



CITY OF CRESTVIEW

OFFICE OF THE CITY CLERK

P.O. DRAWER 1209, CRESTVIEW, FLORIDA 32536

Phone # (850) 1560 Fax # (850) 682-8077

February 24, 2020

4:30 PM

Council Chambers

City Council Workshop

1. Call to Order

2. Pledge of Allegiance

3. Approve Agenda

4. Action Items

4.1. Presentation of changes to the Council Rules

4.2. Discussion of Charter Changes

4.2. City Manager

4.2. Term Limits

4.2. Voting Precincts

4.2. Election Date

5. Comments from the Audience

6. Comments from the Mayor and Council

7. Adjournment

Note: The Reports section is for items that were submitted by a citizen or group of Citizens no later than the Wednesday 2 weeks prior to the meeting to the Clerk's office for approval. These items will be scheduled under the section titles Presentations and Reports. Supporting documents must be submitted at this time to be on the regular agenda. All Action Item are for staff and elected officials only and must be submitted for approval no later than the Wednesday 10 days prior to the meeting. Those not listed on the regular agenda who wish to address the council should fill out a yellow card. The Card must be submitted to the City Clerk. Speaking time should be three minutes or less, large groups may designate a spokesperson. All remarks should be addressed to the Council as a whole and not to individual members. All meeting procedures are outlined in the Meeting Rules and Procedures brochure available outside the Chambers. If any person decides to appeal any decision made by the City Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she 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 City Council of the City of Crestview, Florida does not discriminate upon the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided for in the American With Disabilities Act to insure access to and participation in the meeting should contact the Office of the City Clerk at (850)682-1560 prior to the meeting to make appropriate arrangements.

Any invocation that is offered before the official start of the City Council meeting shall be the voluntary offering of a private person, to and for the benefit of the City Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council or the city staff, and the City is not allowed by law to endorse the religious beliefs or views of this, or any other speaker. Persons in attendance at the City Council meeting are invited to stand during the opening invocation and Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered. A person may exit the City Council Chambers and return upon completion of the opening invocation if a person does not wish to participate in or witness the opening invocation.



Staff Report

CITY COUNCIL MEETING DATE: February 24, 2020

TYPE OF AGENDA ITEM: Presentation

TO: Mayor and City Council
CC: City Manager, City Clerk, Staff and Attorney
FROM: Elizabeth Roy, City Clerk
DATE: 2/21/2020
SUBJECT: Presentation of changes to the Council Rules

BACKGROUND:

In a recent meeting with the City Manager, Mayor, City Clerk and City Attorney to discuss council meeting proceedings, the topic of quasi judicial proceedings came up. This discussion resulted in a review of the Council Rules.

The Council Rules are adopted by resolution by the City Council to establish a standard protocol for calling and conducting meetings.

DISCUSSION:

The changes provided in this recommendation include changes to the agenda format to increase efficiency, clarification on investigations, communications and site visits for quasi judicial actions and several other minor scrivener's changes.

Changes to the CRA agenda format will be accomplished at the Next CRA regular meeting.

The Agenda order being presented is being used in this evening's agenda to determine if the Council approves of the new flow.

GOALS & OBJECTIVES

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

Foundational- these are the areas of focus that make up the necessary foundation of a successful local government.

Organizational Capacity, Effectiveness & Efficiency- To efficiently & effectively provide the highest quality of public services

Communication- To engage, inform and educate public and staff

Quality of Life- these areas focus on the overall experience when provided by the city.

Community Character- Promote desirable growth with a hometown atmosphere

Opportunity- Promote an environment that encourages economic and educational opportunity

Community Culture- Develop a specific identity for Crestview

FINANCIAL IMPACT

There is no financial impact to the City of Crestview.

RECOMMENDED ACTION

Staff respectfully requests that the City Council approve of the new rules and procedures by consensus.

Attachments

1. 2.24 Council Rule changes

Crestview City Council Rules and Procedures.

1. **AUTHORITY:**

1.1 Authority: The authority for this resolution is the City Charter Section 166.021 and Sec. 286.0114, Florida Statutes.

2. **RULES ESTABLISHED:**

2.1 Rules Established: The following set of rules shall be in effect upon their adoption by the Council and until such time as they are amended, or new rules adopted in the manner provided by these rules.

3. **GENERAL RULES:**

3.1 Meetings to be Public: All meetings of the Council shall be open to the public, except for such meetings as are exempt by general law.

3.2 Quorum: A majority of the full membership of the Council, free of voting conflict, shall constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance will be named and they shall adjourn to a later time.

3.3 Compelling Attendance: The Council may adjourn from time to time to compel the attendance of absent councilmembers.

3.4 Minutes of Proceedings: Minutes of the meetings of the Council shall be kept by the City Clerk, except for such meetings as are exempt by general law.

3.5 Right of Floor: Any Councilmember desiring to speak shall first be recognized by the Presiding Officer and shall confine his or her remarks to the one subject under consideration or to be considered.

3.6 City Attorney: The City Attorney or his or her designee is expected to attend all meetings of the Council and provide guidance and opinions, on questions of law and shall act as the Council's parliamentarian by advising the Presiding Officer regarding matters of procedure.

3.7 City Clerk: The City Clerk or his or her designee shall attend all meetings of the Council and shall keep the official minutes of proceedings and perform such other duties as may be requested by the Mayor, Presiding Officer or Council.

3.8 City Manager: The City Manager or designee, in coordination with the Mayor and or Councilmembers shall establish agendas for all City Council meetings. The City Manager or designee shall attend all City Council meetings. The City Manager may participate in all discussions at any meeting but shall not vote on any subject matter. The City Manager shall perform such other duties as may be requested by the Mayor, Presiding Officer or Council.

3.9 Rules of Order: *Roberts Rules of Order Revised* shall serve as a guide to the proceedings of the Council to the extent they are not in conflict with these rules.

3.10 Motion to Reconsider: An action of the Council may be reconsidered only at the same meeting at which the action was taken. A motion to reconsider may be made only by a Councilmember who voted on the prevailing side of the question and must be concurred in by a majority of those present at the meeting. Adoption of a motion to reconsider shall rescind the action reconsidered.

3.11 Motion to Rescind: An action of the Council taken at a previous meeting (the "previous action") may be rescinded at a subsequent meeting. Motions to Rescind shall be governed by the

following process:

1. A Councilmember seeking rescission of a previous action shall place a Motion to Consider Rescission on the agenda of a regular Council meeting. If a majority of the full membership of the Council approves the Motion to Consider Rescission, the Motion to Rescind shall be placed on the agenda of the next regular Council meeting. If less than a majority of the full membership vote in favor of the Motion to Consider Rescission, no Motion to rescind the previous action shall be considered by the Council.
2. Approval of a Motion to Rescind requires the affirmative vote of a majority of the full membership of the Council.
3. If a Motion to Rescind is approved, the Council shall, at the same meeting, either consider the previous action or set a date certain for its consideration.
4. Notwithstanding anything stated above, a Motion to Rescind initiated by a Councilmember who voted on the losing side in connection with the previous action shall not be in order unless the Council determines:
 - a. Subsequent information has become known that (i) would have been material to the Council's decision on the previous action and (ii) would have militated for a different result; or
 - b. A rescission of the previous action is imperative to avoid a material cost, risk, harm, or other jeopardy to the City or its citizens, and the material cost, risk, harm, or other jeopardy could not have been known at the time of the Council's previous action.
5. For purposes of the Motion to Rescind, a Councilmember who was absent for a vote on the motion in connection with the previous action is deemed to have been on the prevailing side of the vote.

3.12 Tie Vote: In the event of a tie vote on any motion, the motion shall be considered lost.

3.13 Vote Change: Any Councilmember may change his or her vote, before the next item is called for consideration on or before a recess or adjournment is called, whichever occurs first, but not thereafter, without the unanimous consent of the Councilmembers present and eligible to vote.

3.14 Privilege of Closing Debate: Any Councilmember may move to close debate and call the question on the motion being considered which shall be nondebatable. The Councilmember moving the adoption of an ordinance, resolution or motion shall have the privilege of closing the debate.

3.15 Action Savings: No action taken by the Council shall be deemed void or invalid because of the failure to adhere to Robert's Rules of Order or the provisions of these rules of order and procedure, except as may otherwise be provided by general law.

3.16 Ex Parte Communications:

1. The substance of any ex parte communication with a local public official which relates to quasi-judicial action pending before the official is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group, or entity with whom the communication took place is disclosed and made a part of the record before final action on the matter.

2. A local public official may read a written communication from any person. However, a written communication that relates to quasi-judicial action pending before a local public official shall not be presumed prejudicial to the action, and such written communication shall be made a part of the record before final action on the matter.

3. Local public officials may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.

4. Disclosure made pursuant to subparagraphs 1., 2., and 3. must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication. This subsection does not subject local public officials to part III of chapter 112 for not complying with this paragraph.

4. TYPES OF MEETINGS:

4.1 Regular Meeting: The Council shall meet in the Council Chambers or another designated place within the City boundaries, for meetings. Regular Council Meetings are to commence at 6:00 p.m., unless otherwise specified, on the second and fourth Monday of each month.

4.2 Special Meetings: The Mayor, three members of the Council, the City Manager, or the City Clerk may call a special meeting of the Council whenever in their opinion, the public business may require it. The request for such special meeting shall be communicated to the City Manager or, in his or her absence, to the City Clerk. Written notice of such special meeting shall thereafter be promptly served upon all members of the Council, either in person or at their place of residence or business or by electronic means.

The City Manager or the City Clerk shall, as soon as possible, affix a copy of the written notice calling for the special meeting upon the public bulletin board, front door, or other visible portion of the City Hall. Reasonable notice of such special meeting shall also be given to the local news media. The notice shall state the date, hour and place of the meeting and the purpose for which such meeting is being called. Other business may be transacted at a special meeting. Special meetings may be called without written notice if publicly announced, during the course of a regular meeting of the Council.

4.3 Adjourned Meetings: Any meeting of the Council may be adjourned to a later date and time.

4.4 Workshop Meetings: The Council may meet informally in workshop meetings, at the call of the Mayor Pro Temp, the City Clerk, or the City Manager, with the permission of the Mayor Pro Temp, the Mayor, or of any three (3) Councilmembers. No ordinances, resolutions or other actions may be adopted at such meeting provided that the Council may direct staff to take actions that do not entail the expenditure of City funds.

4.5 Emergency Meetings: Emergency meetings may be held on the call of the Mayor, ~~President~~, Mayor Pro Temp, or City Manager, or any three (3) Councilmembers whenever there is a public emergency and whenever practicable, upon no less than one (1) hours' notice to each Councilmember and the local news media.

4.6 Telephonic Participation: If a quorum of the Council is physically present, other Councilmembers may participate, but not vote, by phone provided they can be heard on the record and they can hear the other Councilmembers and the participating public.

5. PRESIDING OFFICER AND DUTIES:

5.1 Presiding Officer: The Mayor, if present, shall preside at all meetings of the Council. In the absence of the Mayor, the Mayor Pro Temp shall preside. In the absence of both the Mayor, the Mayor Pro Temp, the meeting shall be called to order by the City Clerk for the purpose of electing a temporary presiding officer.

5.2 Call to Order: The meetings of the Council shall be called to order by the Presiding Officer.

5.3 Preservation of Order: The Presiding Officer shall preserve order and decorum; prevent attacks on personalities or the impugning of Councilmembers or motives, and confine Councilmembers in debate to the question under discussion.

5.4 Points of Order: The Presiding Officer shall determine all points of order, subject to the right of any Councilmember to appeal to the Council. If any appeal is taken, the question shall be, "Shall the decision of the presiding officer be sustained?" A majority of the Council sitting and eligible to vote is required to reverse the ruling of the Presiding Officer.

5.5 Voting: Voting by registering votes on the electronic voting board meets the requirement for roll call vote.

5.6 Substitution for Presiding Officer: The Presiding Officer may call another Councilmember to temporarily chair the meeting in order to take part in debate, to make a motion, or to cover a temporary absence, such substitution is not to continue beyond adjournment.

6. ORDER OF BUSINESS:

6.1 Order of Business: The general rule as to the order of business in regular meetings shall be as follows:

Call to Order;
Invocation and Pledge of Allegiance;
Opening of the meeting
Approval of Agenda
Special Presentations
~~Reports & Presentations~~ *Presentations and Reports*
~~Approval of Minutes;~~
Public Hearings;
~~Public Opportunity on Council propositions~~
(Subject to limitations provided in Sec. 286.0114(3)(a) Florida Statutes);
Consent Agenda; *To Include Minutes approval*
Resolutions;
~~Ordinances on First Reading~~ *Public Hearings/Ordinances on Second Reading*
~~Ordinances on Second Reading~~ *Ordinances on First Reading*
Action Items
Comments from Audience
(any unscheduled presentations will be heard here)
~~Comments from Mayor and Council~~
City Clerk Report
City Attorney Report
City Manager Report
Comments from Mayor and Council
Adjournment

Public comments on Agenda Items will be included in each category of the agenda, and will be addressed by the presiding Officer.

6.2 Agenda: The order of business of each regular meeting shall be as contained in the Agenda. The Agenda shall be a listing by topic, of subjects to be considered by Council. A request to be on the

agenda shall be presented in the prescribed form to the City Clerk or the City Manager at least 2 weeks prior to the scheduled meeting. All documentation for agenda items will be due by the Wednesday, 12 days prior to the meeting. Presentations from the public are addressed in section 8.2 .

6.3 Presentation by Mayor, Councilmembers and City Attorney: The Agenda shall provide times when the Mayor, Councilmembers, City Manager, City Clerk and City Attorney may bring before the Council any business that he or she feels should be deliberated upon by the Council. These matters need not be specifically listed on the Agenda but may be acted upon—by an extraordinary vote of the Councilmembers present and eligible to vote on the matter. Except in instances where extraordinary conditions are necessitated, the Mayor, Councilmembers, City Clerk, and City Attorney shall notify the City Manager of forthcoming agenda topics in keeping with the above deadlines and strive to supply backup materials for timely distribution with the agenda packets.

6.4 Consent Agenda: The Consent Agenda may be used to handle routine matters on the agenda expeditiously. There is no separate discussion of these items unless the Mayor, a Councilmember, or member of the public requests an item be removed for consideration in its normal sequence on the agenda. The approval of the Consent Agenda is usually handled in one motion from the Council table, "I move that the Consent Agenda, (item numbers may be included) be approved; or if items are to be removed, "for good cause" or "discussion", a typical motion might be, "I move that we approve the Consent Agenda items ___ through ___ with the exception of item ____." The approval of minutes from previous meetings will be a part of the consent agenda.

Rule 6.5 Opening Invocation

6.5.1. Intent. It shall be the policy of the City Council that the procedures stated in this rule concerning opening invocation shall govern all official meetings of the City Council and that the members of the City Council and City staff shall adhere to these rules. These policies and procedures are not intended, shall not be implemented, and shall not be construed in any way to affiliate the City Council or the City with, nor express a preference for or against any faith, belief, opinion, religion, or denomination. Rather, these policies and procedures are intended to acknowledge and express the City Council respect for the diversity of religious denominations and faiths represented and practiced among the citizens of the City.

6.5.2. Timing. After the Call to Order of all official meetings of the City Council an Opening Invocation as described herein shall occur. The opening invocation will occur and be completed during the opening, ceremonial portion of the City Council meeting and shall in no event occur, or be construed to occur, during the policymaking or legislative portions of the City Council meeting.

6.5.3. Speaker Selection. The opening invocation will be performed by a local volunteer selected in accordance with these rules. The local volunteer selected for leading the opening invocation shall be selected from a wide pool of local clergy as specified below, and he/she shall in no event receive compensation from the City for his/her participation or services. To ensure that such person is selected from among a wide pool of local clergy, on a rotating basis, the invocation speaker shall be selected per the following procedure:

1. The City Clerk or his/her designee shall compile and maintain a database of

the religious congregations with an established presence within the jurisdictional limits of the City of Crestview and within 5 miles of the City limits.

2. The Invocation list shall be compiled by referencing the listings for “churches,” “congregations,” or other similar religious assemblies located within the jurisdictional limits of the City and within 5 miles of the City limits. in the annual Yellow Pages telephone book(s) published for the City and within 5 miles of the City limits, research from the Internet, and consultation with local chambers of commerce. All religious congregations with an established presence within the jurisdictional limits of the City and within 5 miles of the City limits are eligible to be, and shall be, included in the Invocation List. This policy is intended to be and shall be applied in a way that is all-inclusive of every diverse religious congregation within the jurisdictional limits of the City and within 5 miles of the City limits. The Invocation List is compiled and used for purposes of logistics, efficiency, and equal opportunity for all religious leaders within the jurisdictional limits of the City and within 5 miles of the City limits to choose whether to respond to the City Council’s Invitation and participate. The City Clerk or his/her designee may not inquire into the faith, denomination, or other religious belief of the congregation before adding it to the Invocation List.

3. The Invocation List may also include the name and contact information of any chaplain who serves the Crestview Fire District, Crestview Police Department, or Okaloosa County Sheriff’s Department.

4. The Invocation List shall be updated, by reasonable efforts of the City Clerk or his/her designee, on or about the month of July of each calendar year.

5. Within thirty (30) days of the effective date of this policy, and on or about May 1 of each calendar year thereafter, the City Clerk or his/her designee shall mail an invitation addressed to the religious leader, chaplain, minister, rabbi or similar, or other contact person of each congregation listed on the Congregations List. The invitation will comport with substantially the following form:

Dear Sir or Madam:

The Crestview City Council makes it a policy to invite members of the clergy and other religious leaders having an established presence within the jurisdictional limits of the City of Crestview and within 5 miles of the City limits to voluntarily offer an invocation before the beginning of its meetings for the benefit and blessing of the City Council. As the leader of one of the religious congregations with an established presence within the jurisdictional limits of the City and within 5 miles of the City limits, you are invited to offer this important service at an upcoming meeting of the City Council.

If you are willing to assist the City Council in this regard, please send a written reply at your earliest convenience to the City Clerk at the address included on this letterhead. Invocation speakers are scheduled on a first-come, first-serve basis. The dates of the City Council’s scheduled meetings for the upcoming year are enclosed. If you have a preference among the date, please state that request in your written reply.

This opportunity is voluntary, and you are free to offer the invocation according to the dictates of your own conscience. To maintain a spirit of respect and ecumenism, the City Council respectfully requests that the invocation opportunity not be exploited as an effort to convert others to the particular faith of the invocation speaker, nor to disparage any faith or belief different than that of the invocation speaker or otherwise threaten damnation or denigrate nonbelievers. Statements reflecting ideals relating to peace and security for the nation; safety of our armed forces, police, firefighters and emergency service personnel; wisdom for the lawmakers; and justice for the people are encouraged.

On behalf of the City Council of the City of Crestview, I thank you in advance for considering this invitation.

*Regards,
City Clerk or his/her designee*

6. As the invitation letter shall state, the respondents to the invitation shall be scheduled on a first-come, first serve basis to deliver the invocation. All reasonable efforts shall be made to ensure that a variety of invocation speakers are scheduled for City Council meetings. Notwithstanding the preceding, no invocation speaker shall be scheduled to offer an invocation at consecutive meetings of the City Council, or at more than three (3) City Council meetings in any calendar year.

7. No member of the City Council, City employee or staff shall engage in any prior inquiry, review, or involvement in, the content of any invocation to be offered by an invocation speaker. However, consistent with U.S. Supreme Court precedent, invocation speakers are hereby advised that the invocation should not denigrate nonbelievers or religious minorities; threaten damnation; or preach conversion. Statements reflecting ideals relating to peace and security for the nation; safety of our armed forces, police, firefighters and emergency service personnel; wisdom for the lawmakers; and justice for the people are encouraged.

8. The City Clerk may add the name and affiliated organization of the selected invocation speaker for a particular meeting to the City Council agenda next to the "Invocation" item.

9. In recognition of the transitional process relating to the policies set forth herein, including but not limited to the completion of the Congregation List and mailing of the invitations, the City Council, City Manager or City Clerk, may invite religious leaders, chaplains, ministers, rabbis or similar of congregations located within the jurisdictional limits of the City and within 5 miles of the City limits to conduct the opening invocation until such time as the Congregation List is compiled.

10. In the event a meeting of the City Council does not have a volunteer opening invocation speaker for that meeting, the City Council reserves the right to invite religious leaders, chaplains, ministers, rabbis or similar of congregations located within the jurisdictional limits of the City and within 5 miles of the City limits to conduct the opening invocation for that meeting.

6.5.4. Conduct of Opening Invocation. No member of the City Council, City employee or staff, or any other person in attendance at the meeting shall be required to participate in any opening invocation that is offered. An opportunity to exit the City Council Chambers and return upon completion of the opening invocation is afforded to those who do not wish to participate or witness the opening invocation.

Persons in attendance at the City Council meeting are invited to stand during the opening invocation and Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. Such invitation constitutes a general invitation that a person in attendance may stand if he/she wishes to do so for such observances.

6.5.5. Agenda Disclaimer. The following statement shall be placed at the bottom of City Council meeting agendas:

Any invocation that is offered before the official start of the City Council meeting shall be the voluntary offering of a private person, to and for the benefit of the City Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council or the city staff, and the City is not allowed by law to endorse the religious beliefs or views of this, or any other speaker. Persons in attendance at the City Council meeting are invited to stand during the opening invocation and Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered. A person may exit the City Council Chambers and return upon completion of the opening invocation if a person does not wish to participate in or witness the opening invocation.

7. ORDINANCES, RESOLUTIONS AND MOTIONS.

7.1 Requests for Ordinances, Resolutions or Opinions: Any Councilmember may request the City Attorney, City Manager, or City Clerk prepare or have prepared a proposed ordinance or resolution. The City Attorney may assist the City Manager, City Clerk or a Department Head in the preparation of a proposed ordinance or resolution. Any Councilmember, Mayor, City Manager, City Clerk or Department Head may request a legal opinion of the City Attorney.

8. CITIZENS PRESENTATIONS:

8.1 Presentation by Public on Propositions before the Council: The agenda shall provide times when the public is given a reasonable opportunity to be heard on a proposition before the City Council. The opportunity to be heard need not occur at the same meeting at which the board or commission takes official action on the proposition if the opportunity occurs at a meeting that is during the decision-making process and is within reasonable proximity in time before the meeting at which the board or commission takes the official action. Public opportunity hereunder does not extend to:

- (a) An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the Council to act;

- (b) An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
- (c) A meeting that is exempt from Sec. 286.011 Florida Statutes; or
- (d) A meeting during which the Council is acting in a quasi-judicial capacity.

This paragraph does not affect the right of a person to be heard as otherwise provided by law.

8.2 Addressing the Council -- Scheduled Presentations: Any person desiring to address the Council by oral communication on any subject not already on the Council meeting agenda shall be recognized under "Scheduled Presentation from the Public." Only those persons who have completed a speaker's form and who have notified the City Manager or City Clerk by 5:00 pm of the Tuesday 13 days prior to the regular meeting will have their name placed on the Agenda and be recognized under the heading "Scheduled Presentations from the Public." Exceptions to this timeline will be addressed on an individual basis.

8.3 Addressing the Council -- Public Opportunity on Council Propositions: Any person desiring to address the Council by oral communication regarding Council propositions on the agenda, shall complete and deliver a Speaker Request Card to the City Manager or City Clerk then secure the permission of the Presiding Officer and will be recognized ~~under Public Participation on Council Propositions where that item occurs on the agenda~~ at the time the item appears on the agenda. A speaker card is not required to speak on an item, but those providing the card will be given the first opportunity.

8.4 Addressing the Council — Comments from Audience: Any person desiring to address the Council by oral communication shall complete and deliver a Speaker Request Card to the City Manager or City Clerk then secure the permission of the Presiding officer and will be recognized under "Comments from the Audience" where that item occurs on the agenda. A speaker card is not required to speak, but those providing the card will be given the first opportunity.

8.5 Addressing the Council — Public Opportunity on Public Hearings: Any person desiring to address the Council regarding Public Hearings, on the agenda, by oral communication shall complete and delivery a Request to Speak Card to the City Manager or City Clerk then secure the permission of the Presiding Officer and will be recognized under "Public Hearings" where that item occurs on the Agenda. A speaker card is not required to speak, but those providing the card will be given the first opportunity.

8.6 Manner of Addressing the Council -- Time Limit: Each person addressing the Council shall approach the microphone, shall give his or her name and address and the organization or group they represent if any, in an audible tone of voice for the record and, unless further time is granted by the Council, shall limit their address to three (3) minutes. All remarks shall pertain to City business and shall be addressed to the Council as a body, and not to any Councilmember thereof. No person, other than Councilmembers or the Mayor, and the persons having the floor, shall be permitted to enter into any discussion, either directly or through the members of the Council. No questions shall be asked of the Councilmembers or staff, except through the Presiding Officer.

8.7 Personal and Slanderous Remarks: Any person making personal, impertinent or slanderous remarks, or who shall become boisterous or use offensive language, while addressing the Council, may be requested to leave the meeting. No reference by name to any individual present or absent, including Councilmembers and staff, shall be used in a negative manner by any person addressing the

Council. All participants and speakers shall refrain from belittling or insulting remarks or making personal attacks.

8.8 Reading of Protests: Interested persons, or their authorized representatives, may address the Council for the reading of protests, petitions, or communications relating to any matter over which the Council has control when the item is under consideration by the Council.

8.9 Referral of Citizens' Complaints: While in session, the Mayor or Councilmembers, individually, or the City Council collectively, through motion, may refer citizen's complaints to staff or an appropriate City Committee.

8.10 Written Communications: Interested parties, or their authorized representatives, may address the Council by written communication on any matter of business. However, in order to preserve the public record as well as comply with Florida's Public Records Law, an exact copy of said written communication must be provided to the City Clerk.

8.11 Presentations by Representatives of Groups or Factions: At meetings, in which four (4) or more individuals of a group or faction wish to be heard, a representative of a group or faction may address the Council rather than all members of the group or faction and in such instances shall limit their address to ten (10) Minutes.

9. SUSPENSION AND AMENDMENT OF THESE RULES:

9.1.1 Suspension of Rules: Any provision of these rules not governed by the City Charter, *State Statute*, or City Code may be temporarily suspended by a vote of a majority of all the Councilmembers.

9.2 Amendment of Rules: These rules may be amended, or new rules adopted, by a majority vote of the full membership of the Council, ~~provided that the proposed amendments or new rules shall have been introduced into the record at a prior Council meeting.~~



Staff Report

CITY COUNCIL MEETING DATE: February 24, 2020

TYPE OF AGENDA ITEM: Action Item

TO: Mayor and City Council
CC: City Manager, City Clerk, Staff and Attorney
FROM:
DATE: 2/21/2020
SUBJECT: Discussion of Charter Changes

BACKGROUND:

It has been requested of staff that several items be brought before the Council to consider for additional changes to the City Charter.

DISCUSSION:

Any Changes to the City Charter must be approved by the voters of the City of Crestview by referendum.

In order for the Referendum to be a part of the 2020 August Primary election Cycle, the Supervisor of Elections office must have the completed and approved Ordinance by June 1, 2020.

In order for the Referendum to be a part of the 2020 General election Cycle, the Supervisor of Elections office must have the completed and approved Ordinance by August 1, 2020.

The areas that have been requested for study are:

Changes to City Manager/City Clerk Duties and responsibilities.

Term Limits for Council Members

Possible changes to the voting districts.

Possible changes to the election date for City Council/Mayor.

Each of these areas for discussion is a separate item for discussion on this agenda.

GOALS & OBJECTIVES

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

Foundational- these are the four areas of focus that make up the necessary foundation of a successful local government.

Financial Sustainability- Achieve long term financial sustainability

Organizational Capacity, Effectiveness & Efficiency- To efficiently & effectively provide the highest quality of public services

Infrastructure- Satisfy current and future infrastructure needs

Communication- To engage, inform and educate public and staff

Quality of Life- these six areas focus on the overall experience when provided by the city.

Community Character- Promote desirable growth with a hometown atmosphere

Safety- Ensure the continuous safety of citizens and visitors

Mobility- Provide safe, efficient and accessible means for mobility

Opportunity- Promote an environment that encourages economic and educational opportunity

Play- Expand recreational and entertainment activities within the City

Community Culture- Develop a specific identity for Crestview

FINANCIAL IMPACT

Cost to the City would be minimal to have a referendum on either Election Cycle, as there is already elections, and all Voting Precincts are open.

There will be an added cost of translation to Spanish, as required by Florida Statute, and will depend upon the size of the actual Ballot.

RECOMMENDED ACTION

Staff respectfully requests that the Council review all the proposals as presented and direct staff if they wish to proceed with the drafting of the referendum Ordinance. Staff requests that if there are changes requested, the referendum be held at the August Primary so any changes take place prior to the start of the next fiscal year.

Attachments

1. Charter

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF CRESTVIEW, FLORIDA:

SECTION 1. Election Referendum Set. The City Council calls for the holding of a referendum of the electors of the City of Crestview on August 28, 2018, to consider and vote for or against the approval of the proposed City Charter revisions as herein below approved by the City Council.

SECTION 2. Supervisor Appointed. The Supervisor of Elections of Okaloosa County is hereby appointed as the election officer of the election to be held on August 28, 2018, by ballot in accordance with Florida Statutes. The City of Crestview shall bear all related costs of said ballot.

SECTION 3. City to Bear Costs. The City of Crestview shall reimburse the Supervisor of Elections for any costs incurred by that office directly related to the preparation for, conducting of, and certifying the results of the referendum on the proposed City Charter revisions.

SECTION 4. Ballot Titles and Summaries. The ballot titles and summaries to appear on the ballot of the referendum on the proposed City Charter revisions shall be:

CITY OF CRESTVIEW CHARTER REVISION QUESTIONS

CHARTER AMENDMENT NO. 1

RELATING TO A NEW CITY CHARTER FOR THE CITY OF CRESTVIEW FLORIDA.

Much of the current City Charter is obsolete and redundant. **Shall the current City Charter be repealed and replaced with a comprehensively reworded Charter that conforms to municipal home rule powers granted by Florida Law; describes and clarifies the duties, responsibilities and authority of City officials; makes format changes; and deletes obsolete and redundant language?**

☐ **YES** For adopting the amendment to the City Charter.

☐ **NO** Against adopting the amendment to the City Charter.

CHARTER AMENDMENT NO. 2

RELATING TO THE ADOPTION OF A COUNCIL - MANAGER FORM OF GOVERNMENT

The current Charter provides for a Council-Mayor form of Government. **Shall the City Charter be amended to provide a Council-Manager form of Government whereby the City Council shall, by majority vote, appoint a City Manager?** If adopted, the City Manager will answer to the City Council and will direct all department heads, allowing Council to focus on legislative responsibilities.

☐ **YES** For adopting the amendment to the City Charter.

☐ **NO** Against adopting the amendment to the City Charter.

CHARTER AMENDMENT NO. 3

RELATING TO THE OFFICE OF CITY CLERK

The City Charter currently provides for an elected City Clerk. **Shall the City Charter be amended to provide for a City Clerk that is appointed by a majority vote of the City Council?** If the amendment passes it further defines the City Clerk's powers and duties but does not diminish the Clerk's governmental role.

☐ **YES** For adopting the amendment to the City Charter.

☐ **NO** Against adopting the amendment to the City Charter.

SECTION 5. Publication of Notice. The appropriate officials shall cause to be published in a newspaper of general circulation in the City the notices of the referendum required by Florida law.

SECTION 6. Charter Amendments. In the event one or more of the foregoing Charter Revision Questions (Section 4 above) is approved by a majority of the electors voting on the proposal, on October 1, 2018, the existing Charter included as Exhibit "A" hereto shall be repealed either in its entirety, or in part, depending on the results of the election (provided that all extra territorial powers of the City conferred by special act or otherwise are preserved and can be repealed or modified only by further referendum or as otherwise provided by law) and the following new Charter for the City of Crestview shall, either in its entirety, or in part, depending on the results of the election, replace the existing Charter and become effective on October 1, 2018:

[Remainder of page left intentionally blank]

CHARTER FOR THE CITY OF CRESTVIEW

ARTICLE I. GENERAL POWERS OF THE CITY

Section 1.01. General Powers and Corporate Existence.

The municipal corporation now existing and known as the City of Crestview ("City"), located in Okaloosa County, Florida, within the boundaries hereinafter described, shall continue to be a body politic and corporate, and shall have all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except when expressly prohibited by law.

Section 1.02. Construction.

The powers of the City under this Charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power granted in this Article.

ARTICLE II. CORPORATE BOUNDARIES

Section 2.01. Corporate Boundaries.

The corporate boundaries of the City of Crestview shall remain fixed and established as they exist on the date this Charter takes effect, provided that the City shall have the power to change its boundaries in the manner prescribed by law.

ARTICLE III. ELECTED CITY POSITIONS

Section 3.01. Form of Government.

The City shall have a Council-City Manager form of government. There shall be a City Council, which shall be the governing body of the City with all legislative powers of the City vested therein, consisting of five (5) Council Members. All Council Members shall be elected by votes cast by City electors (Article VI, Section 6.02). The Council Member from Precinct 1 shall reside in Precinct 1, the Council Member from Precinct 2 shall reside in Precinct 2, and the Council Member from Precinct 3 shall reside in Precinct 3. If at any time a Council Member elected from a precinct moves his or her official residency from said precinct, a vacancy shall

automatically occur in said office. The two Council Members at large may be elected without regard to the territorial limits of precincts. In such elections candidates running in any group receiving the highest vote shall be deemed elected.

There shall also be a Mayor who is elected At-Large and who shall not be a member of the City Council.

Section 3.02. Election and Terms.

The nonpartisan primary and general election of the Council Members and the Mayor shall be held in the manner provided in Article VI of this Charter and the terms of office for Mayor and Council Members shall be four (4) years and will commence on the first (1st) Monday in April immediately following his or her election.

The base year for elections for Council Members for Group 1 At-Large and Group 2 At-Large, and the Mayor shall be 2019, and shall be for a four-year term. The base year for elections for Council Members for Precincts 1, 2, and 3 shall be 2021 and shall be for a four-year term. These base year dates are established only for the purpose of scheduling elections and staggering terms.

All elected officials who are in office at the time of adoption of this Charter shall continue in office until their respective terms expire or are otherwise limited or terminated; and, as to elected or appointed officials, for such additional consecutive terms for which they seek and win election. Nothing in this Charter except as specifically provided herein, shall affect the rights, privileges or immunities of elected or appointed officials, existing at the time of adoption of this Charter.

ARTICLE IV. MAYOR AND CITY COUNCIL

Section 4.01. Mayor.

- (a) ***Powers and Duties.*** The Mayor shall exemplify good citizenship and exhibit a cooperative spirit. The Mayor shall have the following powers and duties:
- (1) To be recognized as the official head of the City for all ceremonial purposes, and by the courts for the purpose of accepting and receiving civil process for the City, and by the governor for purpose of military law. To sign all contracts the City enters into on behalf on the City.
 - (2) In time of public danger or officially declared state of emergency, the Mayor shall assume the role of Emergency Management Director, take command of the police and fire departments, maintain order, and enforce the law.
 - (3) To preside over all meetings of the City Council with authority to participate in discussions, but without power to vote.

- (4) To present recommendations to the City Council on the requirements of its municipal government.
- (5) To exercise a veto power over ordinances adopted by the City Council within five (5) days of adoption by the City Council, except the Mayor may not exercise veto power over:
 - (i) an emergency ordinance as defined in Florida Statutes;
 - (ii) those ordinances adopted as a result of quasi-judicial proceedings, when such proceedings are mandated by law; and
 - (iii) ordinances proposing Charter amendments, which the Council is required by law or by this Charter to place on the ballot.
- (6) The Mayor shall see that the provisions of this Charter, ordinances, laws, and rules of the City are complied with, and enforced. The Mayor shall have the power to make general investigations into the official conduct and affairs of all City officers or employees of the City, and may examine the conditions of all City books, papers, records, property, and equipment. It shall be his/her duty to make a report to the Council of all violations or neglect of duty or any misfeasance, malfeasance or nonfeasance in office, neglect of duty or improper conduct on the part of any City officer or employee that may come to his knowledge. The Mayor shall put down riots and unlawful assemblies, and may use the police and common power of the City for such purposes, and shall see that peace, good order, safety, and good morals are preserved within the City; the Mayor may veto any official ordinance of the City Council, subject to the limitations hereinafter prescribed; may call the Council together in special session; and shall recommend to the Council such measures from time to time, as to him/her shall seem wholesome and proper.
- (7) The Mayor is to hold no other elected public office while holding said office.
- (8) The Mayor may be removed from office as set forth in Sec. 100.361, Florida Statutes.
- (9) The Mayor Pro Tem shall be chosen to serve in event of the Mayor's absence, as set forth in Section 4.03(b).

(b) **Vacancy.**

- (1) Vacancy caused by death, resignation, refusal of the Mayor to serve, removal, or for any other reason, shall be filled by the Mayor Pro Tem as Acting Mayor, who shall serve until a successor is appointed and sworn in. The City Council shall fill the vacancy by a majority vote, and such vacancy shall be filled within thirty (30) days after the vacancy occurs. The appointed Mayor shall serve the unexpired term of the previous Mayor.
- (2) The Mayor appointed by the Council must meet the qualifications for office as set forth in this Charter at the time of appointment.

- (c) **Compensation.** The salary of the Mayor shall be set by ordinance, which shall take effect upon the Mayor assuming office following the next Mayoral election.
- (d) **Signature of the Mayor.** Every ordinance passed by the City Council, before becoming law, shall be presented to the Mayor for his signature and approval within five (5) business days after it has passed. Unless exercising veto power, the Mayor shall sign it and return it to the City Clerk with the date of his/her signature. If the Mayor fails to return any ordinance to the City Clerk before the next regular City Council meeting following the date of passage of the ordinance, unless the ordinance has been vetoed the Mayor shall be deemed to have approved the ordinance and it shall become law without his signature or further action.

Section 4.02. City Council.

The City Council shall consist of five (5) electors who shall be designated as follows:

- Councilmember at large Group 1.
- Councilmember at large Group 2.
- Councilmember – Precinct 1
- Councilmember – Precinct 2
- Councilmember – Precinct 3

- (a) **Powers and Duties.** City Council Members shall exemplify good citizenship and exhibit a cooperative spirit. The City Council shall have the following powers and duties:
 - (1) To legislate for the City by adopting ordinances and resolutions in the best interest of all citizens of the City.
 - (2) To adopt the annual budget and all other appropriations necessary for efficient City government.
 - (3) To override the Mayor's veto of an ordinance by an affirmative vote of two thirds of the entire Council.
 - (4) To devote such time as is necessary to the performance of City Council duties, and hold no other elected public office or be an employee of the City while a City Council Member.
 - (5) The City Council shall appoint the City Manager, City Attorney, City Clerk and Department Heads by a majority vote of the entire Council.
 - (6) The Council may, in the investigation of charges against municipal officers, assistants, employees, and members of the Council, or of any other matters coming before them, issue subpoenas and compulsory process under the hands of the Mayor, the Clerk, and the seal, for the attendance of any person, firm or corporation, and for the production of books, papers, and records; and Mayor and

Clerk shall each have authority to administer oaths and affirmations; and take depositions.

- (7) The City Council, by majority vote, may remove any member of the Council with four (4) consecutive unexcused absences.

(b) ***Vacancies.***

- (1) If a vacancy on the Council is caused by death, resignation, refusal of any Council Member to serve, removal of any Council Member, the residency relocation of a Council Member from the precinct from which the Council Member is elected, or for any other reason, the vacancy shall be filled for the unexpired term of the vacated seat by a majority vote of the remaining Council Members, and such vacancies must be filled within thirty (30) days after the vacancy occurs. The appointed Council Member may serve the unexpired term of the previous Council Member unless the unexpired term of the previous Council Member is twenty-eight (28) months or longer. If the unexpired term is twenty-eight (28) months or longer, a person shall be elected at the next general election to fill the unexpired portion of such term.
- (2) In the event of a military leave of absence for any elected municipal officer, such leave of absence shall be in accordance with current Florida Statutes.
- (3) The Council Member appointed by the Council must meet the qualifications for office as set forth in this Charter at the time of appointment.

- (c) ***Compensation.*** The salary of Council Members shall be set by ordinance; said compensation shall take effect upon the Council Member assuming office following the next Council election.

Section 4.03. City Council Procedures.

- (a) ***Meeting Rules and Procedures.*** The City Council shall determine its own rules of procedure and order of business. The City Council shall meet regularly at least once every month at such times and places as the City Council may prescribe. Policies and Procedures for the City Council shall be set forth by ordinance.
- (b) ***Mayor Pro Tem.*** The City Council, at its first regular meeting in April, shall select from among its members a Mayor Pro Tem. The Mayor Pro Tem so chosen shall, in the absence or disability of the Mayor, preside over the meetings of the City Council and perform all the duties and exercise all the authorities of the Mayor. The Mayor Pro Tem's term of service shall be for one year. The Mayor Pro Tem shall retain all voting privileges of an elected member of the City Council.

Section 4.04. Prohibitions.

- (a) ***Appointment and Removal.*** No individual City Council Member shall in any manner

dictate the appointment or removal of any administrative officer or employee whom the City Manager or Department Heads are empowered to appoint. The City Council may, however, express its views and fully and freely discuss any and all matters with the City Manager or Department Heads pertaining to the appointment and removal of City officers and employees.

- (b) ***Interference with Administration.*** The City Council or Council Members shall deal with the City officers and employees, who are subject to the direction and supervision of the City Manager, solely through the City Manager. Neither the City Council nor Council Members shall give orders to any such officer or employee, either publicly or privately. It is the express intent of this Charter that recommendations for improvement of municipal governmental operations by individual Council Members be made solely to and through the City Manager.
- (c) ***Holding other Office.*** No elected City official shall hold any appointive City office, City board membership, or City employment while in office, except as may be provided by State law. No former elected City official shall hold any compensated appointive City office until one year after having last served as an elected official.

ARTICLE V. APPOINTED CITY OFFICIALS

The City Council shall appoint the City Manager, the City Attorney, and the City Clerk.

Section 5.01. City Manager.

There shall be a City Manager who shall be appointed or dismissed by the City Council, by a majority vote of the entire Council, and who shall serve at the pleasure of the City Council. The City Manager shall direct all Department Heads and oversee the daily operations of the City. The compensation to be paid the City Manager for services rendered by said manager, shall be set by the City Council in the contract between the City Manager and the City.

Additionally, the City Manager shall:

- (a) Attend the meetings of the City Council.
- (b) Draw and sign vouchers upon the depositories, which vouchers shall be countersigned by the City Clerk; and keep a true and accurate account of the same.
- (c) Shall prepare and submit to the Council once each month a statement of all finances, receipts, and disbursements.
- (d) Provide administrative services as required by the City Council.

- (e) See that all laws, provisions of this Charter, and acts of the Council, subject to his/her direction and supervision, are faithfully executed.
- (f) Coordinate with the City Clerk and Department Heads and submit the annual budget, budget message, and capital programs to the Council in the form prescribed by general law.
- (g) Submit to the Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.
- (h) Keep the Council fully advised as to the financial condition and future needs of the City and make recommendations to the Council concerning the affairs of the City.
- (i) Perform such other duties as are specified in this charter, or adopted by ordinance, or which may be required by the Council.

Section 5.02. City Attorney.

The City Attorney shall serve as the chief legal adviser to the City Council, and shall represent elected or appointed officials, boards and commissions, and employees in the course and scope of their official duties or employment, respectively. The City Attorney shall represent the City in legal proceedings and shall perform any other duties prescribed by State law, by this Charter, or by ordinance or resolution. The City Council shall appoint or remove the City Attorney by an affirmative vote of a majority of its members. The compensation to be paid the City Attorney for the services rendered by said Attorney, shall be set by the City Council in the Contract between the City Attorney and the City.

Section 5.03. City Clerk.

There shall be a City Clerk who shall be appointed or dismissed by the City Council, by a majority vote of the entire Council, and who shall serve at the pleasure of the City Council and whose duties and responsibilities are as provided by this Charter. The compensation to be paid the City Clerk for the services rendered, shall be set by the City Council.

The City Clerk shall:

- (a) Attend all meetings of the City Council.
- (b) Maintain minutes and records of the same.
- (c) Review/countersign/approve all checks and electronic financial transfers with the City Manager.
- (d) Attest to all contracts which shall be signed by the Mayor.
- (e) Sign all licenses issued by the City.

- (f) Issue receipts for all money received and shall deposit said money in the proper depositories on the first regular banking day after receipt.
- (g) Keep and have the care and custody of the books, records, papers, legal documents and journals of proceedings of the City Council
- (h) Perform such additional duties as may be required by the Council. All other powers and duties of the City Clerk shall be as provided by ordinance

Section 5.04. Departments.

Department Heads shall be appointed by the City Council with the recommendation of the City Manager. The City Manager shall make recommendations to the City Council regarding the organization of the City government and prescribe the duties and responsibilities assigned to the various departments. The City Manager shall direct the Department Heads of the City in a manner consistent with this Charter and the City's Code of Ordinances. The compensation to be paid the various Department Heads for the services rendered, shall be set by the City Council.

Section 5.05. City Boards, Commissions and Authorities.

- (a) ***Establishment.*** Unless otherwise provided by law, the City Council shall establish or terminate by ordinance, such boards, commissions and authorities as it may deem advisable from time to time.
- (b) ***Membership and Removal.*** Unless otherwise provided by law, the City Council shall determine procedures, membership and removal from City boards, commissions and authorities.

ARTICLE VI. ELECTIONS

Section 6.01. Nonpartisan Elections.

All nominations and elections for the offices of Mayor and City Council Members shall be conducted on a nonpartisan basis.

Section 6.02. Electors.

Any person, who is a resident of the City, is a qualified Florida elector, and who has been assigned a voter registration number by the County Supervisor of Elections to vote shall be an elector of the City.

Section 6.03. Qualifications, Eligibility, and Filing Fee.

- (a) **Qualifications and Eligibility.** Any person who is a resident of the City, has qualified as a Florida elector, and has been assigned a voter registration number by the County Supervisor of Elections to vote not less than one (1) year prior to the end of the qualification period, shall be an eligible candidate for the office of Mayor or City Council member. Candidates for Council Member from a Precinct must have been a resident of the declared precinct for at least one (1) year prior to the end of the qualification period.
- (b) **Qualifying Fee.** Each candidate shall pay to the qualifying officer a qualifying fee in the amount as set forth by City ordinance, as well as an election assessment as provided by Florida State Law.
- (c) **Determination of Qualifications and Eligibility.** The Supervisor of Elections shall be the judge of qualifications for candidates for the positions of Mayor and City Council.
- (d) **Determination of person elected.** In the case of two or more persons receive an equal and highest number of votes for the same office, the election shall be determined as per Florida Statutes, Title IX, Chapter 100, Section 100.181.

Section 6.04. Elections. Procedures.

- (a) **General Elections.** The Supervisor of Elections shall be the Filing Officer for the City of Crestview and shall conduct all elections in accordance with Florida Statutes. The general election shall be held on the second Tuesday in March. Elections shall be held every two (2) years.
- (b) **Canvassing Board.** Elections shall be conducted and results shall be tabulated, returned and canvassed by a board in accordance with general law. The canvassing board shall submit certified election results to the City Clerk. In a City election, where a County canvassing board would not be impaneled, the canvassing board shall include the Supervisor of Elections, a sitting County Judge, and the City Clerk.

Section 6.05. Candidate Qualifying Oath.

- (a) **Qualifying Oath or Affirmation.** Any person who is qualified under the laws of the State and this Charter may become a candidate for the office of Mayor or City Council by taking and subscribing to an oath or affirmation, and filing the same with the Supervisor of Elections during business hours during the period prescribed by general law for qualification of candidates for election to City offices.
- (b) **Form.** The form of the oath or affirmation shall be as provided by Florida law.

Section 6.06. Commencement of Term of Office.

The term of office of any elected official (Mayor or City Council Member) will commence on the first (1st) Monday in April, after his or her election, at which time the newly elected official shall take an oath of office and be installed in office.

In the event of a special election or other election other than the primary or general election, the term of office of any elected official will commence on the third (3rd) day after his or her election has been certified, at which time the newly elected official shall be given an oath of office and installed in office, or as provided by State law, unless the commencement date falls on a legal or City holiday, in which case the term of office will commence on the next day that is not a legal or City holiday.

Section 6.07. Council Precincts.

- (a) **Number of Precincts.** There shall be three (3) City Council precincts. The boundaries of the three (3) precincts shall remain the same as they existed prior to the approval of this charter by the electorate of the City, being described more particularly as:

City Council Precincts: The City of Crestview shall be divided into three precincts, numbered as follows: Number One, East Crestview, comprising all that territory within the corporate limits east of Main Street and South of U.S. Highway No. 90; Number Two, West Crestview, comprising that territory within the corporate limits west of Main Street and south and west of U.S. Highway No. 90; Number Three, North Crestview, comprising all that territory within the corporate limits north of U.S. Highway No. 90.

ARTICLE VII. CHARTER AMENDMENTS

Section 7.01. Charter Amendments.

- (a) **Initiation by City Council.** The City Council may propose amendments by ordinance to this Charter. Upon adoption of the initiating ordinance, the City Council shall submit the proposed amendment to a vote of the electors at the next general election held within the City or at a special election called for such purpose.
- (b) **Initiation by Petition.** The electors of the City may propose amendments to this Charter in accordance with the provisions of Sec. 166.031, Florida Statutes.
- (c) **Consistency.** The method for Charter amendments shall be consistent with State law.

ARTICLE VIII MISCELLANEOUS

Section 8.01. Code of Ethics.

The City of Crestview shall subscribe to and abide by the *Code of Ethics for Public Officers and Employees* as provided in the Florida Statutes.

ARTICLE IX. SCHEDULE

Section 9.01. Effective Date.

Upon approval of a majority of the electorate voting at a referendum on this Charter, this Charter will become effective on October 1, 2018.

Section 9.02. Ordinances Preserved.

All ordinances in effect upon the adoption of this Charter, to the extent not inconsistent herewith, shall remain in full force and effect until amended or repealed.

Section 9.03. Repeal of Former Charter Provisions.

All Charter provisions in effect prior to the effective date of this Charter are repealed, provided that all extra territorial powers of the City conferred by special act or otherwise are preserved and can be repealed or modified only by referendum or as otherwise provided by law.

Section 9.04. Precedence over Code Provisions.

If a conflict exists between the provisions of this Charter and the Code of Ordinances, the Charter provisions shall prevail.

Section 9.05. Officers and Employees.

The adoption of this Charter shall not affect or impair the rights, privileges or immunities of City officers or employees at the time of the effective date of this Charter, including rights provided for pursuant to Chapter 447, Florida Statutes, and collective bargaining agreements. Elected officers shall continue to hold their offices for the terms prescribed by the Charter in effect on the date of their election, and they shall discharge their duties until their successors are elected.

Section 9.06. Existing Rights, Obligations, Duties and Relationships.

- (a) **Continuity.** All rights, claims, actions, orders, contracts and legal or administrative proceedings involving the City shall continue except as modified pursuant to the provisions of this Charter.
- (b) **Obligations.** No debt, contract obligation, or assessment by the City shall be impaired by adoption of this Charter. All existing debts, obligations and assessments shall remain valid and enforceable, according to their terms, under the Charter provisions applicable at the time the debt was incurred, contract signed, or assessment imposed. All obligations and rights arising in connection with projects financed under former Charter provisions shall be unaffected and remain in full force and effect as if the borrowing, taxing, bonding or other financing provisions had survived the adoption of this Charter.
- (c) **Other Government Units.** All existing rights, obligations, duties and relationships by law or agreement between the City and other governmental units shall be unaffected by the adoption of this Charter and remain in full force and effect.
- (d) **Commencement of Terms for Year 2019 Elections.** The terms for the Council Members and Mayor elected in the 2019 general election shall commence on the first (1st) Monday of April 2019 as provided for in the former City Charter. This provision shall be effective solely for the purposes of transition from the former City Charter to Section 3.02 of this Charter.

Section 9.07. Transition.

The City Council shall adopt such ordinances and resolutions as are required to affect the transition. Ordinances adopted within sixty (60) days of the first Council meeting under this Charter for facilitating the transition may be passed as emergency ordinances following the procedures prescribed by law.

Section 9.08. Severability.

If any section or part of a section of this Charter shall be held invalid by a court of competent jurisdiction, the court decision invalidating any section or part of said section shall not affect the remainder of this Charter or the context in which the invalidated section or part of section may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which the court decision may directly apply.

[End of Charter revisions]



Staff Report

CITY COUNCIL MEETING DATE: February 24, 2020

TYPE OF AGENDA ITEM: Action Item

TO: Mayor and City Council
CC: City Manager, City Clerk, Staff and Attorney
FROM:
DATE: 2/21/2020
SUBJECT: City Manager

BACKGROUND:

There are a few items in the Charter that need clarification regarding the City Manager and the City Clerk.

DISCUSSION:

Ordinance 1675 (attached) clarified some of the duties of the City Manager.

These need to be a part of the City Charter to ensure consistency moving forward.

There are other duties of the City Manager and the to be appointed City Clerk that need to be clarified in the City Charter.

Those changes are shown in italics in the attached document.

GOALS & OBJECTIVES

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

Foundational- these are the four areas of focus that make up the necessary foundation of a successful local government.

Financial Sustainability- Achieve long term financial sustainability

Organizational Capacity, Effectiveness & Efficiency- To efficiently & effectively provide the highest quality of public services

Infrastructure- Satisfy current and future infrastructure needs

Communication- To engage, inform and educate public and staff

Quality of Life- these six areas focus on the overall experience when provided by the city.

Community Character- Promote desirable growth with a hometown atmosphere

Safety- Ensure the continuous safety of citizens and visitors

Mobility- Provide safe, efficient and accessible means for mobility

Opportunity- Promote an environment that encourages economic and educational opportunity

Play- Expand recreational and entertainment activities within the City

Community Culture- Develop a specific identity for Crestview

FINANCIAL IMPACT

No Financial impact beyond the costs of the Referendum.

RECOMMENDED ACTION

Staff respectfully requests that the Council review the attached document and direct staff regarding any changes or ideas moving forward.

Attachments

1. 1675

ORDINANCE NO. 1675

AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, AMENDING CITY CODE OF ORDINANCES CHAPTER 2, ARTICLE IV, OFFICERS AND EMPLOYEES; PROVIDING FINDINGS; ADOPTING DIVISION 4, CITY MANAGER, SEC. 2-180, CITY MANAGER AUTHORITY OVER CITY PERSONNEL; ADOPTING NEW PROVISIONS ADDRESSING AND CLARIFYING THE AUTHORITY OF THE CITY MANAGER OVER CITY PERSONNEL; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

SECTION I. Findings.

WHEREAS, the City of Crestview has enacted a new Charter by Ordinance No. 1660, which was duly adopted by the City Council on May 29, 2018, approved by referendum of the electorate on August 28, 2018, and was sent to the Florida Secretary of State on August 30, 2018, all in compliance with the requirements for amendment of a municipal charter as specified in FS Section 166.031; and

WHEREAS, the new Charter for the City of Crestview went into effect on October 1, 2018; and

WHEREAS, the new Charter provides that the City Council possesses the authority to appoint the Department Heads, Section 4.02(a)(5), with the recommendation of the City Manager, Section 5.04, but provides little additional detail as to the process to follow for hiring and disciplining the Department Heads and other employees; and

WHEREAS, by omission of additional detail, the new Charter leaves to the City Council the discretion to assign to the City Manager the authority and responsibility for retaining/hiring Department Heads in a manner consistent with the Charter requirement that that the City Council has final appointment authority; and

WHEREAS, likewise, by omission of additional detail on the subject of discipline of Directors and other employees, the new Charter leaves to the City Council the discretion to determine the extent of City Manager's authority to discipline or remove the Department Heads and other employees; and

WHEREAS, the City Council has determined that it is necessary and advisable to adopt this ordinance in order state and clarify (1) the City Manager's authority and role relating to the hiring process for the Directors, (2) the City Manager's general authority over all City personnel and

operations and (3) the City Manager's authority relating discipline and removal of Directors and other employees; and

WHEREAS, the City Council hereby determines and finds that this ordinance is in the best interest of the public health, safety and welfare.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRESTVIEW, FLORIDA:

SECTION II. Amendment to Code of Ordinances Chapter 2, Article IV, Officers and Employees.

Code of Ordinances Chapter 2, Article IV, Officers and Employees is hereby amended to add Division 4, City Manager, Sec. 2-180, City Manager Authority over City Personnel, as follows:

[Words that are underlined are being added, words that are ~~struck through~~ are being deleted, and words that are neither underlined nor struck through are not being amended.]

DIVISION 4. - CITY MANAGER

Sec. 2-180. – City Manager Authority over City Personnel.

In addition to the authority, duties and obligations specified in the City Charter, and except as may be inconsistent with the Charter and/or adopted ordinances and policies of the City, the City Manager shall:

1. Determine the employment qualifications of the Department Heads and otherwise handle all aspects of the filling of vacancies in the positions of the Department Heads, provided that their appointment shall be by majority vote of the City Council.
2. Have complete and full authority acting on behalf of the City Council over each and every Department, Department Head and employee of the City, and full authority over all operations of the City. However, when any action is required by the Charter or ordinances on the part of the City Council, such action may be taken by the City Manager subject to the confirmation by the City Council in accordance with the Charter or Ordinance.
3. Have the authority to discipline, demote, suspend and/or remove any Department Head or employee in a manner consistent with the adopted ordinances and personnel policies of the City. The City Manager may authorize any Director or other administrative officer who is subject to the City Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

SECTION III: Severability.

If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

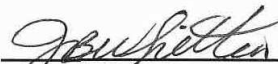
SECTION IV:

Repeal of Ordinances in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION V: Effective Date.

This ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED ON SECOND READING BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA ON THE 14th DAY OF JANUARY 2019



J.B. WHITTEN
Council President

ATTEST:



ELIZABETH M. ROY
City Clerk

APPROVED BY ME THIS _____ 14th _____ DAY OF _January_____, 2019



DAVID CADLE
Mayor



Staff Report

CITY COUNCIL MEETING DATE: February 24, 2020

TYPE OF AGENDA ITEM: Action Item

TO: Mayor and City Council
CC: City Manager, City Clerk, Staff and Attorney
FROM: Tim Bolduc, City Manager
DATE: 2/21/2020
SUBJECT: Term Limits

BACKGROUND:

It has been requested that staff research Term limits and bring information back to the Council for consideration.

DISCUSSION:

Councilman Leboeuf requested that the topic of term limits be placed on the workshop agenda.

In preparation for this meeting, the City Clerk researched the implementation process for adopting term limits. In discussions with the Supervisor of Elections, the following was determined;

1. Any term limits would have to be a part of the Charter referendum and brought to the voters for approval.
2. Any term limits would not take effect until the next election cycle for any elected official.
3. Term limits can be different for Mayor and Council members, but all Council members would be subject to the same term limits.
4. Once approved, term limits could only be changed by another referendum.
5. If voted on at the next regular election and approved, the limits would begin at the 2021 election, unless otherwise stated in Referendum.

GOALS & OBJECTIVES

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

Foundational- these are the four areas of focus that make up the necessary foundation of a successful local government.

Organizational Capacity, Effectiveness & Efficiency- To efficiently & effectively provide the highest quality of public services

Communication- To engage, inform and educate public and staff

Quality of Life- these six areas focus on the overall experience when provided by the city.

Community Character- Promote desirable growth with a hometown atmosphere

Community Culture- Develop a specific identity for Crestview

FINANCIAL IMPACT

There is no financial impact to term limits other than the cost of the Referendum as discussed.

RECOMMENDED ACTION

Staff respectfully requests council discuss and direct staff on the direction they would like to proceed on the Question of term limits.

Attachments

None



Staff Report

CITY COUNCIL MEETING DATE: February 24, 2020

TYPE OF AGENDA ITEM: Action Item

TO: Mayor and City Council
CC: City Manager, City Clerk, Staff and Attorney
FROM:
DATE: 2/21/2020
SUBJECT: Voting Precincts

BACKGROUND:

Staff was requested to research and bring to the Council options for changing the Precincts to better distribute population.

DISCUSSION:

The current Population of the City of Crestview is approximately 24,426.

By Precinct:

Precinct 1 South of 90 and East of 85/Main Street has a population of 5403 or 22%
Precinct 1 has 15% of the active voters.

Precinct 2 South of 90 and West of 85/Main Street has a population of 10,487 or 43%
Precinct 2 has 48% of the active voters

Precinct 3 South of 90 and East of 85/Main Street has a population of 5403 or 22%
Precinct 3 has 15% of the active voters.

Precinct 3 North of 90 has a population of 8506 or 35%
Precinct 3 has 37% of the active voters

The Attachments included show the current precincts and 2 proposals for the Council's consideration. These will be shown and explained at the meeting.

Any changes that are approved by referendum will be effective in the March 2021 City Election.

GOALS & OBJECTIVES

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

Foundational- these are the areas of focus that make up the necessary foundation of a successful local government.

Communication- To engage, inform and educate public and staff

Quality of Life- these areas focus on the overall experience when provided by the city.

Community Character- Promote desirable growth with a hometown atmosphere

Safety- Ensure the continuous safety of citizens and visitors

Mobility- Provide safe, efficient and accessible means for mobility

Opportunity- Promote an environment that encourages economic and educational opportunity

Community Culture- Develop a specific identity for Crestview

FINANCIAL IMPACT

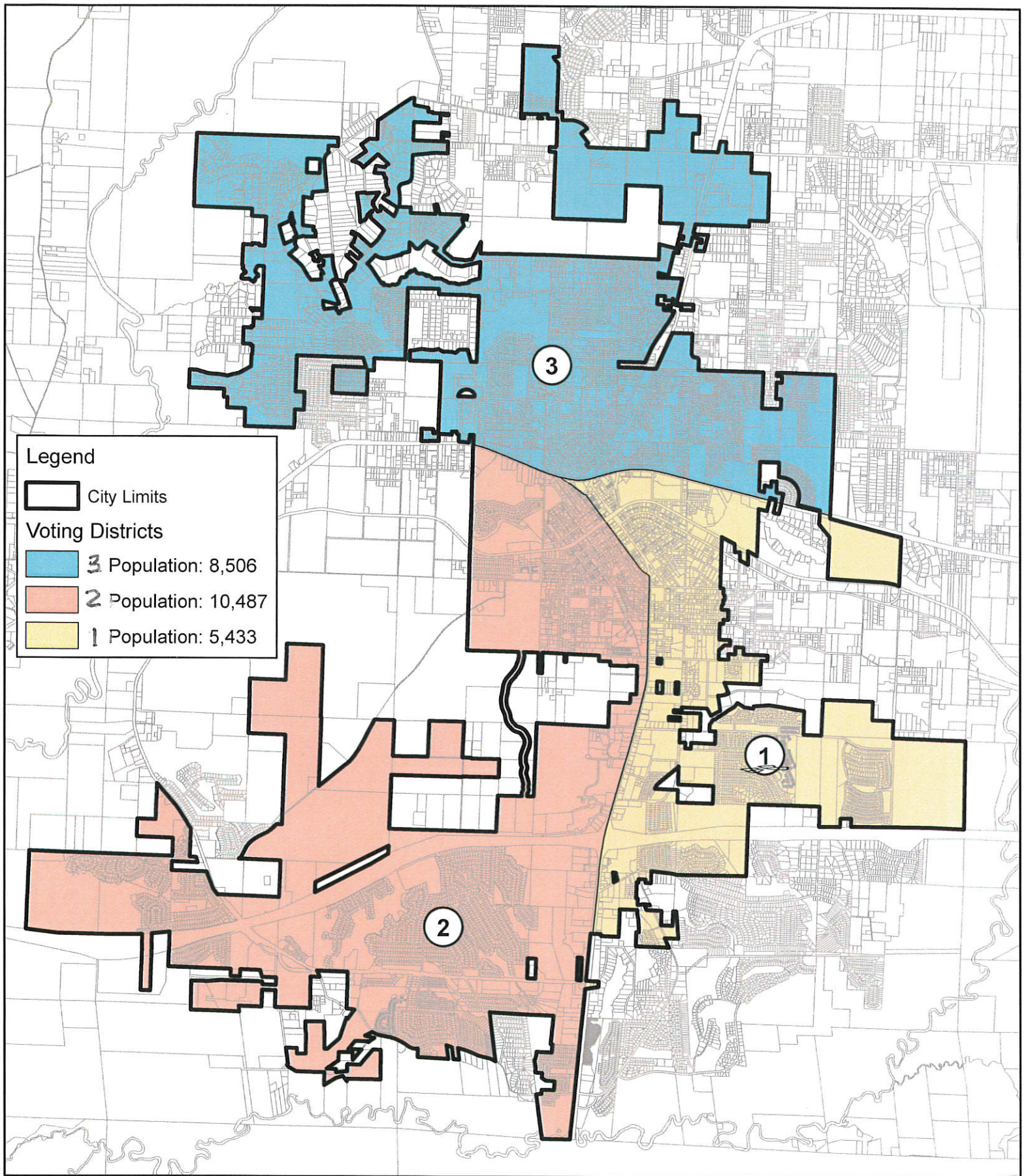
The cost of changing the precincts would be included in the total cost of the Charter amendment Referendum, if approved by Council

RECOMMENDED ACTION

Staff respectfully requests that the council review the attached Voting District Maps and direct staff on how to proceed.

Attachments

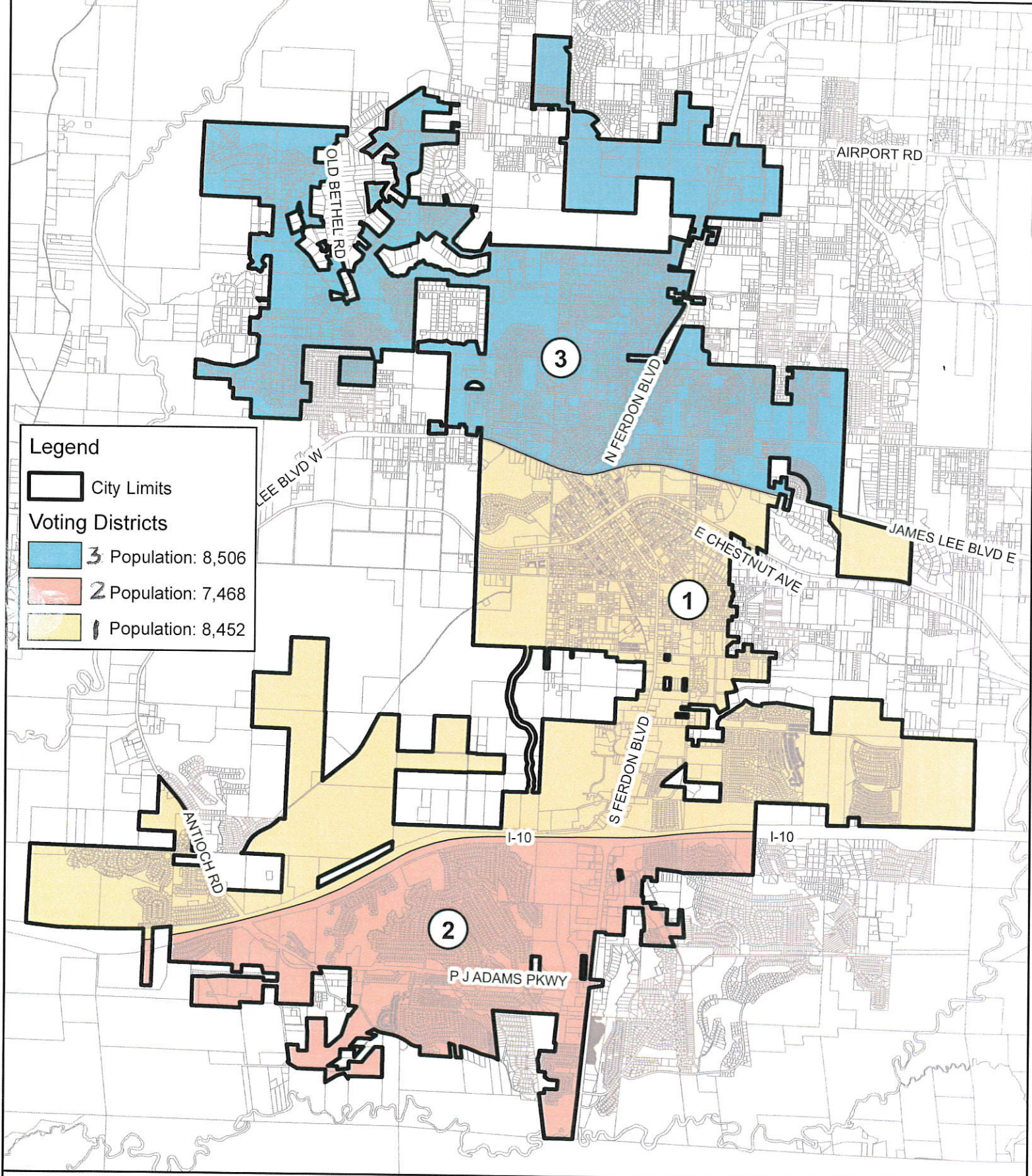
1. Voting Districts (1)
2. Voting Districts 1st Proposal
3. Voting Districts 2nd Proposal



City of Crestview Voting Districts

Parcel Information provided by Okaloosa County GIS Department
Population Estimates derived from Esri 2019 Total Population Dataset



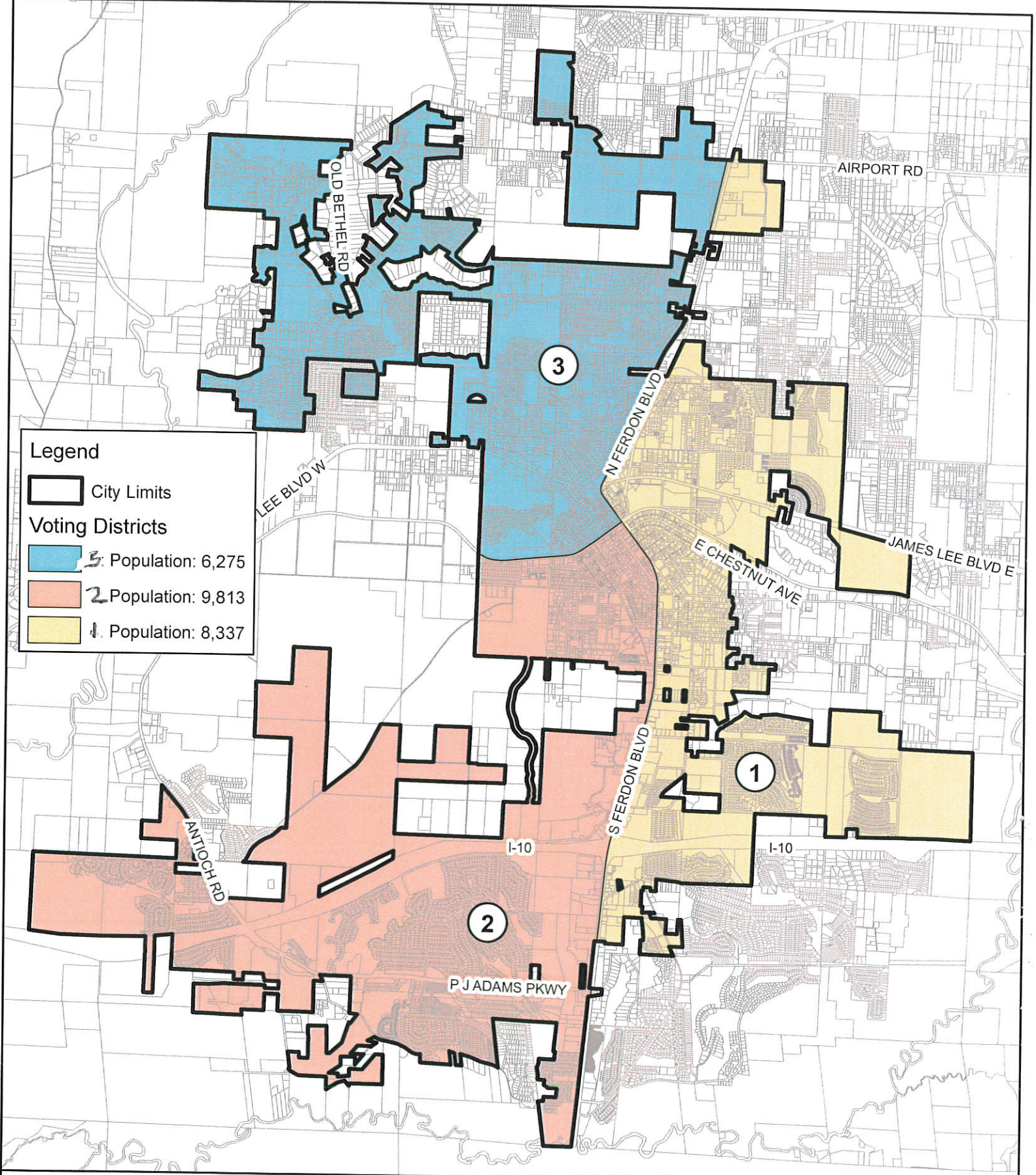


City of Crestview Voting Districts 1st Change Proposal

Parcel Information provided by Okaloosa County GIS Department
Population Estimates derived from Esri 2019 Total Population Dataset



Prepared 2/12/20



Not to Scale

City of Crestview Voting Districts 2nd Change Proposal

Parcel Information provided by Okaloosa County GIS Department
Population Estimates derived from Esri 2019 Total Population Dataset



Prepared 2/13/20



Staff Report

CITY COUNCIL MEETING DATE: February 24, 2020

TYPE OF AGENDA ITEM: Action Item

TO: Mayor and City Council
CC: City Manager, City Clerk, Staff and Attorney
FROM: Tim Bolduc, City Manager
DATE: 2/21/2020
SUBJECT: Election Date

BACKGROUND:

It has been requested of Staff to investigate changing City Election date from March of Odd numbered years to coincide with the General election dates in Even numbered years.

DISCUSSION:

This can be accomplished without changing the current terms of seated Officials.

If approved in August, it could be effective with the general election this year.

How it would work:

Election for City Officials would occur in the November general election every even numbered year.

Those elected would not take office until April 1 of the Following year, keeping the terms the same as they are now.

Those elected could begin to gather knowledge about their role in the Council, HOWEVER, they would be subject to sunshine and could not discuss items with the sitting council members.

City Staff members would have to use discretion and not be a conduit for a violation of the sunshine law.

If a sitting member of the council or mayor that was not re-elected in November, and chooses to resign from the council/mayor seat before April 1 of the following year, the sitting council members could appoint the newly elected council member/mayor to fill the seat until April 1.

GOALS & OBJECTIVES

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

Foundational- these are the four areas of focus that make up the necessary foundation of a successful local government.

Financial Sustainability- Achieve long term financial sustainability

Organizational Capacity, Effectiveness & Efficiency- To efficiently & effectively provide the highest quality of

public services

Infrastructure- Satisfy current and future infrastructure needs

Communication- To engage, inform and educate public and staff

Quality of Life- these six areas focus on the overall experience when provided by the city.

Community Character- Promote desirable growth with a hometown atmosphere

Safety- Ensure the continuous safety of citizens and visitors

Mobility- Provide safe, efficient and accessible means for mobility

Opportunity- Promote an environment that encourages economic and educational opportunity

Play- Expand recreational and entertainment activities within the City

Community Culture- Develop a specific identity for Crestview

FINANCIAL IMPACT

There is no financial impact to the City of Crestview other than the previously stated election costs.

RECOMMENDED ACTION

Staff respectfully request direction from City Council on this potential question.

Attachments

None