

**JOINT MEETING OF THE CITY COUNCIL AND STRONG MAYOR TASK FORCE
CITY OF CLEARWATER
MAY 29, 2018**

CLEARWATER EAST COMMUNITY LIBRARY

Present:	Nino Accetta (Arrived 5:51 p.m.)	Committee Member
	Norma Carlough	Committee Member
	Karen Graham Cunningham	Committee Member
	(Arrived 5:42 p.m.)	
	Jack Geller	Committee Member
	Cyndie Goudeau	Committee Member
	David Loyd	Joint Com. Vice Chair
	George Mantzaris	Committee Member
	William Sturtevant	Committee Member
Stan Vittetoe	Committee Member	
Howard Warshauer, Vice Chair	Committee Member	

Absent:	Bud Elias, Chair	Committee Member
	Hoyt Hamilton	Councilmember
	Rosemarie Kibitlewski	Committee Member
	Konrad McCree	Committee Member
	Keith Protonentis	Committee Member
	Olin Wright	Committee Member

Also Present:	George Cretekos	Mayor
	Doreen Caudell	Vice Mayor
	Bob Cundiff	Councilmember
	David Allbritton	Councilmember
	Pamela Akin	City Attorney
	Rosemarie Call	City Clerk
	William B. Horne II	City Manager
	Nicole Sprague	ORLS Coordinator

To provide continuity for research, items are in agenda order although not necessarily discussed in that order.

Unapproved

Item #1 - Call to Order

Mayor Cretekos called the City Council meeting to order at 5:37 p.m.

Vice Chair Warshauer called the Strong Mayor Task Force meeting to order at 5:38 p.m.

Vice Chair Loyd called the meeting to order at 5:38 p.m.

Item #2 – Approval of Minutes

Committee Member Geller moved to approve the minutes of the May 22, 2018 Joint City Council and Strong Mayor Task Force meeting as submitted in written summation by the City Clerk. The motion was duly seconded and carried unanimously.

Vice Chair Loyd said individuals may access the agenda item and documents in Legistar by clicking on the hyperlinks found on the agenda.

Item #3 – New Business

Rules of Procedure

The City Clerk said the Rules of Procedure were not approved at the last meeting.

Committee Member Geller moved to approve the Rules of Procedure. The motion was duly seconded and carried unanimously.

3.1 Local Governments Presentation – Lynn Tipton, Florida League of Cities

Ms. Tipton provided a PowerPoint presentation.

In response to questions, Ms. Tipton said council-weak mayor form of government centralizes the power; the two hire and fire together and keep their priorities together. A typical council-strong mayor form of government has the centralized power completely under the mayor for the day-to-day executive functioning of the city, which is implementing all of the actions of the Council. In this form of government, the council is legislative only and act on certain items such as approving a contract for waste hauling that was negotiated by the mayor. She said, in the instance of a strong mayor who does not hire the police and fire chiefs, the hiring and firing of these employees would fall under the council. The mayor is not part of the legislative body. The charter can task the city attorney to work for both the mayor and the council or, task an attorney to work for the mayor and a deputy attorney for the council. Ms. Tipton said one city has a provision in which if they are torn in opinion, the city attorney prevails over the deputy attorney. Most city charters define one client for the city attorney, the city. The charter must specify who will hire and fire the city attorney. The Open Meeting Law, FS Chapter 286, states two or more members of the collegial body may not discuss any city business outside of a meeting that is publicly noticed, with minutes being taken and press notified. If by charter the mayor is not a member of the collegial body, and therefore never votes, the mayor is not subject to Chapter 286 and may discuss with another member of the collegial body. The mayor in Apopka and Orlando votes as a member of the collegial body and is subject to Chapter 286. Of the 48 strong mayors in Florida, only two are voting mayors. Ms. Tipton said Tampa, which has a strong mayor form of

government, is conducting its first charter review in fifty years; the average charter review is ten years. Most city charters provide for a deliberative process for a charter amendment to go to ballot. Whether conducted by a committee or the council, the process includes meetings, debates, discussions, and a minimum of two public hearings for proposed changes.

The City Attorney said if additional charter amendments are needed after this process, Council would have to approve a correcting ordinance for a referendum.

In response to questions, Ms. Tipton said most charter reviews proposing a change in government usually occurs 9 to 12 months ahead of the referendum. The Model City Charter recommends a CAO; the City of Orlando has a Chief of Staff and a CAO. The mayor's job must be defined before setting the salary; the salary may be set by ordinance or by charter.

3.2 Follow-up motion to amend charter to provide for election of mayor by majority - Pam Akin, City Attorney

The City Attorney reviewed changes to Section 8.05 - Elections. She requested that the group prepare to make a motion on the proposed changes at the next meeting.

Staff was directed to provide copies of the underline and strikethrough version before the next meeting.

In response to questions, the City Attorney said the 60-day timeframe addresses the statutory notice provisions to allow for the mailing of the overseas ballots. There are not many jurisdictions that have a runoff provision. The Supervisor of Elections has conducted elections that do not meet the notice requirements. The City of Tampa is changing their runoff provision to meet the military requirements. If a runoff is required, the existing mayor holds over until the new mayor is qualified, which can be as long as 2 months. The councilmembers would take office when the election results are certified, which is typically 4 days after the election. The City of Sweetwater conducts their election in this manner: plurality for council and majority for the mayor. Staff has not approached the Supervisor of Elections regarding moving municipal elections from March to November. The City Clerk said 19 of the municipalities in Pinellas County hold their elections in March. The cost to hold a special city election could cost up to \$100,000; a regularly scheduled election can cost between \$50,000 to \$60,000. The City Attorney said if a primary is held in November, the city's ballot question will be at the bottom of a lengthy ballot. For instance, this year's municipal questions would be placed after the constitutional questions and anything else on the ballot. The City Clerk said the November ballot may be 2 to 3 pages long.

It was stated that moving municipal elections to November also increases the cost for candidates, as they are competing with state and federal candidates.

The City Attorney said plurality voting has the potential for a broader range of candidates. Since Clearwater does not have districts, she recommended having the upcoming Charter Review Committee consider the plurality voting system.

The group recessed from 6:53 p.m. to 7:04 p.m.

3.3 Committee Role Clarification

The City Attorney said the City Council directed the group to draft charter amendments for a strong mayor form of government. Vice Chair Loyd suggested members of the Task Force view previous council meetings to understand how the matter arose. He said the Task Force, which is comprised of members from the 2015 and 2011 Charter Review Committees, was tasked with drafting charter language to be presented to the citizens on the November ballot.

Discussion ensued with comments made that a majority of Council approved having the matter be placed on the November ballot, the Clearwater Neighborhoods Coalition is not advocating for either side but is concerned with salary implications or costs brought by the strong mayor form of government and that if the Mayor is not a member of Council, then the Mayor would not be subject to the Sunshine.

Committee Member Geller moved that the Mayor is not a member of the city council and not vote on the council. The motion was duly seconded and passed unanimously.

Vice Chair Loyd reviewed an email by Chair Bud Elias that was distributed to the Task Force members. He asked that members read the email and focus on the following areas: powers of the Mayor, powers of the Council, the balance of powers, and a Chief Administrative Officer.

It was suggested that the group begin the framework with an organizational chart. The City Attorney said the city attorney represents the city and as part of that role provides advise to the various pieces. In a strong mayor form of government, the mayor typically appoints certain positions, often subject to council confirmation. There was consensus to focus on the organization chart at a later date.

Discussion ensued regarding having a professional manager/administrator support the mayor. The City Attorney said qualifications for the CAO can be delineated in the city charter, such as being ICMA certified. The individual can be appointed by the mayor and confirmed by the city council. She said one jurisdiction includes that the CAO is appointed by the mayor, subject to council confirmation, and fired by the mayor without council confirmation.

In response to questions, the City Attorney said the charter can require the CAO and the council to pass an ordinance delineating the CAO's qualifications. Ms. Tipton said

the Model City Charter recommends that a CAO be included in the charter because of the commitment it makes to professionalism and experience. The Model City Charter also recommends including the CAO's qualifications. The City Attorney said the law does not allow specific experience or educational requirements be placed on mayoral candidates. The law only allows for a residency requirement on candidates. Ms. Tipton said page 65 of the Model City Charter (Option 1: Mayor-Council-CAO government) provides recommended language regarding the CAO's qualifications and responsibilities.

Committee Member Geller moved to have the CAO in the charter; the mayor will appoint the CAO, subject to confirmation by the council, and the mayor can fire the CAO without input from the council. The motion was duly seconded and carried with the following vote:

Ayes: Committee Members Acetta, Carlough, Geller, Graham Cunningham, Loyd, Mantzaris, Sturtevant, Vittetoe, Warshauer; Mayor Cretekos and Councilmembers: Allbritton, Caudell and Cundiff

Nays: Committee Member Goudeau

Discussion ensued regarding the employees the mayor could hire subject to council confirmation. It was suggested that the CAO, city attorney, city clerk, fire chief and police chief be city residents. It was stated that the city council could require city residency as part of the qualifications for the CAO. The City Attorney said the current city charter requires the city manager and city attorney be city residents. Individuals in these positions have been given a certain amount of time to achieve city residency. There was consensus to require the CAO be a city resident. There was consensus to require the city attorney, city clerk, police chief and fire chief achieve city residency within 90 days of appointment.

Committee Member Geller moved that the mayor will have the authority to hire the city attorney, city clerk, police chief and fire chief, subject to confirmation by city council; the mayor will have the ability to fire the city attorney, city clerk, police chief and fire chief without approval of the city council; the CAO, city attorney, city clerk, police chief and fire chief are required to be city residents and they will have a 90 day grace period to achieve city residency. The motion was duly seconded and carried unanimously.

Committee Member Geller moved to require the mayor to provide the State of the City address in person to the city council each year. The motion was duly seconded and carried unanimously.

Discussion ensued regarding the city council having the ability to require the mayor to attend a meeting. It was stated that the mayors of St. Petersburg and Tampa rarely attend a council meeting. The City Attorney suggested that the city council should have the ability to ask the mayor to attend a meeting since the proposed language does not require the mayor to attend meetings. There may be a circumstance when the city council as the legislative body seeks an explanation from the mayor. The City of St. Petersburg requires the mayor or a representative to attend meetings and the City of Tampa requires the mayor to present the budget.

Committee Member Geller moved to reconsider motion: the Mayor is not a member of the city council and not vote on the council. The motion was duly seconded and carried unanimously.

Committee Member Geller moved to continue the discussion to the next meeting. The motion was duly seconded and carried unanimously.

The joint meeting of the City Council and Strong Mayor Task Force adjourned at 8:16 p.m.

The Council meeting adjourned at 8:16 p.m.

The Strong Mayor Task Force meeting adjourned at 8:17 p.m.

Chair

Attest:

City Clerk