

Minutes from the Charter Review Committee meeting called September 16, 2021 at 3:30 P.M.

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THURSDAY, SEPTEMBER 16, 2021
CHARTER REVIEW COMMITTEE MEETING – 3:30 P.M.

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

Apologies: Joanne Cox

Item #1. Call to Order. The Chairman called the meeting to order at 3:30 P.M.

Item #2. Approval of minutes for the August 19th meeting.

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

On Vote:

Frishkorn aye
Parker aye
Hines aye
Mishler aye Motion passed: 4-0

Item #3. Charter Review Article I in General (Sec 7 - Sec 9A) and Article II (Sec 10 - Sec 14)

Discuss Article I in General.

Sec 7: Same-Generally.

There were no changes requested.

Motion by Mr. Frishkorn: To Leave Sec. 7 as is.
Second to the motion Ms. Mishler

On Vote:

Frishkorn aye
Mishler aye
Hines aye
Parker aye Motion passed: 4-0

Sec 8: Same – Police Power; General Penalty

It was recommended to add “and safety” to the end of the first paragraph of Sec. 8.

Motion by Mr. Frishkorn: To accept the recommended change.
Second to the motion Ms. Parker

On Vote:

Frishkorn aye
Parker aye
Hines aye
Mishler aye Motion passed: 4-0

Sec 9: General Laws to Apply

Mr. Walker asked if the charter is considered the law of the City. The Chair said no.

Mr. Walker asked then which takes precedence? Attorney answered that the Charter takes precedence.

It was recommended to replace the first instance of the word hereafter in the first sentence with the words “are to”.

It was recommended to remove the second instance of the word hereafter in the first sentence.

It was recommended to add a comma after the words “...enacted by the City Commission” in the first sentence.

The first sentence shall therefore read:

“All general laws of the State applicable to municipal corporations, now or which are to be enacted, and which are not in conflict with the provisions of this Charter or with the ordinances and resolutions enacted by the City Commission, shall be applicable to this City;”

Motion by Mr. Frishkorn
Second to the motion

To approve the recommended changes to Sec. 9.
Ms. Parker

On Vote:

Frishkorn
Parker
Hines
Mishler

aye
aye
aye
aye

Motion passed: 4-0

Sec 9A: RESERVED

Ms. Parker asked what was repealed in this section?

Attorney answered it was a procedure for amending the charter.

Ms. Parker asked if it would be an issue with amending the charter now?

Attorney answered the committee can add it wherever they want.

Ms. Parker feels adding “to amend the charter every 5 years” is a good idea.

City Manager suggested every 10 years in case someone is elected in the middle of a 5 year term, and they don’t want to change anything. Then 10 years will give them a good grasp that what they are changing is going to work. So, they can also measure if the changes are working.

Ms. Mishler asked Ms. Parker if her intent is that five years from 2023 that the commission appoint another committee to review the charter again? Ms. Parker affirmed yes.

City Manager advised if that is the case, they should make sure the wording **review** is used and not **amendment**.

Ms. Mishler said then during that five year period, whatever they put in the charter itself will not prohibit the commission.

Motion by Ms. Parker:
Second to the motion

That the charter be reviewed by committee every five years, by a resolution of the Commission.

Mr. Frishkorn

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On Vote:

Parker	aye	
Frishkorn	aye	
Hines	aye	
Mishler	aye	Motion passed: 4-0

Discuss Article II

Sec 10: Form of Government Pros and Cons

Changes to the second sentence to rather read: The City Commission shall constitute the governing body with the powers to pass ordinances, adopt resolutions and appoint a chief administrative officer to be known as the "City Manager."

Ms. Parker feels the way it was set up in the past the City Manager has way too much power. The current system is set up in the same way as previously.

Ms. Parker had asked the City Manager about what the procedure for a deputy City Manager is if she was away. Ms. Parker feels the City needs someone qualified under her who will be capable of running the City in her Absence.

Ms. Mishler asked what is the City Clerk, and why was that taken out?

City Manager advised that we are in a city government that the City Manager is also the City Clerk. So, you get a Deputy Clerk (who is CJ), who does those things. So, they are not necessarily 2nd in charge. When Joel Schubert was in office, he hired his own assistant City Manager, and she feels that is how it should be, that the City Manager should hire their own Deputy City Manager to handle business in their absence. The City Manager went on to say that it is her goal to hire one, but has been too busy to do so, and recommends an Assistant City Manager that is hired by the City Manager. The City Manager advised further that the City Manager runs the day to day operations, while everything about the laws and legislation, the City Manager is directed by the Commission. The reason it did not work before is because no background checks were done. When the Commission appointed her, they did an extensive background check. This is what we need to be doing.

Ms. Parker advised that her reason for the questions was to protect the City Manager and the City.

Ms. Mishler said our charter does call for a City Clerk in addition to the City Manager along with the Fire Chief, Police Chief, etc. So, what is the City Clerk's role?

City Manager said she thinks it was left in there incorrectly, because in previous paragraphs it says City Manager/City Clerk. This paragraph was simply missed.

Ms. Mishler asked what would be the difference between having an Assistant City Manager or just a City Clerk?

Mr. Frishkorn suggested the only difference would be the salary paid to the individual.

Chair said that Panama City has two Assistant City Managers. But we cannot afford to have two. When we talk about appointing one, we also need to consider the budget.

Charlene Messer was the City Clerk and Deputy City Manager.

City Attorney advised it is still in there if the Committee wants to bring it back.

Mr. Walker said the City did have a Deputy City Manager at that time. She was also the Deputy City Clerk. Reading the charter, it is a Commission plan. It is ordained what it is, but it is not what

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Lynn Haven has. Lynn Haven changed it to make it what the then City Manager wanted, so he could take over and own the City. Mr. Walker said the Committee have to ordain what kind of government they want and set it up that way and not let it be changed by one person. The problem was a City Manager that was corrupt. The Committee has to have trust in their elected officials and who they chose to be next in line. So, choose wisely. He feels the Committee is on the right track.

City Manager said there may be a time when the City needs two Assistant City Managers down the line. The Committee can put provisions in for the next City Manager that is hired with regard to background checks etc. and went on to say they are looking at bringing this before the Commission in this next year.

Mr. Frishkorn said if you are salaried and work 60hrs a week in a 40hr a week role, then you may look at having an assistant City Manager, you may even find you only need half of a full time equivalent,

City Attorney advised the most common is what we have. Some that are commission run have issues with sunshine laws so have problems with communications. Feels this one is the best system.

City commission and City Manager come up with a plan for having a deputy City Manager within 6 months.

City Attorney suggest this will come up in section 26. As now it stands the City Manager can go ahead and appoint an Assist City Manager now.

Ms. Mishler - said she never let anyone hire for her.

Mr. Walker - said the City Manager is hired by Commission under a very strict set of rules. If what you are saying here is that the Assist City Manager can be hired by the City Manager, you should add the caveat "with the Commission approval".

Attorney - remember at any point in time the Commission can look at the budget and eliminate any position they want.

Motion by Mr. Frishkorn:	To approve the recommended changes to Sec. 10.
Second to the motion	Ms. Parker

On Vote:

Frishkorn	aye	
Parker	aye	
Hines	aye	
Mishler	aye	Motion passed: 4-0

Sec 11: Creation, Election of Members; Compensation

Mr. Frishkorn suggested some grammatical changes to text, specifically capitalizing the C in Commissioner/s.

Question was asked if we need to go back to the date stated in this section to create the correct rotation dates? Attorney explained that date was added simply to establish a rotation.

A member asked if this is where they would put in term limits?

Ms. Parker - feels Commission seats should only be 2 four-year periods, and Mayor should be voted on every two years (with the caveat that it will still only be for a limit of 8 years). So, we are not spending extra money on unnecessary elections.

Ms. Mishler - said the Mayor is only one person and he has the Commissioners to balance his

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power and vote him down. She feels 2 years is too short.

Ms. Parker - said there should at least be a caveat, because if they are in fact doing a good job they will get re-elected.

Ms. Mishler - said if it is every two years, he will be spending his time running for office instead of doing the business of the City.

Chair - feels if you change them every two years you lack continuity. Likes the idea of 2 terms.

Mr. Walker - feels there are considerations to longevity to do a good job. Our current Mayor has two years before he is up for re-election.

Chair - feels we cannot abuse our current and future Mayors and City Managers because of the fraudulent ones.

Ms. Mishler - agrees with a limit of two terms for commissioners and then if they want to serve more, they can run for Mayor.

Attorney - Partial terms replacing someone won't count as a term.

City Manager - reiterated that although we say Mayor and we say Commissioner, we must remember the Mayor is also a Commissioner.

Mr. Walker - agreed the Mayor's predominant job is as a Commissioner

Motion by Ms. Mishler: To introduce term limits of two consecutive four year terms as Commissioner and two consecutive four year terms as Mayor/Commissioner, not counting partial terms.

Second to the motion Mr. Frishkorn

On Vote:

Mishler	aye	
Frishkorn	aye	
Hines	aye	
Parker	aye	Motion passed: 4-0

Attorney suggests setting commission compensation instead of by referendum.

Mr. Walker - asked if it is still going to be the same that the commission sets the salary, by referendum?

Add a section 11A, about compensation.

Attorney said you can cap compensation.

City Manager - said when we do COLAs for employees, the commissioners don't get, but that may be a way to compensate.

Ms. Parker - reiterated if we do COLA, they wouldn't have to vote their salary each time as it would be set in the budget.

Mr. Frishkorn - asked if the COLA rate is determined by DOL?

City Manager - confirmed yes, but ultimately according to what the City can afford.

Motion by Ms. Parker: To amend Section 11 by addition of Section 11a, to set the compensation for Mayor to be a base of \$1500/month and Commissioners a base of \$1250/month, with COLA (Cost of living adjustment) each fiscal year consistent with the

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employees of the City, with the caveat that the City budget can afford it.

Second to the motion Mr. Frishkorn

On Vote:

Parker	aye	
Frishkorn	aye	
Hines	aye	
Mishler	aye	Motion passed: 4-0

Sec 12: Qualifications of Members; Interest in City Contracts; Prohibiting Former Members from Employment

Motion by Mr. Frishkorn: To approve the recommended changes to Sec. 12.
Second to the motion Ms. Parker

On Vote:

Frishkorn	aye	
Parker	aye	
Hines	aye	
Mishler	aye	Motion passed: 4-0

Sec 13: [Reserved]

Attorney advised this is just an editor's note.

Sec 14: Judge of Own Elections; Felony Convictions.

Motion by Mr. Frishkorn: To approve the recommended changes to Sec. 14.
Second to the motion Ms. Parker

On Vote:

Frishkorn	aye	
Parker	aye	
Hines	aye	
Mishler	aye	Motion passed: 4-0

Item #4. Public Commentary.

There was none.

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

There was not.

Item #7. Adjourn.

Meeting adjourned at 4.48 P.M.

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APPROVED THIS 14th DAY OF OCTOBER 2021.



Mr. Hines, Chairman

ATTEST:



Vickie Gainer, City Manager

prepared by Cicelia J Holliday