

**JOINT MEETING OF THE CITY COUNCIL AND STRONG MAYOR TASK FORCE
CITY OF CLEARWATER
JUNE 12, 2018
CLEARWATER EAST COMMUNITY LIBRARY**

Present:	Bud Elias, Chair	Committee Member
	David Loyd, Vice Chair	Committee Member
	Nino Accetta	Committee Member
	Norma Carlough	Committee Member
	Karen Graham Cunningham	Committee Member
	Cyndie Goudeau	Committee Member
	Rosemarie Kibittlewski (arrived 6:29)	Committee Member
	George Mantzaris	Committee Member
	Keith Protonentis	Committee Member
	William Sturtevant	Committee Member
	Stan Vittetoe	Committee Member
	Howard Warshauer, Vice Chair	Committee Member
Absent:	Jack Geller	Committee Member
	Konrad McCree	Committee Member
Also Present:	George Cretekos	Mayor
	Doreen Caudell	Vice Mayor
	Hoyt Hamilton	Councilmember
	Bob Cundiff	Councilmember
	David Allbritton	Councilmember
	Pamela Akin	City Attorney
	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 5:30 p.m.

Chair Elias called the Joint Task Force meeting to order at 5:30 p.m.

Item #2 – Approval of Minutes

Councilmember Cundiff moved to approve the minutes of the May 29, 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.

Item #3 – New Business

3.1 Task Force Chair Comments

Chair Elias said Mr. Olin Wright submitted his resignation to the board.

3.2 Approve amendments to Section 8.05 - Elections

The City Attorney said the change to this section includes language regarding the mayor being elected at large and the candidate receiving the majority of the vote shall be declared elected. This changes the process from plurality to majority and also provides for a runoff election for the mayor.

A comment was made that the same process should be put in place for councilmember elections.

Councilmember Allbritton moved to approve amendments to Section 8.05 as follows:

Section 8.05. - Elections.

(a) *Council positions.* All members of the city council shall be elected at large. The candidate receiving the largest number of votes among the candidates for that seat shall be elected.

(b) *Mayor.* The mayor shall be elected at large. The candidate receiving a majority of the votes for mayor shall be declared elected

(bc) *Regular elections.* Regular city elections shall be held on the second Tuesday in March of each year in which a council term expires.

(d) *Runoff election for mayor.* If no mayoral candidate receives a majority in the regular election, a runoff election limited to the two candidates for mayor receiving the highest and next highest number of votes in the regular election shall be held no later than 60 days after the regular election.

(ee) *Special elections.* Special municipal elections may be called by the council at any time for such purposes as are authorized by law.

(fd) *Effective date of office.* Newly elected council members shall take office the next business day following certification of city regular election returns. The newly elected mayor shall take office the next business day following certification of the city regular election returns or runoff election returns as applicable.

(g) *Canvassing Board.* The Pinellas County Canvassing Board shall serve as the City of Clearwater's canvassing board, unless otherwise provided by ordinance.

The motion was duly seconded and carried unanimously.

3.3 Approve Amendments to Article III – Powers and Duties of the Mayor

The City Attorney said changes to this section fill in the purpose and background language of strong mayor. In response to a question, she said that at this point, no duties have been given to the chief administrator position; unless specified in the charter, the mayor is the Executive Chief and Chief Administrative Officer.

Committee Member Warshauer moved to approve amendments to Section 3.01 as follows:

Section 3.01. - ~~City manager~~Mayor.

The ~~city manager~~mayor shall serve as the chief administrative officer and chief executive officer of the city and shall be responsible for the proper administration and

conduct of the executive work and affairs of the city. The mayor shall be recognized as the official head of the city by the courts for the purpose of service of process and by the governor for the purpose of military law and for all ceremonial purposes. The city manager shall be appointed on the basis of administrative qualifications, experience, and training. The city manager need not be a resident of the city or state at the time of appointment, but shall establish and maintain residency within the city within one year after the appointment. The city manager shall be responsible to the council for all city administrative affairs. The mayor shall maintain an office in City Hall and shall devote full time to the duties of that office.

The motion was duly seconded and carried unanimously.

The City Attorney said the language in Section 3.02 is primarily taken from the legislative section of the charter; the way the City's charter is broken down, all requirements for term of office, qualified voter, etc. are in the legislative section, this language was duplicated for the administrative section to make it clear that the requirements apply to both the mayor and the council. In response to a question, the City Attorney said the way the language is drafted, the mayor's position is brand new and the term limits start over for the mayor. The current Mayor could run for office.

Vice Chair Loyd moved to approve amendments to 3.02(a) as follows:

Section 3.02. - ~~Appointment; removal; election and terms; absence; compensation.~~
(a) ~~Appointment Election and Terms.~~ The council shall appoint a city manager by an affirmative vote of four council members. The city manager shall hold office at the pleasure of the council. The mayor shall be elected at large and shall be elected for a term of four years. The mayor shall be a qualified voter of the city and shall have continuously resided in the city for at least one year prior to submitting a petition for election. The mayor shall continue to be a resident and elector of the city during the term of office. No person who has, or but for resignation or forfeiture of office would have, served as mayor for two consecutive full terms shall serve as mayor or council member for the succeeding four-year term. Term limits shall be effective for the office of Mayor on the date of the next election for mayor after 2020.

The motion was duly seconded and carried unanimously.

The City Attorney said Section 3.02(b) was deleted.

Discussion ensued regarding setting a baseline salary for the mayor in Section 3.02(c). The City Attorney said putting a baseline salary or 'not less than' wording in the charter would be beneficial. The City Attorney was directed to provide the current salary of the City Manager, Deputy City Manager, Assistant City Manager as well as comparable salaries of cities with a strong mayor.

The City Attorney reviewed the changes in Section 3.02(d) and said if the mayor is unable to perform the duties due to temporary disability, disqualification, or absence, the city council chair shall take over as acting mayor. If the absence is greater than 10

consecutive days, the acting mayor shall receive the mayor's salary during that time. She said the 10-day language is common language across several charters that has that provision.

Concerns were expressed that the city council chair may not be the appropriate person to step in for the mayor in case of an absence. The City Attorney was directed to draft language requiring the city administrator to serve as mayor in case of an absence, with the mayor providing authorization detailing the authority of the city administrator.

The City Attorney reviewed changes to Section 3.03(c) that were discussed at the last Task Force meeting. A concern was expressed regarding the verbiage "upon request of city council." It was said that the mayor or his representative should be at all council meetings.

Committee Member Warshauer moved to approve changes to Section 3.03(c) as follows:

- c) Attend council meetings upon request of city council and have the right to take part in discussion, but not to vote.

The motion was duly seconded and carried with the following vote:

Ayes: Chair Elias, Vice Chair Loyd, Committee Members Accetta, Carlough, Goudeau, Cunningham, Mantzaris, Sturtevant, Vittetoe, Warshauer, and Councilmembers Caudell, Cundiff and Allbritton

Nays: Committee Member Protonentis, Mayor Cretekos, and Councilmember Hamilton

The City Attorney said the only change in Section 3.03(d) is changing the word city manager to mayor. The change to Section 3.03(e) added the words "and present."

Vice Mayor Caudell moved to approve changes to Section 3.03(d) and 3.03(e) as follows:

- (d) See to the faithful execution of all laws, provisions of this charter, and acts of the council subject to enforcement by the city manager mayor or officers subject to the city manager's mayor's supervision.

- (e) Prepare, ~~and submit~~ and present to the council in the form provided by ordinance, the annual budget, a capital improvement budget, and a projected capital improvement program for a minimum five-year period.

The motion was duly seconded and carried unanimously.

The City Attorney said there were no changes through Section 3.03(l). She said Sections 3.03(m) and 3.03(n) are new sections. Section 3.03(m) moves authority of

appointing boards to the mayor. Section 3.03(n) was added to make it clear that the limitations provided for in Section 2.01(d) applies to the actions of the mayor.

In response to questions, the City Attorney said no money would be spent by the mayor without being appropriated and budgeted. She said there are certain boards that require the appointments be made by the governing body, but most boards would be appointed by the mayor.

Committee Member Accetta moved to approve the addition of Section 3.03(m) and 3.03(n) as follows:

(m) appoint and remove the members of boards, committees and commissions except those required by state law to be made by the city council as the governing body of the city. All mayoral candidates shall be submitted to council for confirmation. If council rejects the appointee, the mayor shall submit a new appointee within four weeks.

(n) the negotiation of all contracts, franchises, acquisition and disposition of property and, upon the approval of council, the execution on behalf of the city of all agreements, leases, deeds and other instruments in connection therewith; however, all limitations contained in section 2.01 (d) of this charter shall apply.

The motion was duly seconded and carried unanimously.

The City Attorney reviewed Section 3.04 – Veto Power and said the veto override provision will be added in Section 2.09(e). In response to a question, she said the line item veto power only applies to budget and appropriation ordinances. She said the proposed time frame in the last sentence of Section 2.09(e) can be tightened up to say the sixth day.

Committee Member Goudeau moved to approve the addition of Section 3.04 as follows:

Section 3.04 -Veto power.

The mayor may veto any ordinance passed by council, except an emergency ordinance and those ordinances passed as a result of quasi judicial proceedings when such proceedings are mandated by law. The mayor may veto any line item in a budget or appropriation ordinance. The mayor must exercise veto power by 5 PM on the fifth business day after the day the council adopts the ordinance. On the day the mayor vetoes an ordinance the mayor shall submit written objections to the council.

The motion was duly seconded and carried unanimously.

In response to a question, the City Attorney said the verbiage of majority +1 in Section 2.09(e) is typical override verbiage; there is a high standard to override.

Committee Member Accetta move to approve Section the addition of 2.09(e) as follows:

(e) Submission of ordinances to mayor. All ordinances approved by Council shall be submitted to the mayor before becoming law; if he approves the ordinance he shall sign it, if not he shall return it with his objections to the council and such objection shall be entered into the minutes. The council shall then reconsider the ordinance at its next regular meeting at which there is a quorum. If after reconsideration it passes by majority +1 vote of all council members it shall become law. If any ordinance shall not be returned to the council by 5 PM on the seventh day after Council has adopted the ordinance shall it shall become effective without signature.

The motion was duly seconded and carried unanimously.

The Task Force recessed from 7:00 – 7:10 p.m.

Discussion ensued regarding adding Section 3.06 – City Administrator. In response to questions, the City Attorney said it is ideal to seek an individual who has competencies and experience as opposed to someone who is fully ICMA credentialed because a city administrator is typically an ICMA associate member. Comment was made that if language is included in the charter to require an ICMA credentialed individual, then why change the form of government.

Committee Member Accetta moved to approve the addition of Section 3.06 and include language from the St. Petersburg charter as follows:

Section 3.06 - City Administrator.

The mayor shall appoint a city administrator subject to confirmation by city council. The mayor shall have the authority to terminate the city administrator without consent of Council. The city administrator shall have relevant management, executive or administrative experience

The motion was duly seconded and carried with the following vote:

Ayes: Chair Elias, Vice Chair Loyd, Committee Members Accetta, Carlough, Cunningham, Kibitlewski, Protonentis, Sturtevant, Vittetoe, Warshauer, and Mayor Cretkos, and Councilmembers Caudell, and Allbritton

Nays: Committee Members Goudeau, Mantzaris, and Councilmembers Hamilton, and Cundiff.

In section 3.07 – Council confirmation and residency requirements, the City Attorney said she will re-write the section to include residency requirements within 12 months of

appointment for the City Administrator. Discussion ensued regarding removing the residency requirements for the City Clerk, City Attorney, Fire Chief, and Police Chief.

Committee Member Accetta moved to remove the residency requirement for the City Clerk, City Attorney, Fire Chief, and Police Chief from Section 3.07

The motion was duly seconded and carried unanimously.

Discussion ensued regarding a memo submitted by the Clearwater Neighborhood Coalition that included verbiage to add to Article III, Powers and Duties of the Mayor. Comment was made that the type of language included in the memo isn't seen in any other charter and makes the strong mayor weak. Committee Member Cunningham who is the President of the Clearwater Neighborhood Coalition, said the Coalition is made up of community leaders and the memo was not intended to undermine the work of the Task Force but to supplement it. She said there is voter concern regarding accountability.

Committee Member Goudeau moved to thank the Clearwater Neighborhood Coalition for their input, it was discussed and no action was taken.

The motion was duly seconded and carried unanimously.

The City Attorney handed out Articles I and II which will be the basis of discussion for the next meeting.

Item #4 –Public Comment

Doug Kelly said he has lived in the Keys and Miami and the Clearwater's form of government is the best he's seen, it has checks and balances. There were two people just elected in March who ran on the basis they would have executive decision making powers for the next four years. He said he does not know how they feel about the change and questioned how the people who voted for them feel about the change. He is concerned with the survival of Imagine Clearwater, and added, if multiple people run, someone could get voted in who does not support Imagine Clearwater.

Item #5 – Adjourn

The Council meeting adjourned at 8:28 p.m.

The Strong Mayor Task Force meeting adjourned at 8:28 p.m.

Chair

Attest:

City Clerk