



NOTICE

DRAFT CHARTER REVIEW COMMITTEE MEETING - THURS, NOV 18, 2021 - 3:30 P.M. AT THE GARDEN CLUB, 307 OHIO AVE, LYNN HAVEN

THE PUBLIC IS INVITED TO ATTEND

AGENDA

Item #1. Call to Order.

Rules for Public Participation:

All individual presentations during the Audience Participation portion of the agenda for items not on the agenda and all agenda items will be limited to two (2) minutes per presentation. Also, we will use the one:two rule – that is, one person can speak again after two others have had a chance to speak.

Item #2. Approval of minutes for the October 14th meeting.

Item #3. Discuss following Articles:

Article II Sec. 14A – Tabled from October 14 Meeting

Sec 14-A: Background check for City Manager, and all candidates running for office

The City of Lynn Haven reserves the right to conduct a background check, including but not limited to sex offender registry checks, and criminal background checks, on all applicants for employment. This includes all employees, board members, key personnel, mayor-commissioner, city manager, commissioners, Police Chief, Fire Marshall, anyone running for office in this city, and every department head or supervisor of anyone who may work for the city of Lynn Haven. The following convictions are not acceptable for employment with the City of Lynn Haven: violent crimes, drug sales, sex offence charges, and/or crimes of moral turpitude – theft, embezzlement, etc.

Article III Sec. 22

Sec 22: Compensation

Sec 23: Civil Service System

Sec 24: City Manager – Appointment, Qualifications, Substitute

Sec 25: Same – Removal

Sec 26: Same – Powers and Duties

Sec 27: City Attorney – Appointment, Duties

I want to stop at this point because I predict there will be a lot to discuss within these areas.

Item #4.

I propose that we schedule no meeting for the month of December to take a break for the holidays, with the next meeting being held on January 20, 2022. By then we should be rested and had plenty of time to go over and revise the rest of the charter, so that we use January, February, and March of 2022 to review all of the changes made thus far.

Item #5. Public Commentary

Item #6. Adjourn

**THURSDAY, OCTOBER 14, 2021
CHARTER REVIEW COMMITTEE MEETING – 3:30 P.M.**

Present: George Hines, Chair
Gerri Parker, Deputy Chair
Linda Mishler
Jim Frishkorn
Joanne Cox
Vickie Gainer, City Manager
Kevin Obos, City Attorney

Item #1. Call to Order. The Chairman called the meeting to order at 3:39 P.M.

Item #2. Approval of minutes for the September 16th meeting.

The Chair asked if there were any queries regarding the previous minutes.

Ms. Mishler stated she doesn't recall including the words "consecutive" in her motion to item #3 Sec. 11 and would like to discuss correcting this in the minutes. She would prefer to leave out the words consecutive and establish that it should be 8 years in total per person for both Commissioners and Mayor's seats.

The attorney confirmed that discussion had ensued at the previous meeting about this motion and after being read aloud it was decided to make the motion as it is currently in the minutes. He went on to recommend that the Committee ratify these minutes and then the Committee could make a new motion during today's meeting about that section.

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| Motion by Ms. Mishler: | To approve the previous minutes. |
| Second to the motion | Mr. Frishkorn |

On Vote:

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|-----------|-----|--------------------|
| Mishler | aye | |
| Frishkorn | aye | |
| Parker | aye | |
| Cox | aye | |
| Hines | aye | Motion passed: 5-0 |

Ms. Mishler said she would like to make a new motion for Article II Sec. 11 now.

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| Motion by Ms. Mishler: | That the term limits set out in Article II Sec. 11 be limited to two terms of four years each as a Commissioner and as a Commissioner Mayor, not counting partial terms. |
| Second to the motion | Mr. Frishkorn |

On Vote:

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| Mishler | aye | |
| Frishkorn | aye | |
| Parker | aye | |
| Cox | aye | |
| Hines | aye | Motion passed: 5-0 |

Item #3. Charter Review Article II (Sec 14A - Sec 19) and Article III (Sec 20 - Sec 21)

Article II Sec. 14A-19

Sec 14A: Background checks.

The Chair suggested adding Sec. 14A: Background checks.

Mr. Frishkorn mentioned the military uses the NSIC system to do background checks.

The Attorney said the City uses FDLE but they could put something in this charter using the language from Ch 166 0442. The attorney asked the question of who then looks at it and what do they do with it?

Mr. Frishkorn asked does a past DUI make someone ineligible?

The Attorney said there are also crimes of moral turpitude that need to be considered.

Ms. Mishler the rules around this need to be the same for everybody.

The Attorney stated that the point is the Committee has to spell it out specifically.

Ms. Parker agreed it should apply across the board for elected officials too.

The Chair said that currently elected officials sign a statement every year to the City Manager.

Ms. Mishler said we keep talking about employees and specifying the City manager, and reiterated it should be applicable to the entire organization.

Ms. Parker asked if Department Heads hire and fire their own employees.

The City Manager confirmed if they want to employ someone, we do a background check and discuss the qualifications of the person for the job, then the Department Head makes a choice to hire or not. Before they can fire anyone there has to be an HR process showing documentation of a history relating to the reason for the termination. Then HR makes the recommendation.

The Attorney advised the Committee should specify a list of relevant offences to be taken into consideration.

Mr. Frishkorn suggested deferring this section to a separate meeting to give the Committee some time to investigate it further.

The Attorney suggested that the City can create an ordinance to set this policy.

Ms. Mishler asked what level background check is usually done?

The Attorney confirmed a level 2 where fingerprints are sent to FDLE and the FBI. This allows the check to be tied to anything that is a criminal records.

Ms. Mishler asked who this policy is being set for?

The Chair confirmed for the Commission, City Manager, and Department Heads.

Everyone agreed to leave this section for another agenda to be discussed separately.

Sec 14: Judge of Own elections; felony convictions.

To remove the word “thereby” in the last sentence of the section.

Motion by Ms. Parker:
Second to the motion

To accept the recommended change to Sec. 14.
Mr. Frishkorn

On Vote:

Page 3

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| Mishler | aye | |
| Frishkorn | aye | |
| Parker | aye | |
| Cox | aye | |
| Hines | aye | Motion passed: 5-0 |

Before moving on to Sec. 15 Mr. Frishkorn suggested perhaps adding a section 15A, to cover unexcused absences by a Commissioner. In the Florida Statute it outlines a penalty for three consecutive absences. Mr. Frishkorn asked the Committee if it would be over-kill to add it here in the charter?

Discussion ensued around this matter.

The Attorney advised there was an ordinance around this and suggested that the verbiage from Chapter 3 of that ordinance could be used to create this section.

Motion by Mr. Frishkorn to add a Sec. 15A: Penalty for unexcused absences. (Incorporate language from Sec. 2-44. - Penalty for absence – “Absence from three consecutive regular meetings of the city commission shall operate to vacate the seat of a member, unless such absence is excused by the city commission”)

Second to the motion Ms. Mishler

On Vote:

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| Frishkorn | aye | |
| Mishler | aye | |
| Parker | aye | |
| Cox | aye | |
| Hines | aye | Motion passed: 5-0 |

Sec 15: Vacancies.

The Committee suggested changing the word “shall” to “may” in the first sentence, changing the timeframe the vacancy needs to be filled from 10 days to 30 days, and capitalization of the word “governor” in the reference.

Motion by Mr. Frishkorn: To accept the recommended changes to Sec. 15.
Second to the motion Ms. Parker

On Vote:

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| Frishkorn | aye | |
| Parker | aye | |
| Mishler | aye | |
| Cox | aye | |
| Mishler | aye | Motion passed: 5-0 |

Sec 16: General law governing city councils extended to commissioners.

The Committee suggested capitalization of the words “city”, “councils”, and “commissioners” in the title

Motion by Mr. Frishkorn To approve the recommended changes to Sec. 16.
Second to the motion Ms. Parker

Page 4

On Vote:

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| Frishkorn | aye | |
| Parker | aye | |
| Mishler | aye | |
| Cox | aye | |
| Hines | aye | Motion passed: 5-0 |

Sec 17: Mayor - Construed.

No changes.

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| Motion by Mr. Frishkorn: | That no changes be made to Sec. 17. |
| Second to the motion | Ms. parker |

On Vote:

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| Frishkorn | aye | |
| Parker | aye | |
| Mishler | aye | |
| Cox | aye | |
| Hines | aye | Motion passed: 5-0 |

Sec 18: Same - Functions and duties.

The Committee suggested that the use of the pronouns he/his etc. be made gender neutral throughout Sec. 18.

The Committee suggested adding the following verbiage about the order of a Mayor Pro Tem: "In the absence or disability of the Mayor the other members of the Commission shall select a Mayor Pro Tem to serve in the Mayor's absence. No Commissioner can serve as Mayor Pro Tem more than once during a four year term."

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| Motion by Ms. Parker: | To approve the recommended changes to Sec. 18. |
| Second to the motion | Mr. Frishkorn |

On Vote:

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| Parker | aye | |
| Frishkorn | aye | |
| Mishler | aye | |
| Cox | aye | |
| Hines | aye | Motion passed: 5-0 |

Sec 19: Advisory boards.

The Committee suggested putting parenthesis around the words "Or Boards".

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| Motion by Mr. Frishkorn: | To approve the recommended change to Sec. 19. |
| Second to the motion | Ms. Mishler |

On Vote:

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| Frishkorn | aye | |
| Mishler | aye | |
| Parker | aye | |

Page 5

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| Cox | aye | |
| Hines | aye | Motion passed: 4-0 |

Article III Sec. 20-21

Sec 20: Incumbents holding office.

No changes were recommended by the Committee.

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| Motion by Ms. Cox: | That no changes be made to Sec. 20. |
| Second to the motion | Mr. Frishkorn |

On Vote:

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|-----------|-----|--------------------|
| Cox | aye | |
| Frishkorn | aye | |
| Parker | aye | |
| Mishler | aye | |
| Hines | aye | Motion passed: 5-0 |

Sec 21: Officers and departments enumerated.

Discussion was held about appointing the Police Chief by election rather than hiring.

The Chair opposed the idea of electing a Police Chief explaining that in his opinion it would not work because the County Sheriff is already an elected official.

The Committee suggested changing the words "City Clerk" to City Manager, the capitalization of the word "department", and the conversion of pronouns throughout the section to gender neutral wording.

Discussion ensued about who fills in for the City Manager if she is incapacitated.

The Attorney said the Commission would appoint someone to stand in should it become necessary.

The City Manager confirmed that the Finance Director is also a signatory on the banking accounts.

Ms. Parker asked if most Department Heads have an assistant that can step in if they need to until the position is filled? The City Manager confirmed yes.

The Committee agreed to change the final sentence in Sec. 21 to read as follows: "In the event of the vacancy of a Department Head, nothing herein shall be construed to prevent the City Manager from acting as head of any department, or appointing a Deputy Department Head, with commensurate compensation, upon their being accepted by the majority of the City Commission".

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| Motion by Ms. Cox: | To approve the recommended changes to Sec. 21. |
| Second to the motion | Mr. Frishkorn |

On Vote:

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| Cox | aye | |
| Frishkorn | aye | |
| Parker | aye | |
| Mishler | aye | |
| Hines | aye | Motion passed: 5-0 |

Item #4. Public Commentary.

Ms. Mishler asked on behalf of an absent member of public if the minutes of these meetings should

Minutes from the Charter Review Committee meeting called October 14, 2021 at 3:30 P.M.

Page 6

be published on the City's website.

The City Manager and her Assistant clarified that they should be and they in fact were.

The Chair asked if there was anything else for the good of the order:

There was not.

Item #5. Adjourn.

There being no further business the meeting adjourned at 4.53 P.M.

APPROVED THIS 18th DAY OF November 2021.

Mr. Hines, Chairman

ATTEST:

Vickie Gainer, City Manager

prepared by Cicelia J Holliday