 6.6 – PERSONNEL SYSTEMS; CIVIL SERVICE COMMISSION

5. PUBLIC COMMENT

6. MEETING SCHEDULE

Public participation is encouraged. If you are addressing the Commission, step to the podium and state your name and address for the record. Please limit your comments to three (3) minutes.

7. ADJOURNMENT

One or more elected or appointed officials may be in attendance.

Any person who decides to appeal any decision of the Civil Service Commission with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The law does not require the City Clerk to transcribe verbatim minutes; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with the Americans with Disability Act and F.S. 286.26; any person with a disability requiring reasonable accommodation in order to participate in this meeting should call 727-391-9951 or fax a written request to 727-399-1131. One or more Board of Commissioners could be in attendance at the meeting.

Minutes
Joint meeting of the
Charter Review Committee / Civil Service Commission

August 20, 2018; 1:00 p.m.

City of Madeira Beach Commission Chamber
300 Municipal Drive Madeira Beach, FL 33708

A joint meeting of the Charter Review Committee and Civil Service Commission was held on Monday, August 20, 2018 at 1:00 p.m. in the Commission Chambers. The meeting was called to order by Chair Doreen Moore at approximately 1:04 p.m.

Staff members present: Clara VanBlargan, City Clerk; Ralf Brookes, City Attorney; Andrea Gamble, Deputy Clerk

1. Call to Order

Chair Doreen Moore called the meeting to order 1:04 p.m.

2. Roll Call

The Deputy Clerk called the roll and the following members were present:

Charter Review Committee

- Doreen Moore
- Grace Critelli
- Paul Tilka
- June Mohns
- Gerri Clyatt
- John Hendricks

Civil Service Commission

- Pam Rasmussen
- Grace Critelli
- Paul Tilka
- John Hendricks

3. Approval of the Minutes

The Board unanimously voted to approve all the meeting minutes listed on the agenda:

- February 21, 2018
- March 14, 2018
- April 26, 2018
- May 31, 2018
- June 20, 2018
- June 27, 2018

- July 10, 2018
- July 27, 2018.

4. Review of Charter for Recommended Changes

The Charter Review Committee and Civil Service Commission reviewed the Ordinance 2018-09 and the Personnel Policies and Procedures handbook. Both Boards agreed that the Civil Service Board needs to have more power to make decisions especially when it comes to Grievances and Appeals.

City Attorney Ralf Brookes explained the functions of the Civil Service Commission and mentioned that some Cities do not have this Board. Chair Doreen Moore mentioned Arbitration steps needed to be put in place and that all employees should have a due process in the event if the employee was terminated.

5. Public Comment

Former employee, Doug Andrews asked the City Attorney if Florida was an at-will employment state. The City Attorney responded that private companies are at-will and government entities are not.

6. Meeting Schedule

The City Clerk was asked to schedule another joint meeting to review the Civil Service section of the City Charter.

There being no further discussion, the meeting was adjourned at 2:19 p.m.

Doreen Moore, Chair, Charter Review Committee

Pam Rasmussen, Chair, Civil Service Commission

ATTEST:

Clara VanBlargan, City Clerk

CITY CHARTER: Section 6.6 - Personnel systems; Civil Service Commission.

- A. *Merit principal.* All appointments and promotions of City employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.
- B. *Civil Service Commission; Membership.* There shall be a Civil Service Commission of the City of Madeira Beach, Florida, which Commission shall be composed of five citizens of said City. The Civil Service Commission shall be appointed by the Board of Commissioners of the City of Madeira Beach, Florida. The term of office for each member shall be three years and shall be staggered so that not more than two terms expire within any one year. Three Commissioners shall constitute a quorum. Members of the Civil Service Commission shall hold no remunerative office or employment under the City of Madeira Beach, Florida. The Board of Commissioners of the City of Madeira Beach, Florida, shall have the authority to remove for cause any and/or all Civil Service Commissioners.
- C. *Personnel Rules.* The Civil Service Commission shall prepare personnel rules. When concurred in by the City Manager, the rules shall be proposed to the Board of Commissioners, and the Board of Commissioners may by Ordinance adopt them with or without amendment. These rules shall include, but are not limited to:
 - 1. The classification of all classified City positions, based upon the duties, authority and responsibility of each position, with adequate provisions for classification of any position whenever warranted by circumstances;
 - 2. A pay plan for all classified City positions;
 - 3. Methods for determining the merits and fitness of candidates for appointment or promotions;
 - 4. The policies and procedures regulating reduction in force, demotion, suspension and removal of employees;
 - 5. The hours of work, attendance regulation and provisions for sick and vacation leave;
 - 6. Grievance procedures, including procedures for the hearing of grievances by the Civil Service Commission, which may render advisory opinions based on its findings to the City Manager with a copy to the aggrieved employee. In this respect the Civil Service Commission shall have the power to issue subpoenas to compel attendance by witnesses and to administer oaths;

7. Other practices and procedures necessary to the administration of the City personnel system;
 8. In connection with the aforementioned personnel rules, the Civil Service Commission shall inquire into the implementation of such personnel rules as considered necessary to ensure compliance therewith.
- D. *Duties and powers of the Civil Service Commission.* All duties, powers, reservations on power, and funding for the Civil Service Commission may be provided for by Ordinance duly passed by the Board of Commissioners of the City of Madeira Beach, Florida.
- E. *Powers to collectively bargain recognized.* Nothing contained in this Charter shall limit the power of the Board of Commissioners of the City of Madeira Beach, Florida, acting through its Manager from entering into collective bargaining negotiations with any officers, employees, or group of employees for the purpose of establishing by contract conditions of employment, rules or compensation of said officers, employees, or groups of employees. For the purposes of this Charter, ARTICLE I, Section 6, of the Constitution of the State of Florida is specifically recognized.

(Ord. No. 446, 1-28-1975; Ord. No. 664, 8-14-1984/11-7-1984)

CITY CODE: DIVISION 4. - CIVIL SERVICE COMMISSION

Sec. 2-126. - Intent.

- (a) The intent of this division is to create a civil service commission in order to review, prepare, and recommend rules for the city's personnel policies and procedures with regard to classified employees.
- (b) The civil service commission shall hear grievance for classified employees who believe they have a grievance arising from their employment and render recommendations as provided in the Charter § 6.6C.6.
- (c) The civil service commission members also recommend cost of living increases and employee pay adjustments to the board of commissioners for consideration.

(Code 1983, § 2-502)

Sec. 2-127. - Organization.

- (a) The civil service commission membership and appointment shall be as provided in Charter § 6.6B. The term of each person appointed shall be staggered so that not more than two terms expire within any one year. Any civil service commission member may be reappointed by the board of commissioners. Appointments to fill vacancies shall be for the unexpired term of office.
- (b) Members of the civil service commission shall be residents of the city at the time of their appointment and throughout the term of office. Any member who is no longer a resident of the city shall be automatically removed, and that vacancy filled as provided in this division.
- (c) Members of the civil service commission shall be suspended or removed for cause upon the filing of written charges by the mayor. The written charges shall be served by hand delivery or certified mail upon the member being charged. The member being charged shall have 15 days to appeal the charges to the board of commissioners. If the charges are appealed, the member of the civil service commission being charged shall be afforded a prompt public hearing on the matter. The member shall be retained, suspended or be removed by majority vote of the board of commissioners.
- (d)

The failure of any member of the civil service commission to attend two of three successive meetings without cause and without prior approval of the chairman, the civil service commission shall then declare the member's seat vacant and the board of commissioners shall promptly fill such vacancy. The failure of any individual civil service commission member to attend four meetings of the civil service commission in any contiguous 12-month period shall be cause for removal.

- (e) Appointments shall be made, consistent with the Charter on the basis of demonstrated experience or interest in the subject matter.
- (f) The members of the civil service commission shall, in November of each year, elect a chairman and a vice-chairman from among its members who shall be voting members.
- (g) Members of the civil service commission shall meet quarterly, as necessary, or at the call of the chairman. All meetings of the civil service commission shall be public.
- (h) Civil service commission members shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by board of commissioners or as otherwise provided by law.

(Code 1983, § 2-503; Ord. No. 1028, § 2, 8-24-04; Ord. No. 1075, § 1, 4-25-06)

Charter reference— Civil service commission membership, § 6.6B.

Sec. 2-128. - Conduct a meeting/hearing.

- (a) *Notification.* When and at such time a meeting is scheduled the city administration shall post a notice of the time and place when the civil service commission shall meet and the topics on their agenda.
- (b) *Meetings/public hearing.* At the hearing of the civil service commission any interested person may be heard upon the subject matter.
- (c) *Recommendations.* The civil service commission, by majority vote, shall conclude recommendations.
- (d) *Written records.* Minutes shall be kept of all meetings and hearings by the civil service commission, and all hearings shall be open to the public. The board of commissioners shall provide clerical and administrative personnel as may be reasonably required by the civil service commission for the proper performance of its duties. The written record shall include the vote of each member of the civil

service commission upon each question, or if absent or failing to vote, indicating such fact. The minutes of all proceedings, decisions and/or recommendations of the civil service commission shall be made public record on file in the office of the city clerk.

(Code 1983, § 2-504)

Sec. 2-129. - Powers.

The civil service commission shall have the power to establish rules and regulations for its own operation not inconsistent with the provisions of this Code.

(Code 1983, § 2-505)

Secs. 2-130—2-150. - Reserved.



MEMORANDUM

TO: Madeira Beach Charter Review Committee

FROM: Jonathan Evans, City Manager *JE 10/10/2018*

DATE: October 10, 2018

RE: City Manager – Charter Review - Civil Service Board Duties/Responsibilities

The premise of this letter is to communicate a reasonable solution for use in the discussions involving the Charter Review Committee and the Civil Service Board. As you are aware, the Civil Service Board's role and responsibilities are not clearly defined, thus, adding confusion and ambiguity regarding how the board functions. Staff members have gone as far as surveying adjacent communities, such as Belleair Bluffs, Redington Shores, South Pasadena, St. Pete Beach, and Treasure Island—none of which have a Civil Service Board or Committee. Staff is waiting on responses from Redington Beach, Indian Shores, and Indian Rocks Beach. In most communities, these boards began prior to the enacting of multiple state and federal protections that provide redress for aggrieved employees. As it stands now, employees in these communities are provided multiple opportunities to seek remedial actions in the event that they feel wronged and/or endangered. Additional complications result from the fact that the existing board and staff members have never experienced some of the procedural processes that are outlined in the Charter; they are also unfamiliar with the corresponding ordinances that establish the authority of the Civil Service Board.

Each committee or board should have the tools it needs to be successful and staff should not have to argue about whether the board's responsibilities should be expanded or retracted. There is, however, a simple solution to the matter. For one, the electorate—via a ballot amendment— should have the opportunity to determine whether a board is needed. In addition, the electorate should determine whether the Civil Service board is to remain active. If so, its policies and procedures should be developed in collaboration with staff members, board members, and a practicing labor attorney, to ensure there are not conflicts with the Charter. This is the only way to avoid complicating the process or agitating anyone, as this would effectively depoliticize the issues that were articulated in my previous memorandum. The voters should have the opportunity to select the way that their government is structured and the most appropriate form of governance.

In conclusion, the staff recommends that the Charter Review Committee pose questions to the voters to determine the duties and responsibilities of the Civil Service Board, including the option to determine whether the board is to continue or be restructured to better align with its duties and responsibilities and to be more consistent with the desires of the voters, the Civil Service Board, the Board of Commissioners, and

Revised – June 6, 2018 at 8:18 AM



the staff. It is important to clarify that this vision is based on complying with the will of the voters and incorporating personnel policies that allow the organization to adapt to the demands of the 21st century.

CC:

Attachment(s):

- Memorandum – June 18, 2018, - City Manager Memorandum – Charter Review Response

Civil Service Board
Board of Commissioners
City Clerk, VanBlargan
City Attorney, Brookes

Revised – June 6, 2018 at 8:18 AM





MEMORANDUM

TO: Madeira Beach Charter Review Committee

FROM: Jonathan Evans, City Manager

DATE: June 18, 2018

RE: City Manager – Charter Review Response

The premise of this memorandum is to address a couple of items that I am respectfully requesting the charter review board consider. Alternative options are either stipulated in the charter or have been proffered in previous discussions. At this point, you probably have a keen understanding of how vital this particular document is in the governance of the City, from both policy and administrative perspectives. Its sections and subsections will have profound effects on the progress and direction of the City in the next decade. There are a couple of articles that I believe need to be clarified, modified, or eliminated to avoid ambiguity and potential conflicts in the future.

Article 5: Charter Officers, Administrative Departments, and Service Commissions

Section 5.1: Charter Officers - I would recommend that the City Treasurer/Finance Director be eliminated from consideration as a Charter Officer. As stipulated in other provisions of the charter, all employees serve at the pleasure of the City Manager. The City Manager is ultimately responsible for the fiscal health and day-to-day administrative functions of the City. Sharing or modifying these duties will cause for confusion on multiple levels, especially who is ultimately responsible for the fiscal health of the agency. This will also create conflicts between department heads and/or the City Manager in the event that the City Treasurer/Finance Director reports directly to the Board of Commissioners. Furthermore, it will undoubtedly cause the Board to be involved in the day-to-day administration of the City in the event of a dispute amongst charter officials. Additionally, if employees do serve at the pleasure of the City Manager, it could be confusing for employees if they receive conflicting directions from the City Manager and the finance director simultaneously. Lastly, elevating this position to that of a charter officer will leave room for them to be considered the *de facto* acting administrator in the absence of the City Manager. In a temporary or *de minimis* absence of the Manager, the City Manager should be given the opportunity to select whomever they feel is most appropriate to serve in an acting capacity. Furthermore, the Board of Commissioners should have full flexibility and autonomy to select whomever they deem appropriate to fill a position in the event of a permanent vacancy in the position of the City Manager.

Section 5.4: This section, as written, does not allow the City Manager to appoint and, for the good of the City, remove the Finance Director at his or her discretion; however, there is no mention of the process to

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remove the Finance Director, etc. Also, if this section is to remain in place, there are no criteria or professional certifications required for the position of City Treasurer. In the City Manager's sections, the board articulates exactly what is required for someone to serve in the capacity of the City Manager. However, in this section, it is silent on the criteria and credentials needed for the position of City Treasurer/Finance Director. Additionally, having the City Treasurer/Finance Director serve at the pleasure of the Board will require the Board to have a general understanding of fiscal policies and financial management to determine if this individual is a "good fit," for the organization. Moreover, the City Manager should have the opportunity to select whomever they believe can effectively manage the fiscal business of the City, because, ultimately, the City Manager, as the Chief Administrative Officer ("CAO"), is solely responsible for the day-to-day operation and management of the City. Also, financial oversight and fiscal management are communicated as part of the duties and responsibilities of the City Manager under the powers and duties section. The present proposal has a lot of conflicting language.

Section B – Acting City Manager – Please consider the timeframe where this section of the charter applies. Does it apply when the city manager is on vacation or out sick? This section is nebulous at best and should provide additional clarification. Furthermore, with advances in technology and ease of access, the management of the day-to-day activities could be administered remotely. This section should apply if the manager is incapacitated or will be absent for a period longer than two weeks. As it stands now, if an incident or accident occurs, a special meeting will have to be called to affect this provision, as stipulated in the charter.

Section 5.6. – B. Direction by the Manager - provides that additional support regarding the direction and supervision of employees is part of the duties of the City Manager. So, in essence, the finance director will be an appointee of the board, but their employees will be under the general oversight of the city manager. Furthermore, who is to negotiate the terms and conditions of the employment of said individuals – the manager or the city treasurer/finance director, assuming the proposed modification remains intact? Unless specified in corresponding sections and/or ordinances, employment-related items could become increasingly more complex and even convoluted.

Section 5.7 – Personnel Systems; Civil Service Commission.

Section (A) - Should probably include language like, "as deemed appropriate by the hiring party, etc., and/or by any criteria stipulated in the City's personnel manual."

Section (C) – This section provides that the Civil Service Commission will review the personnel rules and regulations, but allow the staff, in consultation with legal counsel, to prepare the personnel rules and regulations. Considering how litigious our society is and the ever-evolving employment situations and the constitutionality of individual rights, it is my recommendation that the Civil Service Commission not review the policies, as it is important for the staff to be able to understand, modify, and rewrite policies as case law has a great effect on the way we manage our city personnel, and administer the city's employment

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manual. Additionally, a large portion of our employment population has collective bargaining rights and are represented by an employment union. Not being exposed to local government employee processes will undoubtedly leave the Civil Services Commission in a precarious situation. In an advisory or intermediary capacity, there are more protections and opportunities to effectuate change. Lastly, it will result in slower public policy modifications if every change needs to be vetted by the Civil Service Commission.

Subsection 1-8: It is my recommendation that the power and authority of the Civil Service Commission be limited to that of an advisory/intermediary committee to the City Manager. Currently, the authority bestowed upon the Civil Service Commission is very expansive, not to mention the opportunity to shape and mold employment policies that will undoubtedly affect the day-to-day operations of the City, which is an obligation of Staff. From an administrative perspective, it is my recommendation that the authority to manage the day-to-day operations of the city be clearly delineated in the duties and responsibilities of the staff, especially with employment in government being profoundly different from other sectors of the economy, especially here in the state of Florida. It would be my recommendation that the authority to modify, change, and alter personnel policies be handled by staff, with a review by the Civil Service Commission, and it should be ultimately adopted by resolution before the Board of Commissioners. I am also recommending that the personnel rules and regulations be adopted by resolution and should only be modified if there are typographical/grammatical errors and that any deviation from the adopted personnel policy must be done by a prevailing vote of the Board of Commissioners. With the Civil Service Commission, having little experience in governmental personnel management, my concern is that we are placing an extreme burden on the Civil Service Commission, without them having all the knowledge, expertise, and training to address the changes that need to be made part of our employment practices. I do believe that they should be involved in the review of personnel actions that result in an employee being displaced and provide for a recommendation for the manager to consider in the event that the displaced employee seeks an appeal on the department director's or manager's recommendation.

In conclusion, I hope you find this information enlightening and thorough, and that it provides some perspective on the items that you will be considering as a Board. I am very appreciative of the opportunity to share my thoughts with you all, and I look forward to presenting these items in greater detail at our next meeting.

