



# City of Pensacola

## City Council

### Agenda - Final

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Monday, April 10, 2017, 3:30 PM

Council Chambers, 1st Floor

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**SPECIAL MEETING - Discussion / Action on Mayor's Veto of Council's March 9th  
action regarding a Budget Analyst**

MEETING TO BE HELD IN HAGLER/MASON CONFERENCE ROOM, 2ND  
FLOOR OF CITY HALL

Special City Council Meeting Called At The Request Of the Council President for the  
following purpose:

#### ROLL CALL

#### ACTION ITEMS

1. [17-00263](#) MAYOR ASHTON HAYWARD'S VETO OF MARCH 14, 2017 OF THE CITY COUNCIL ACTION ITEM #17-00186, "BEGIN THE PROCESS FOR HIRING A BUDGET ANALYST", PASSED BY CITY COUNCIL ON MARCH 9, 2017.

**Recommendation:** That City Council determine whether they wish to move forward with a vote to override Mayor Ashton Hayward's Veto, dated March 14, 2017, of City Council legislative action item #17-00186 pertaining to the City Council beginning the process of hiring a Budget Analyst, which City Council passed on March 9, 2017, or proceed pursuant to their original vote, basing that decision on the enumerated powers of the City Council as set forth within the City Charter.

**Sponsors:** Brian Spencer

**Attachments:** [Ordinance No. 28-14, Creating Charter Amendment](#)  
[Ordinance No. 05-15, Creating the Office of City Council](#)  
[Ordinance # 10-16, Establishing Position of Budget Analyst](#)  
[Organizational Chart for Office of City Council](#)  
[September 14, 2016 Council Report](#)  
[March 9, 2017 Council Report](#)  
[March 14, 2017 Veto Memos from Mayor Hayward](#)  
[Section 4.02, City Charter](#)

2. [17-00260](#) OVERRIDE MAYOR ASHTON HAYWARD'S VETO OF MARCH 14, 2017 OF THE CITY COUNCIL ACTION ITEM #17-00186, BEGIN THE PROCESS FOR HIRING A BUDGET ANALYST, PASSED BY CITY COUNCIL ON MARCH 9, 2017.

**Recommendation:** That City Council vote to override Mayor Ashton Hayward's Veto, dated March 14, 2017, of City Council legislative action item #17-00186 pertaining to the City Council beginning the process of hiring a Budget Analyst, which City Council passed on March 9, 2017.

**Sponsors:** Sherri Myers

**Attachments:** [Ordinance No. 28-14, Creating Charter Amendment](#)  
[Ordinance No. 05-15, Creating the Office of City Council](#)  
[Ordinance No.10-16, Establishing the Position of Budget Analyst](#)  
[Organizational Chart for Office of City Council](#)  
[September 14, 2016 Council Report](#)  
[March 9, 2017 Council Report](#)  
[March 14, 2017 Veto Memos from Mayor Hayward](#)  
[Section 4.02, City Charter](#)

3. [17-00261](#) OVERRIDE MAYOR ASHTON HAYWARD'S VETO OF MARCH 14, 2017 OF THE CITY COUNCIL ACTION ITEM #17-00186, BEGIN THE PROCESS FOR HIRING A BUDGET ANALYST, PASSED BY CITY COUNCIL ON MARCH 9, 2017

**Recommendation:** That City Council vote to override Mayor Ashton Hayward's Veto, dated March 14, 2017, of City Council legislative action item #17-00186 pertaining to the City Council beginning the process of hiring a Budget Analyst, which City Council passed on March 9, 2017.

**Sponsors:** Jewel Cannada-Wynn

**Attachments:** [Ordinance No. 28-14, Creating Charter Amendment](#)  
[Ordinance No. 05-15, Creating the Office of City Council](#)  
[Ordinance No. 10-16, Establishing Position of Budget Analyst](#)  
[Organizational Chart for Office of City Council](#)  
[September 14, 2016 Council Report](#)  
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[March 14, 2017 Veto Memos from Mayor Hayward](#)  
[Section 4.02, City Charter](#)

## ADJOURNMENT

*If any person decides to appeal any decision made with respect to any matter considered at such meeting, he will need a record of the proceedings, and that for such purpose he 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 of Pensacola adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to City services, programs and activities. Please call 435-1606 (or TDD 435-1666) for further information. Request must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.*



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 17-00263

City Council

4/10/2017

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### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** City Council President Brian Spencer

**SUBJECT:**

MAYOR ASHTON HAYWARD'S VETO OF MARCH 14, 2017 OF THE CITY COUNCIL ACTION ITEM #17-00186, "BEGIN THE PROCESS FOR HIRING A BUDGET ANALYST", PASSED BY CITY COUNCIL ON MARCH 9, 2017.

**RECOMMENDATION:**

That City Council determine whether they wish to move forward with a vote to override Mayor Ashton Hayward's Veto, dated March 14, 2017, of City Council legislative action item #17-00186 pertaining to the City Council beginning the process of hiring a Budget Analyst, which City Council passed on March 9, 2017, or proceed pursuant to their original vote, basing that decision on the enumerated powers of the City Council as set forth within the City Charter.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

On November 4, 2014 the citizens of Pensacola passed, via referendum vote, a Charter Amendment stating in part, "The City Council shall establish an Office of the City Council and shall have as its staff the following who shall be responsible to the City Council through the President of the Council:...Budget Analyst, Legal Aide, Council Executive, Executive Assistant, Other Staff..." This amendment is found within the City Charter under the enumerated Powers and Duties of the City Council, Section 4.02(a) (6).

On February 12 (first reading) and March 12 (second reading and adoption), 2015, the Office of City Council was established through Ordinance No. 05-15, each passing without a Mayoral Veto being offered.

On March 17 (first reading) and April 14 (second reading and adoption), 2016, the position of Budget Analyst to the City Council was established (in accordance with City Charter 4.02(a) (6) via Ordinance No. 10-16, each passing without a Mayoral Veto being offered.

A 2016-2017 proposed budget was offered by the Mayor wherein funds were allocated for City Council Staff; also included was an organizational chart showing the position of Budget Analyst to the City Council. This proposed budget was approved by the City Council on September 14, 2016, passing without a Mayoral Veto being offered.

On March 9, 2017 the City Council passed a Legislative Action item to, “...begin the hiring process for a Budget Analyst in accordance with City Charter 4.02(a) (6).”

On March 14, 2017 City Council was notified of the Mayoral Veto of this Legislative Action item, an item which functioned as an implementation of City Charter and in accordance with previously adopted City Ordinances.

The Charter of the City of Pensacola provides for enumerated Powers and Duties as an expressed will of the Citizens of Pensacola. Therefore, the City Council must determine whether they wish to move forward with a vote to override the veto, or proceed pursuant to their original vote, basing that decision on the enumerated powers of the City Council as set forth within the City Charter.

**PRIOR ACTION:**

July 14, 2014 - City Council approved on first reading, Proposed Ordinance No. 31-14, a Charter Amendment Ordinance placing the “Office of City Council” on the November 2014 ballot

August 11, 2014 - City Council adopted Ordinance No. 28-14, a Charter Amendment Ordinance placing the “Office of City Council” on the November 2014 ballot

November 4, 2014 - Charter Amendment passed via referendum vote requiring the City Council to establish the Office of the City Council and to adopt by ordinance the position of Budget Analyst

February 12, 2015 - City Council approved on first reading, Proposed Ordinance No. 05-15, creating Section 2-2-10 of the City Code, creating the Office of City Council in accordance with City Charter 4.02(a)(6)

March 12, 2015 - City Council adopted Ordinance No. 05-15, creating the Office of City Council.

March 17, 2016 - City Council approved, on first reading, Proposed Ordinance No. 05-16, an ordinance creating Section 2-4-52 of the City Code, creating the position of Budget Analyst to the City Council in accordance with City Charter 4.02(a)(6)

April 14, 2016 - City Council adopted Ordinance No. 10-16, creating the position of Budget Analyst to the City Council

September 7, 2016 - City Council conducted first public hearing on the 2016-2017 City Budget and approved a tentative budget by Resolution No. 29-16

September 14, 2016 - City Council adopted the 2016-2017 City Budget by Resolution No. 32-16

March 9, 2017 - City Council passed a Legislative Action Item #17-00186 to begin the process for hiring a Budget Analyst to the City Council

March 14, 2017 - Mayor Hayward exercised Veto of Legislative Action Item #17-00186

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

None

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

- 1) Ordinance No. 28-14, Creating Charter Amendment
- 2) Ordinance No. 05-15, Creating the Office of City Council
- 3) Ordinance No. 10-16, Establishing Position of Budget Analyst
- 4) Organizational Chart for Office of City Council
- 5) September 14, 2016 Council Report
- 6) March 9, 2017 Council Report
- 7) March 14, 2017 Veto Memos from Mayor Hayward
- 8) Section 4.02, City Charter

**PRESENTATION:** No

PROPOSED  
ORDINANCE NO. 31-14

ORDINANCE NO. 28-14

AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER OF THE CITY OF PENSACOLA, FLORIDA; AMENDING SEC. 4.02 OF THE CHARTER TO ADD SUBSECTION (a)(6); PROVIDING THE CITY COUNCIL WITH AUTHORITY TO HIRE ITS OWN STAFF INDEPENDENT OF THE MAYOR'S AUTHORITY TO HIRE CITY OFFICERS AND EMPLOYEES; PROVIDING FOR A REFERENDUM THEREON; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. The City Council calls for the holding of a referendum of the electors of the City of Pensacola on November 4, 2014, to consider and vote for or against the approval of the proposed amendment to the City Charter.

SECTION 2. The Supervisor of Elections of Escambia County is hereby appointed as the clerk of a municipal election to be held on November 4, 2014.

SECTION 3. The City of Pensacola 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 revision.

SECTION 4. The language to appear on the ballot of the referendum on the proposed City Charter revision shall be:

QUESTION

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**PERTAINING TO CITY COUNCIL AUTHORITY TO HIRE ITS OWN STAFF  
INDEPENDENT OF THE MAYOR**

Shall the City of Pensacola amend its current Charter to provide the City Council with the authority to hire its own staff independent of the Mayor's authority to hire all City officers and employees?

YES - For granting the City Council the power to hire its own staff independent of the Mayor's authority to hire all City officers and employees - \_\_\_\_\_

NO - Against granting the City Council the power to hire its own staff independent of the Mayor's authority to hire all City officers and employees - \_\_\_\_\_

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

SECTION 6. In the event the foregoing proposal is approved by a majority of the electors voting on the proposal, the following provision of the Charter for the City of Pensacola shall be added to Section 4.02 (a) of the existing Charter, to wit:

**Section 4.02. City Council.**

**(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:

...

(6) The City Council shall establish an Office of the City Council and shall have as its staff the following who shall be responsible to the City Council through the President of the Council: (a) Budget Analyst. The City Council is authorized to employ a Budget Analyst or an individual with similar qualifications, pursuant to the City's position classification code, to assist in the budgetary matters of the City Council. The City Council, by ordinance, shall define the qualifications, pay and responsibilities of said employee in accordance with the City's position classification code. The employee shall be subject to termination by a majority vote of the City Council; (b) Legal Aide. The City Council may appoint one assistant city attorney, whose salary shall be in accordance with those established for other assistant city attorneys. Said assistant city attorney shall (1) serve only in an advisory capacity to the City Council, and shall perform only such duties of a technical nature, including drafting of ordinances, legal research and providing advisory opinions, as requested by the City Council through its President, (2) perform such other duties required of him by the city attorney with the concurrence of the President of the City Council, (3) be subject to termination by a majority vote of the City Council; and (4) be responsible to the City Council through the President of the Council. Said assistant city attorney shall not file suit or bring or defend any action in court on behalf of the City Council, the Mayor, the several departments, officers and boards of the City government except with written authorization of the City Attorney. No action or opinion of said assistant city attorney shall be construed to be the official legal position of the City, and such official legal positions and actions shall be solely within the scope and powers and duties of the City Attorney; (c) Council Executive. The City Council is authorized to hire a Council Executive. The City Council shall define the qualifications, pay and responsibilities of said employee in accordance with the City's position classification code. The employee shall be subject to termination by a majority vote of the City Council; (d) The City Council is authorized to hire an Executive Assistant. The City Council shall define the qualifications, pay and responsibilities of said employee in accordance with the City's position classification code. The employee shall be subject to termination by a majority vote of the City Council; and (e) Other Staff. The City Council may create and fill other staff positions for the purpose of assisting it in the performance of its legislative function.



SECTION 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8. This ordinance shall take effect immediately upon its passage by the City Council.

Passed: August 11, 2014

Approved: *Jewel Canna-La-Way*  
President of City Council

Attest:

*Cricka L. Burnett*  
City Clerk

PROPOSED  
ORDINANCE NO. 05-15

ORDINANCE NO. 05-15

AN ORDINANCE OF THE CITY OF PENSACOLA, FLORIDA, CREATING SECTION 2-2-10 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ESTABLISHING AN OFFICE OF THE CITY COUNCIL; PROVIDING FOR THE STAFFING OF THE CITY COUNCIL PURSUANT TO REQUIREMENTS OF THE CITY CHARTER; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 2-2-10 of the Code of the City of Pensacola, Florida, is hereby created to read:

**Sec. 2-2-10. Office of the City Council.**

Pursuant to the requirements of Sec. 4.02 (a) (6) of the Charter of the City of Pensacola, Florida, there is hereby created and established the Office of the City Council, with staffing, duties and responsibilities in accordance with the following criteria:

1. The City Council is authorized to employ staff to fill the following positions or discharge the following functions: Budget Analyst, Assistant City Attorney, Council Executive, Executive Assistant, and such other staff as may be deemed warranted in the performance of Council's legislative function.
2. All positions filled by the City Council shall conform to the requirements of the City Charter.
3. Each approved position shall be filled by majority vote of the City Council, and each employee so hired shall be regarded as an "at will" employee under Florida law and shall serve at the pleasure of the City Council. A majority vote of City Council shall be required to remove any employee so employed.
4. The compensation and fringe benefits of each employee hired shall be fixed by Council in accordance with the pay plan and employee benefits extended to comparably employed employees of the City of Pensacola. Each employment contract shall be executed by the Council President.
5. All employees of the Office of City Council shall be regarded as employees of the City of Pensacola, shall be responsible to the City Council through the President of the Council and shall be supervised by the Council Executive.

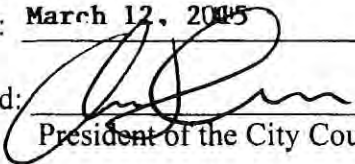
6. In the performance of their duties, the staff of the Office of City Council shall be directed by the Council President or by formal Council action.

SECTION 2. If any word, phrase, clause, paragraph, section 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 provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

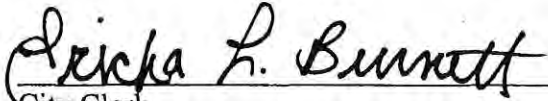
SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall become effective on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: March 12, 2005

Approved:   
President of the City Council

Attest:

  
City Clerk

PROPOSED  
ORDINANCE NO. 05-16

ORDINANCE NO. 10-16

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 2-4 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; CREATING SECTION 2-4-52 TO PROVIDE FOR THE CREATION OF THE POSITION OF BUDGET ANALYST TO THE CITY COUNCIL; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 2-4-52 of the Code of the City of Pensacola, Florida is hereby created to read as follows:

Sec. 2-4-52. – Budget Analyst.

- (a) *Legislative findings.* The City Council is authorized to create the position of Budget Analyst in accordance with Section 4.02(6) of the City Charter.
- (b) *Establishment.* There is hereby created the position of Budget Analyst whose designated function is to assist the City Council in the conduct of budgetary inquiries, analyses and making budgetary decisions.
- (c) *Qualifications.* Appointees serving as the Budget Analyst shall have the professional qualifications of a college degree in accounting, finance, or budget analysis and one (1) year of experience in accounting, finance and budget analysis. Two (2) years of pertinent experience may be substituted for each year of college lacking.
- (d) *Classification and Salary.* The City's position classification code classifies the position of Budget Analyst as GE-09. This classification carry's a salary range of \$26,270 - \$43,868 as set forth in the City's Pay Scale Summary.
- (e) *Duties.* The duties of the Budget Analyst shall include:
  - 1. Providing a formal, comprehensive review and analysis of the proposed annual budget.
  - 2. Gathering, organizing, and analyzing data and information relative to budgetary issues.
  - 3. Providing comparative studies of other cities as they relate to municipal finance.
  - 4. Engaging in fiscal forecasting and planning.
  - 5. Analyzing the city's past, current, and proposed revenues and expenditures.
  - 6. Reviewing existing and potential tax revenues.

7. Analyzing federal, state, and local programs to determine sources of funding and appropriate expenditure options.
8. Reviewing the economic effects of proposed legislation.
9. Preparing fiscal and economic project analysis as directed by the City Council.
10. Providing policy research and fiscal analysis on proposed legislation.
11. Preparing such other reports relating to budgetary and legislative policy concerns directed by the City Council.
12. Making recommendations to the City Council in connection with the analysis, studies, and reports described herein.

(f) *Appointment and Removal.* The City Council shall appoint and may remove the Budget Analyst from office by a majority vote of the members of the City Council at any time, with or without cause.

SECTION 3. If any word, phrase, clause, paragraph, section 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 provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

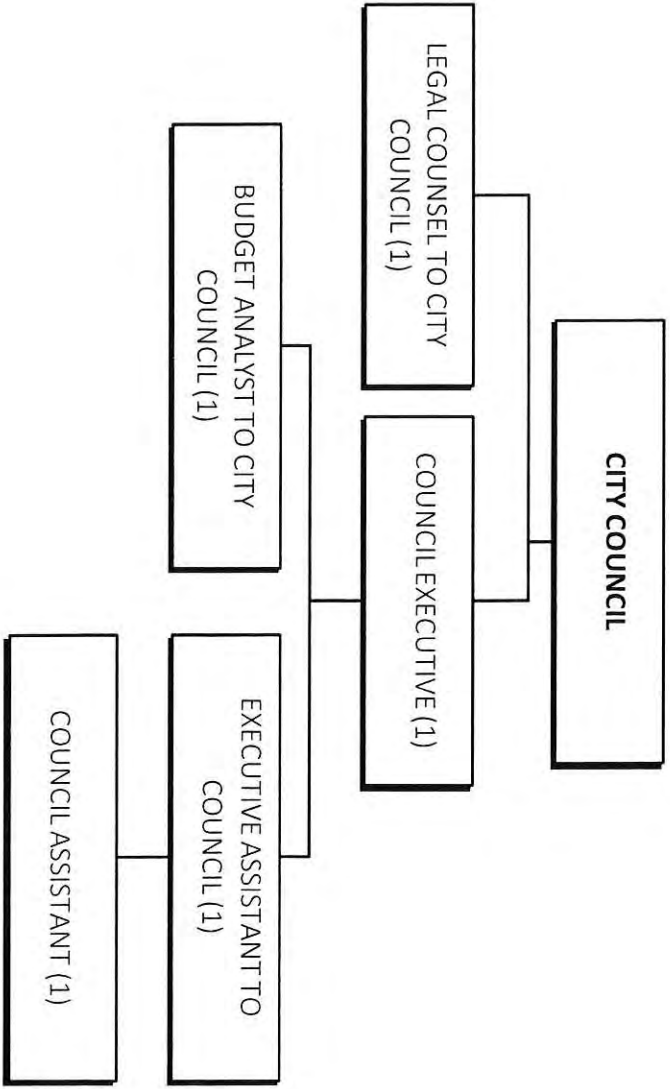
Adopted: April 14, 2016

Approved:   
President of City Council

Attest:

  
City Clerk

# CITY COUNCIL



Total Positions: 5

# Report of City Council Action Items – Special Meeting

September 14, 2016



**Members Present:** Council President Charles Bare, Vice President Brian Spencer, Jewel Cannada-Wynn, Larry B. Johnson, Sherri Myers, Andy Terhaar, and Gerald Wingate

**Absent:** P. C. Wu

1. FINALLY LEVYING AN AD VALOREM TAX FOR THE CITY OF PENSACOLA AND THE DOWNTOWN IMPROVEMENT DISTRICT FOR FISCAL YEAR BEGINNING OCTOBER 1, 2016

RESOLUTION NO. 31-16: **MOTION TO APPROVE**

A RESOLUTION FINALLY LEVYING AN AD VALOREM PROPERTY TAX FOR THE CITY OF PENSACOLA INCLUDING THE DOWNTOWN IMPROVEMENT DISTRICT FOR 2016; PROVIDING AN EFFECTIVE DATE.

*The motion passed unanimously.*

2. ADOPTING A FINAL BUDGET FOR THE CITY OF PENSACOLA FOR FISCAL YEAR BEGINNING OCTOBER 1, 2016

RESOLUTION NO. 32-16: **MOTION TO APPROVE**

A RESOLUTION ADOPTING A FINAL BUDGET FOR THE CITY OF PENSACOLA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016; MAKING FINAL APPROPRIATIONS FOR THE PAYMENT OF THE EXPENSES OF THE CITY GOVERNMENT AND ALL DEPARTMENTS THEREOF AND FOR THE PAYMENT ON ACCOUNT OF THE BONDED INDEBTEDNESS OF THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016; PROVIDING AN EFFECTIVE DATE.

*The motion passed 6 - 1. Council President Bare dissenting.*

3. ADOPTING A FINAL BUDGET FOR THE DOWNTOWN IMPROVEMENT BOARD FOR FISCAL YEAR BEGINNING OCTOBER 1, 2016

RESOLUTION NO. 33-16: **MOTION TO APPROVE**

A RESOLUTION ADOPTING A FINAL BUDGET FOR THE CITY OF PENSACOLA DOWNTOWN IMPROVEMENT BOARD FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016; PROVIDING AN EFFECTIVE DATE.

*The motion passed unanimously.*

16. 09-17 PROPOSED ORDINANCE NO. 09-17 - CREATING SEC. 8-1-28 OF THE CITY CODE - PROHIBITING SOLICITATION OF DONATIONS UPON PUBLIC SIDEWALKS AND RIGHTS-OF-WAY IN THE DOWNTOWN VISITORS' DISTRICT

**Sponsors:** Ashton J. Hayward, III, Brian Spencer

**Indexes:**

**Attachments:** Proposed Ordinance No. 09-17

Letter from John Peacock, DIB Chairman

DIB Panhandling Ordinance Boundary Map

postponed

17. 17-00114 AMENDMENT TO CITY COUNCIL RULES AND PROCEDURES; SECTION 2.07 - CONSENT AGENDA

**Sponsors:** Brian Spencer

**Indexes:**

**Attachments:** Proposed Amendment to Section 2.07 - City Council Rules and Procedures - Spencer

approved

**Yes:** 5 - Spencer, Wingate, Terhaar, Cannada-Wynn, and Wu

**Absent:** 2 - Johnson, and Myers

18. 17-00186 BUDGET ANALYST TO THE CITY COUNCIL

**Sponsors:** Jewel Cannada-Wynn

**Indexes:**

**Attachments:** Proposal--Budget Analyst Rev (002)

Job Description--Budget Analyst

City Attorney Opinion - Council Budget Analyst

EMAIL TRANSMITTAL MAYORAL VETO

approved

**Yes:** 5 - Spencer, Wingate, Terhaar, Cannada-Wynn, and Wu

**Absent:** 2 - Johnson, and Myers



OFFICE of the MAYOR

**MEMORANDUM**

TO: Brian Spencer, President of City Council  
City Council Members

FROM: Ashton J. Hayward, III, Mayor AA

DATE: March 14, 2017

SUBJECT: Veto of Council Action on March 9, 2017

Mr. President and Members of the City Council,

On March 9, 2017, City Council took action to begin the process of hiring a Budget Analyst to the City Council. As Councilmember Wingate stated, the City of Pensacola currently has full-time staff that provides analysis of the City's budget. There are more pressing needs within the City of Pensacola that would directly benefit the taxpayers. Therefore, I am vetoing this action.

As always, my staff and I stand ready to provide any information and assistance you need in order to discharge your duties, and I encourage each of you to contact me at any time with any questions or concerns you may have.

OFFICE of the MAYOR

**MEMORANDUM**

TO: Brian Spencer, President of City Council  
FROM: Ashton J. Hayward, III, Mayor *AH*  
DATE: March 14, 2017  
SUBJECT: Exercise of Veto Power Pursuant to Article IV, Section 4.01(a)(10)  
Charter for the City of Pensacola

I hereby exercise my veto power pursuant to the Charter of the City of Pensacola, Article IV, Section 4.01(a)(10) and veto the action taken by City Council on March 9, 2017 regarding item #17-00186, the hiring of a Budget Analyst to the City Council.

cc: City Council

## **Section 4.02. City Council.**

**(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 inquire into the conduct of any municipal office, department, agency or officer and to investigate municipal affairs, and for that purpose, may subpoena witnesses, administer oaths and compel the production of books, papers, or other evidence.

(4) To override the Mayor's veto of an ordinance or resolution by an affirmative vote of at least a majority plus one (1) of the Council Members.

(5) 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.

(6) The City Council shall establish an Office of the City Council and shall have as its staff the following who shall be responsible to the City Council through the President of the Council:

(a) Budget Analyst. The City Council is authorized to employ a Budget Analyst or an individual with similar qualifications, pursuant to the City's position classification code, to assist the budgetary matters of the City Council. The City Council, by ordinance, shall define the qualifications, pay and responsibilities of said employee in accordance with the City's position classification code. The employee shall be subject to termination by a majority vote of the City Council; (b) Legal Aide. The City Council may appoint one assistant city attorney, whose salary shall be in accordance with those established for other assistant city attorneys. Said assistant city attorney shall (1) serve only in an advisory capacity to the City Council, and shall perform only such duties of a technical nature, including drafting of ordinances, legal research and providing advisory opinions, as requested by the City Council through its President, (2) perform such other duties required of him by the city attorney with the concurrence of the President of the City Council, (3) be subject to termination by a majority vote of the City Council; and (4) be responsible to the City Council through the President of the Council. Said assistant city attorney shall not file suit or bring or defend any action in court on behalf of the City Council, Mayor, the several departments, officers, and boards of the City government except with written authorization of the City Attorney. No action or opinion of said assistant city attorney shall be construed to be the official legal position of the City, and such official legal positions and actions shall be solely within the scope and powers and duties of the City Attorney; (c) Council Executive. The City Council is authorized to hire a Council Executive. The City Council shall define the qualifications, pay and responsibilities of said employee in accordance with the City's position classification

code. The employee shall be subject to termination by a majority vote of the City Council; (d) Executive Assistant. The City Council is authorized to hire an Executive Assistant. The City Council shall define the qualifications, pay and responsibilities of said employee in accordance with the City's position classification code. The employee shall be subject to termination by a majority vote of the City Council; and (e) Other Staff. The City Council may create and fill other staff positions for the purpose of assisting it in the performance of its legislative function.

**(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 moving of a Council Member from the district 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 shall be filled within thirty (30) days after the vacancy occurs. The appointed Council Member shall 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) The Council Member appointed by the Council must meet the qualifications for office as set forth in 6.03 of this Charter at the time of appointment.

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



## Memorandum

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File #: 17-00260

City Council

4/10/2017

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### LEGISLATIVE ACTION ITEM

**SPONSOR:** City Council Member Sherri F. Myers

**SUBJECT:**

OVERRIDE MAYOR ASHTON HAYWARD'S VETO OF MARCH 14, 2017 OF THE CITY COUNCIL ACTION ITEM #17-00186, BEGIN THE PROCESS FOR HIRING A BUDGET ANALYST, PASSED BY CITY COUNCIL ON MARCH 9, 2017.

**RECOMMENDATION:**

That City Council vote to override Mayor Ashton Hayward's Veto, dated March 14, 2017, of City Council legislative action item #17-00186 pertaining to the City Council beginning the process of hiring a Budget Analyst, which City Council passed on March 9, 2017.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

On November 4, 2014 the citizens of Pensacola passed, via referendum vote, a Charter Amendment stating in part, "The City Council shall establish an Office of the City Council and shall have as its staff the following who shall be responsible to the City Council through the President of the Council:...Budget Analyst, Legal Aide, Council Executive, Executive Assistant, Other Staff...." This amendment is found within the City Charter under the enumerated Powers and Duties of the City Council, Section 4.02(a) (6).

On February 12 (first reading) and March 12 (second reading and adoption) of 2015, the Office of City Council was established through Ordinance No. 05-15, each passing without a Mayoral Veto being offered.

On March 17 (first reading) and April 14 (second reading and adoption) of 2016, the position of Budget Analyst to the City Council was established (in accordance with City Charter 4.02(a) (6) via Ordinance No. 10-16, each passing without a Mayoral Veto being offered.

A 2016-2017 proposed budget was offered by the Mayor wherein funds were included for City Council Staff; also included was an organizational chart showing the position of Budget Analyst to the City Council. This proposed budget was approved by the City Council on September 14, 2016, passing without a Mayoral Veto being offered.

On March 9, 2017 the City Council passed a Legislative Action item to, "...begin the hiring process for a

Budget Analyst in accordance with City Charter 4.02(a) (6).”

On March 14, 2017 City Council was notified of the Mayoral Veto of this Legislative Action item, an item which functioned as an implementation of City Charter and in accordance with previously adopted City Ordinances.

The Charter of the City of Pensacola provides for enumerated Powers and Duties as an expressed will of the Citizens of Pensacola; it is therefore imperative that City Council override this Veto action of the Mayor in order to protect the will of the people.

**PRIOR ACTION:**

July 14, 2014 - City Council approved on first reading, Proposed Ordinance No. 31-14, a Charter Amendment Ordinance placing the “Office of City Council” on the November 2014 ballot

August 11, 2014 - City Council adopted Ordinance No. 28-14, a Charter Amendment Ordinance placing the “Office of City Council” on the November 2014 ballot

November 4, 2014 - Charter Amendment passed via referendum vote requiring the City Council to establish the Office of the City Council and to adopt by ordinance the position of budget analyst

February 12, 2015 - City Council approved on first reading, Proposed Ordinance No. 05-15, creating Section 2-2-10 of the City Code, creating the Office of City Council in accordance with City Charter 4.02(a)(6)

March 12, 2015 - City Council adopted Ordinance No. 05-15, creating the Office of City Council.

March 17, 2016 - City Council approved, on first reading, Proposed Ordinance No. 05-16, an ordinance creating Section 2-4-52 of the City Code, creating the position of Budget Analyst to the City Council in accordance with City Charter 4.02(a)(6)

April 14, 2016 - City Council adopted Ordinance No. 10-16, creating the position of Budget Analyst to the City Council

September 7, 2016 - City Council conducted first public hearing on the 2016-2017 City Budget and approved a tentative budget by Resolution No. 29-16

September 14, 2016 - City Council adopted the 2016-2017 City Budget by Resolution No. 32-16

March 9, 2017 - City Council passed a Legislative Action Item #17-00186 to begin the process for hiring a Budget Analyst to the City Council

March 14, 2017 - Mayor Hayward exercised Veto of Legislative Action Item #17-00186

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

None

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

- 1) Ordinance No. 28-14, Creating Charter Amendment
- 2) Ordinance No. 05-15, Creating the Office of City Council
- 3) Ordinance No. 10-16, Establishing Position of Budget Analyst
- 4) Organizational Chart for Office of City Council
- 5) September 14, 2016 Council Report
- 6) March 9, 2017 Council Report
- 7) March 14, 2017 Veto Memos from Mayor Hayward

**PRESENTATION:** No

PROPOSED  
ORDINANCE NO. 31-14

ORDINANCE NO. 28-14

AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER OF THE CITY OF PENSACOLA, FLORIDA; AMENDING SEC. 4.02 OF THE CHARTER TO ADD SUBSECTION (a)(6); PROVIDING THE CITY COUNCIL WITH AUTHORITY TO HIRE ITS OWN STAFF INDEPENDENT OF THE MAYOR'S AUTHORITY TO HIRE CITY OFFICERS AND EMPLOYEES; PROVIDING FOR A REFERENDUM THEREON; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. The City Council calls for the holding of a referendum of the electors of the City of Pensacola on November 4, 2014, to consider and vote for or against the approval of the proposed amendment to the City Charter.

SECTION 2. The Supervisor of Elections of Escambia County is hereby appointed as the clerk of a municipal election to be held on November 4, 2014.

SECTION 3. The City of Pensacola 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 revision.

SECTION 4. The language to appear on the ballot of the referendum on the proposed City Charter revision shall be:

QUESTION

-----  
**PERTAINING TO CITY COUNCIL AUTHORITY TO HIRE ITS OWN STAFF  
INDEPENDENT OF THE MAYOR**

Shall the City of Pensacola amend its current Charter to provide the City Council with the authority to hire its own staff independent of the Mayor's authority to hire all City officers and employees?

YES - For granting the City Council the power to hire its own staff independent of the Mayor's authority to hire all City officers and employees - \_\_\_\_\_



NO - Against granting the City Council the power to hire its own staff independent of the Mayor's authority to hire all City officers and employees - \_\_\_\_\_

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

SECTION 6. In the event the foregoing proposal is approved by a majority of the electors voting on the proposal, the following provision of the Charter for the City of Pensacola shall be added to Section 4.02 (a) of the existing Charter, to wit:

**Section 4.02. City Council.**

**(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:

...

(6) The City Council shall establish an Office of the City Council and shall have as its staff the following who shall be responsible to the City Council through the President of the Council: (a) Budget Analyst. The City Council is authorized to employ a Budget Analyst or an individual with similar qualifications, pursuant to the City's position classification code, to assist in the budgetary matters of the City Council. The City Council, by ordinance, shall define the qualifications, pay and responsibilities of said employee in accordance with the City's position classification code. The employee shall be subject to termination by a majority vote of the City Council; (b) Legal Aide. The City Council may appoint one assistant city attorney, whose salary shall be in accordance with those established for other assistant city attorneys. Said assistant city attorney shall (1) serve only in an advisory capacity to the City Council, and shall perform only such duties of a technical nature, including drafting of ordinances, legal research and providing advisory opinions, as requested by the City Council through its President, (2) perform such other duties required of him by the city attorney with the concurrence of the President of the City Council, (3) be subject to termination by a majority vote of the City Council; and (4) be responsible to the City Council through the President of the Council. Said assistant city attorney shall not file suit or bring or defend any action in court on behalf of the City Council, the Mayor, the several departments, officers and boards of the City government except with written authorization of the City Attorney. No action or opinion of said assistant city attorney shall be construed to be the official legal position of the City, and such official legal positions and actions shall be solely within the scope and powers and duties of the City Attorney; (c) Council Executive. The City Council is authorized to hire a Council Executive. The City Council shall define the qualifications, pay and responsibilities of said employee in accordance with the City's position classification code. The employee shall be subject to termination by a majority vote of the City Council; (d) The City Council is authorized to hire an Executive Assistant. The City Council shall define the qualifications, pay and responsibilities of said employee in accordance with the City's position classification code. The employee shall be subject to termination by a majority vote of the City Council; and (e) Other Staff. The City Council may create and fill other staff positions for the purpose of assisting it in the performance of its legislative function.

SECTION 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8. This ordinance shall take effect immediately upon its passage by the City Council.

Passed: August 11, 2014

Approved: *Jewel C. ...*  
President of City Council

Attest:

*Cricka L. Burnett*  
City Clerk

PROPOSED  
ORDINANCE NO. 05-15

ORDINANCE NO. 05-15

AN ORDINANCE OF THE CITY OF PENSACOLA, FLORIDA, CREATING SECTION 2-2-10 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ESTABLISHING AN OFFICE OF THE CITY COUNCIL; PROVIDING FOR THE STAFFING OF THE CITY COUNCIL PURSUANT TO REQUIREMENTS OF THE CITY CHARTER; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 2-2-10 of the Code of the City of Pensacola, Florida, is hereby created to read:

**Sec. 2-2-10. Office of the City Council.**

Pursuant to the requirements of Sec. 4.02 (a) (6) of the Charter of the City of Pensacola, Florida, there is hereby created and established the Office of the City Council, with staffing, duties and responsibilities in accordance with the following criteria:

1. The City Council is authorized to employ staff to fill the following positions or discharge the following functions: Budget Analyst, Assistant City Attorney, Council Executive, Executive Assistant, and such other staff as may be deemed warranted in the performance of Council's legislative function.
2. All positions filled by the City Council shall conform to the requirements of the City Charter.
3. Each approved position shall be filled by majority vote of the City Council, and each employee so hired shall be regarded as an "at will" employee under Florida law and shall serve at the pleasure of the City Council. A majority vote of City Council shall be required to remove any employee so employed.
4. The compensation and fringe benefits of each employee hired shall be fixed by Council in accordance with the pay plan and employee benefits extended to comparably employed employees of the City of Pensacola. Each employment contract shall be executed by the Council President.
5. All employees of the Office of City Council shall be regarded as employees of the City of Pensacola, shall be responsible to the City Council through the President of the Council and shall be supervised by the Council Executive.

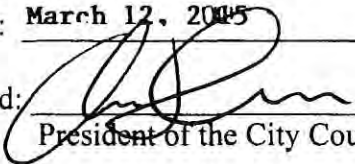
6. In the performance of their duties, the staff of the Office of City Council shall be directed by the Council President or by formal Council action.

SECTION 2. If any word, phrase, clause, paragraph, section 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 provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

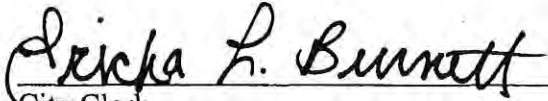
SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall become effective on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: March 12, 2005

Approved:   
President of the City Council

Attest:

  
City Clerk

PROPOSED  
ORDINANCE NO. 05-16

ORDINANCE NO. 10-16

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 2-4 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; CREATING SECTION 2-4-52 TO PROVIDE FOR THE CREATION OF THE POSITION OF BUDGET ANALYST TO THE CITY COUNCIL; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 2-4-52 of the Code of the City of Pensacola, Florida is hereby created to read as follows:

Sec. 2-4-52. – Budget Analyst.

- (a) *Legislative findings.* The City Council is authorized to create the position of Budget Analyst in accordance with Section 4.02(6) of the City Charter.
- (b) *Establishment.* There is hereby created the position of Budget Analyst whose designated function is to assist the City Council in the conduct of budgetary inquiries, analyses and making budgetary decisions.
- (c) *Qualifications.* Appointees serving as the Budget Analyst shall have the professional qualifications of a college degree in accounting, finance, or budget analysis and one (1) year of experience in accounting, finance and budget analysis. Two (2) years of pertinent experience may be substituted for each year of college lacking.
- (d) *Classification and Salary.* The City's position classification code classifies the position of Budget Analyst as GE-09. This classification carries a salary range of \$26,270 - \$43,868 as set forth in the City's Pay Scale Summary.
- (e) *Duties.* The duties of the Budget Analyst shall include:
  - 1. Providing a formal, comprehensive review and analysis of the proposed annual budget.
  - 2. Gathering, organizing, and analyzing data and information relative to budgetary issues.
  - 3. Providing comparative studies of other cities as they relate to municipal finance.
  - 4. Engaging in fiscal forecasting and planning.
  - 5. Analyzing the city's past, current, and proposed revenues and expenditures.
  - 6. Reviewing existing and potential tax revenues.

7. Analyzing federal, state, and local programs to determine sources of funding and appropriate expenditure options.
8. Reviewing the economic effects of proposed legislation.
9. Preparing fiscal and economic project analysis as directed by the City Council.
10. Providing policy research and fiscal analysis on proposed legislation.
11. Preparing such other reports relating to budgetary and legislative policy concerns directed by the City Council.
12. Making recommendations to the City Council in connection with the analysis, studies, and reports described herein.

(f) *Appointment and Removal.* The City Council shall appoint and may remove the Budget Analyst from office by a majority vote of the members of the City Council at any time, with or without cause.

SECTION 3. If any word, phrase, clause, paragraph, section 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 provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

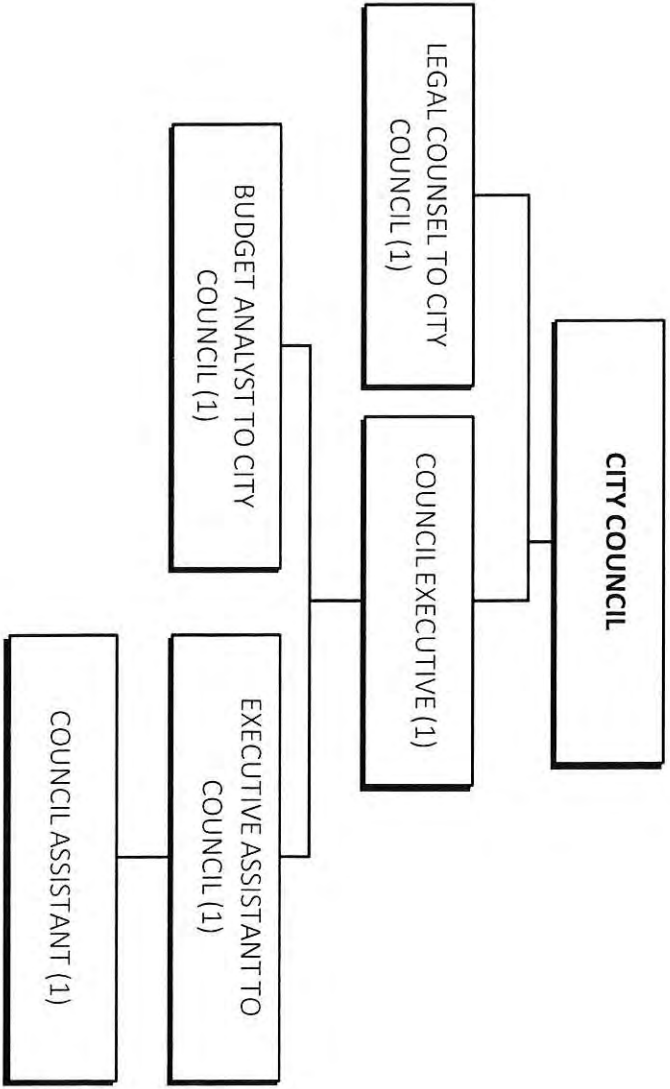
Adopted: April 14, 2016

Approved:   
President of City Council

Attest:

  
City Clerk

# CITY COUNCIL



Total Positions: 5

# Report of City Council Action Items – Special Meeting

September 14, 2016



**Members Present:** Council President Charles Bare, Vice President Brian Spencer, Jewel Cannada-Wynn, Larry B. Johnson, Sherri Myers, Andy Terhaar, and Gerald Wingate

**Absent:** P. C. Wu

1. FINALLY LEVYING AN AD VALOREM TAX FOR THE CITY OF PENSACOLA AND THE DOWNTOWN IMPROVEMENT DISTRICT FOR FISCAL YEAR BEGINNING OCTOBER 1, 2016

RESOLUTION NO. 31-16: **MOTION TO APPROVE**

A RESOLUTION FINALLY LEVYING AN AD VALOREM PROPERTY TAX FOR THE CITY OF PENSACOLA INCLUDING THE DOWNTOWN IMPROVEMENT DISTRICT FOR 2016; PROVIDING AN EFFECTIVE DATE.

*The motion passed unanimously.*

2. ADOPTING A FINAL BUDGET FOR THE CITY OF PENSACOLA FOR FISCAL YEAR BEGINNING OCTOBER 1, 2016

RESOLUTION NO. 32-16: **MOTION TO APPROVE**

A RESOLUTION ADOPTING A FINAL BUDGET FOR THE CITY OF PENSACOLA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016; MAKING FINAL APPROPRIATIONS FOR THE PAYMENT OF THE EXPENSES OF THE CITY GOVERNMENT AND ALL DEPARTMENTS THEREOF AND FOR THE PAYMENT ON ACCOUNT OF THE BONDED INDEBTEDNESS OF THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016; PROVIDING AN EFFECTIVE DATE.

*The motion passed 6 - 1. Council President Bare dissenting.*

3. ADOPTING A FINAL BUDGET FOR THE DOWNTOWN IMPROVEMENT BOARD FOR FISCAL YEAR BEGINNING OCTOBER 1, 2016

RESOLUTION NO. 33-16: **MOTION TO APPROVE**

A RESOLUTION ADOPTING A FINAL BUDGET FOR THE CITY OF PENSACOLA DOWNTOWN IMPROVEMENT BOARD FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016; PROVIDING AN EFFECTIVE DATE.

*The motion passed unanimously.*



16. 09-17 PROPOSED ORDINANCE NO. 09-17 - CREATING SEC. 8-1-28 OF THE CITY CODE - PROHIBITING SOLICITATION OF DONATIONS UPON PUBLIC SIDEWALKS AND RIGHTS-OF-WAY IN THE DOWNTOWN VISITORS' DISTRICT

**Sponsors:** Ashton J. Hayward, III, Brian Spencer

**Indexes:**

**Attachments:** Proposed Ordinance No. 09-17

Letter from John Peacock, DIB Chairman

DIB Panhandling Ordinance Boundary Map

**postponed**

17. 17-00114 AMENDMENT TO CITY COUNCIL RULES AND PROCEDURES; SECTION 2.07 - CONSENT AGENDA

**Sponsors:** Brian Spencer

**Indexes:**

**Attachments:** Proposed Amendment to Section 2.07 - City Council Rules and Procedures - Spencer

**approved**

**Yes:** 5 - Spencer, Wingate, Terhaar, Cannada-Wynn, and Wu

**Absent:** 2 - Johnson, and Myers

18. 17-00186 BUDGET ANALYST TO THE CITY COUNCIL

**Sponsors:** Jewel Cannada-Wynn

**Indexes:**

**Attachments:** Proposal--Budget Analyst Rev (002)

Job Description--Budget Analyst

City Attorney Opinion - Council Budget Analyst

EMAIL TRANSMITTAL MAYORAL VETO

**approved**

**Yes:** 5 - Spencer, Wingate, Terhaar, Cannada-Wynn, and Wu

**Absent:** 2 - Johnson, and Myers

OFFICE of the MAYOR

**MEMORANDUM**

TO: Brian Spencer, President of City Council  
City Council Members

FROM: Ashton J. Hayward, III, Mayor AA

DATE: March 14, 2017

SUBJECT: Veto of Council Action on March 9, 2017

Mr. President and Members of the City Council,

On March 9, 2017, City Council took action to begin the process of hiring a Budget Analyst to the City Council. As Councilmember Wingate stated, the City of Pensacola currently has full-time staff that provides analysis of the City's budget. There are more pressing needs within the City of Pensacola that would directly benefit the taxpayers. Therefore, I am vetoing this action.

As always, my staff and I stand ready to provide any information and assistance you need in order to discharge your duties, and I encourage each of you to contact me at any time with any questions or concerns you may have.

OFFICE of the MAYOR

**MEMORANDUM**

TO: Brian Spencer, President of City Council  
FROM: Ashton J. Hayward, III, Mayor *AH*  
DATE: March 14, 2017  
SUBJECT: Exercise of Veto Power Pursuant to Article IV, Section 4.01(a)(10)  
Charter for the City of Pensacola

I hereby exercise my veto power pursuant to the Charter of the City of Pensacola, Article IV, Section 4.01(a)(10) and veto the action taken by City Council on March 9, 2017 regarding item #17-00186, the hiring of a Budget Analyst to the City Council.

cc: City Council

## **Section 4.02. City Council.**

**(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 inquire into the conduct of any municipal office, department, agency or officer and to investigate municipal affairs, and for that purpose, may subpoena witnesses, administer oaths and compel the production of books, papers, or other evidence.

(4) To override the Mayor's veto of an ordinance or resolution by an affirmative vote of at least a majority plus one (1) of the Council Members.

(5) 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.

(6) The City Council shall establish an Office of the City Council and shall have as its staff the following who shall be responsible to the City Council through the President of the Council:

(a) Budget Analyst. The City Council is authorized to employ a Budget Analyst or an individual with similar qualifications, pursuant to the City's position classification code, to assist the budgetary matters of the City Council. The City Council, by ordinance, shall define the qualifications, pay and responsibilities of said employee in accordance with the City's position classification code. The employee shall be subject to termination by a majority vote of the City Council; (b) Legal Aide. The City Council may appoint one assistant city attorney, whose salary shall be in accordance with those established for other assistant city attorneys. Said assistant city attorney shall (1) serve only in an advisory capacity to the City Council, and shall perform only such duties of a technical nature, including drafting of ordinances, legal research and providing advisory opinions, as requested by the City Council through its President, (2) perform such other duties required of him by the city attorney with the concurrence of the President of the City Council, (3) be subject to termination by a majority vote of the City Council; and (4) be responsible to the City Council through the President of the Council. Said assistant city attorney shall not file suit or bring or defend any action in court on behalf of the City Council, Mayor, the several departments, officers, and boards of the City government except with written authorization of the City Attorney. No action or opinion of said assistant city attorney shall be construed to be the official legal position of the City, and such official legal positions and actions shall be solely within the scope and powers and duties of the City Attorney; (c) Council Executive. The City Council is authorized to hire a Council Executive. The City Council shall define the qualifications, pay and responsibilities of said employee in accordance with the City's position classification

code. The employee shall be subject to termination by a majority vote of the City Council; (d) Executive Assistant. The City Council is authorized to hire an Executive Assistant. The City Council shall define the qualifications, pay and responsibilities of said employee in accordance with the City's position classification code. The employee shall be subject to termination by a majority vote of the City Council; and (e) Other Staff. The City Council may create and fill other staff positions for the purpose of assisting it in the performance of its legislative function.

**(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 moving of a Council Member from the district 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 shall be filled within thirty (30) days after the vacancy occurs. The appointed Council Member shall 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) The Council Member appointed by the Council must meet the qualifications for office as set forth in 6.03 of this Charter at the time of appointment.

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



Memorandum

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File #: 17-00261

City Council

4/10/2017

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LEGISLATIVE ACTION ITEM

**SPONSOR:** City Council Member Jewel Cannada-Wynn

**SUBJECT:**

OVERRIDE MAYOR ASHTON HAYWARD'S VETO OF MARCH 14, 2017 OF THE CITY COUNCIL ACTION ITEM #17-00186, BEGIN THE PROCESS FOR HIRING A BUDGET ANALYST, PASSED BY CITY COUNCIL ON MARCH 9, 2017

**RECOMMENDATION:**

That City Council vote to override Mayor Ashton Hayward's Veto, dated March 14, 2017, of City Council legislative action item #17-00186 pertaining to the City Council beginning the process of hiring a Budget Analyst, which City Council passed on March 9, 2017.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

On November 4, 2014 the citizens of Pensacola passed, via referendum vote, a Charter Amendment stating in part, "The City Council shall establish an Office of the City Council and shall have as its staff the following who shall be responsible to the City Council through the President of the Council:...Budget Analyst, Legal Aide, Council Executive, Executive Assistant, Other Staff...." This amendment is found within the City Charter under the enumerated Powers and Duties of the City Council, Section 4.02(a) (6).

On February 12 (first reading) and March 12 (second reading and adoption) of 2015, the Office of City Council was established through Ordinance No. 05-15, each passing without a Mayoral Veto being offered.

On March 17 (first reading) and April 14 (second reading and adoption) of 2016, the position of Budget Analyst to the City Council was established (in accordance with City Charter 4.02(a) (6) via Ordinance No. 10-16, each passing without a Mayoral Veto being offered.

A 2016-2017 proposed budget was offered by the Mayor wherein funds were included for City Council Staff; also included was an organizational chart showing the position of Budget Analyst to the City Council. This proposed budget was approved by the City Council on September 14, 2016, passing without a Mayoral Veto being offered.

On March 9, 2017 the City Council passed a Legislative Action item to, "...begin the hiring process for a

Budget Analyst in accordance with City Charter 4.02(a) (6).”

On March 14, 2017 City Council was notified of the Mayoral Veto of this Legislative Action item, an item which functioned as an implementation of City Charter and in accordance with previously adopted City Ordinances.

The Charter of the City of Pensacola provides for enumerated Powers and Duties as an expressed will of the Citizens of Pensacola; it is therefore imperative that City Council override this Veto action of the Mayor in order to protect the will of the people.

**PRIOR ACTION:**

July 14, 2014 - City Council approved on first reading, Proposed Ordinance No. 31-14, a Charter Amendment Ordinance placing the “Office of City Council” on the November 2014 ballot

August 11, 2014 - City Council adopted Ordinance No. 28-14, a Charter Amendment Ordinance placing the “Office of City Council” on the November 2014 ballot

November 4, 2014 - Charter Amendment passed via referendum vote requiring the City Council to establish the Office of the City Council and to adopt by ordinance the position of budget analyst

February 12, 2015 - City Council approved on first reading, Proposed Ordinance No. 05-15, creating Section 2-2-10 of the City Code, creating the Office of City Council in accordance with City Charter 4.02(a)(6)

March 12, 2015 - City Council adopted Ordinance No. 05-15, creating the Office of City Council.

March 17, 2016 - City Council approved, on first reading, Proposed Ordinance No. 05-16, an ordinance creating Section 2-4-52 of the City Code, creating the position of Budget Analyst to the City Council in accordance with City Charter 4.02(a)(6)

April 14, 2016 - City Council adopted Ordinance No. 10-16, creating the position of Budget Analyst to the City Council

September 7, 2016 - City Council conducted first public hearing on the 2016-2017 City Budget and approved a tentative budget by Resolution No. 29-16

September 14, 2016 - City Council adopted the 2016-2017 City Budget by Resolution No. 32-16

March 9, 2017 - City Council passed a Legislative Action Item #17-00186 to begin the process for hiring a Budget Analyst to the City Council

March 14, 2017 - Mayor Hayward exercised Veto of Legislative Action Item #17-00186

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

None

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

- 1) Ordinance No. 28-14, Creating Charter Amendment
- 2) Ordinance No. 05-15, Creating the Office of City Council
- 3) Ordinance No. 10-16, Establishing Position of Budget Analyst
- 4) Organizational Chart for Office of City Council
- 5) September 14, 2016 Council Report
- 6) March 9, 2017 Council Report
- 7) March 14, 2017 Veto Memos from Mayor Hayward

**PRESENTATION:** No



PROPOSED  
ORDINANCE NO. 31-14

ORDINANCE NO. 28-14

AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER OF THE CITY OF PENSACOLA, FLORIDA; AMENDING SEC. 4.02 OF THE CHARTER TO ADD SUBSECTION (a)(6); PROVIDING THE CITY COUNCIL WITH AUTHORITY TO HIRE ITS OWN STAFF INDEPENDENT OF THE MAYOR'S AUTHORITY TO HIRE CITY OFFICERS AND EMPLOYEES; PROVIDING FOR A REFERENDUM THEREON; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. The City Council calls for the holding of a referendum of the electors of the City of Pensacola on November 4, 2014, to consider and vote for or against the approval of the proposed amendment to the City Charter.

SECTION 2. The Supervisor of Elections of Escambia County is hereby appointed as the clerk of a municipal election to be held on November 4, 2014.

SECTION 3. The City of Pensacola 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 revision.

SECTION 4. The language to appear on the ballot of the referendum on the proposed City Charter revision shall be:

QUESTION

-----  
**PERTAINING TO CITY COUNCIL AUTHORITY TO HIRE ITS OWN STAFF  
INDEPENDENT OF THE MAYOR**

Shall the City of Pensacola amend its current Charter to provide the City Council with the authority to hire its own staff independent of the Mayor's authority to hire all City officers and employees?

YES - For granting the City Council the power to hire its own staff independent of the Mayor's authority to hire all City officers and employees - \_\_\_\_\_

NO - Against granting the City Council the power to hire its own staff independent of the Mayor's authority to hire all City officers and employees - \_\_\_\_\_

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

SECTION 6. In the event the foregoing proposal is approved by a majority of the electors voting on the proposal, the following provision of the Charter for the City of Pensacola shall be added to Section 4.02 (a) of the existing Charter, to wit:

**Section 4.02. City Council.**

**(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:

...

(6) The City Council shall establish an Office of the City Council and shall have as its staff the following who shall be responsible to the City Council through the President of the Council: (a) Budget Analyst. The City Council is authorized to employ a Budget Analyst or an individual with similar qualifications, pursuant to the City's position classification code, to assist in the budgetary matters of the City Council. The City Council, by ordinance, shall define the qualifications, pay and responsibilities of said employee in accordance with the City's position classification code. The employee shall be subject to termination by a majority vote of the City Council; (b) Legal Aide. The City Council may appoint one assistant city attorney, whose salary shall be in accordance with those established for other assistant city attorneys. Said assistant city attorney shall (1) serve only in an advisory capacity to the City Council, and shall perform only such duties of a technical nature, including drafting of ordinances, legal research and providing advisory opinions, as requested by the City Council through its President, (2) perform such other duties required of him by the city attorney with the concurrence of the President of the City Council, (3) be subject to termination by a majority vote of the City Council; and (4) be responsible to the City Council through the President of the Council. Said assistant city attorney shall not file suit or bring or defend any action in court on behalf of the City Council, the Mayor, the several departments, officers and boards of the City government except with written authorization of the City Attorney. No action or opinion of said assistant city attorney shall be construed to be the official legal position of the City, and such official legal positions and actions shall be solely within the scope and powers and duties of the City Attorney; (c) Council Executive. The City Council is authorized to hire a Council Executive. The City Council shall define the qualifications, pay and responsibilities of said employee in accordance with the City's position classification code. The employee shall be subject to termination by a majority vote of the City Council; (d) The City Council is authorized to hire an Executive Assistant. The City Council shall define the qualifications, pay and responsibilities of said employee in accordance with the City's position classification code. The employee shall be subject to termination by a majority vote of the City Council; and (e) Other Staff. The City Council may create and fill other staff positions for the purpose of assisting it in the performance of its legislative function.

SECTION 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8. This ordinance shall take effect immediately upon its passage by the City Council.

Passed: August 11, 2014

Approved: *Jewel C. Cannon-Wynn*  
President of City Council

Attest:

*Cricka L. Burnett*  
City Clerk

PROPOSED  
ORDINANCE NO. 05-15

ORDINANCE NO. 05-15

AN ORDINANCE OF THE CITY OF PENSACOLA, FLORIDA, CREATING SECTION 2-2-10 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ESTABLISHING AN OFFICE OF THE CITY COUNCIL; PROVIDING FOR THE STAFFING OF THE CITY COUNCIL PURSUANT TO REQUIREMENTS OF THE CITY CHARTER; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 2-2-10 of the Code of the City of Pensacola, Florida, is hereby created to read:

**Sec. 2-2-10. Office of the City Council.**

Pursuant to the requirements of Sec. 4.02 (a) (6) of the Charter of the City of Pensacola, Florida, there is hereby created and established the Office of the City Council, with staffing, duties and responsibilities in accordance with the following criteria:

1. The City Council is authorized to employ staff to fill the following positions or discharge the following functions: Budget Analyst, Assistant City Attorney, Council Executive, Executive Assistant, and such other staff as may be deemed warranted in the performance of Council's legislative function.
2. All positions filled by the City Council shall conform to the requirements of the City Charter.
3. Each approved position shall be filled by majority vote of the City Council, and each employee so hired shall be regarded as an "at will" employee under Florida law and shall serve at the pleasure of the City Council. A majority vote of City Council shall be required to remove any employee so employed.
4. The compensation and fringe benefits of each employee hired shall be fixed by Council in accordance with the pay plan and employee benefits extended to comparably employed employees of the City of Pensacola. Each employment contract shall be executed by the Council President.
5. All employees of the Office of City Council shall be regarded as employees of the City of Pensacola, shall be responsible to the City Council through the President of the Council and shall be supervised by the Council Executive.

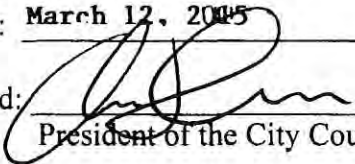
6. In the performance of their duties, the staff of the Office of City Council shall be directed by the Council President or by formal Council action.

SECTION 2. If any word, phrase, clause, paragraph, section 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 provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall become effective on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: March 12, 2005

Approved:   
President of the City Council

Attest:

  
City Clerk

PROPOSED  
ORDINANCE NO. 05-16

ORDINANCE NO. 10-16

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 2-4 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; CREATING SECTION 2-4-52 TO PROVIDE FOR THE CREATION OF THE POSITION OF BUDGET ANALYST TO THE CITY COUNCIL; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 2-4-52 of the Code of the City of Pensacola, Florida is hereby created to read as follows:

Sec. 2-4-52. – Budget Analyst.

- (a) *Legislative findings.* The City Council is authorized to create the position of Budget Analyst in accordance with Section 4.02(6) of the City Charter.
- (b) *Establishment.* There is hereby created the position of Budget Analyst whose designated function is to assist the City Council in the conduct of budgetary inquiries, analyses and making budgetary decisions.
- (c) *Qualifications.* Appointees serving as the Budget Analyst shall have the professional qualifications of a college degree in accounting, finance, or budget analysis and one (1) year of experience in accounting, finance and budget analysis. Two (2) years of pertinent experience may be substituted for each year of college lacking.
- (d) *Classification and Salary.* The City's position classification code classifies the position of Budget Analyst as GE-09. This classification carry's a salary range of \$26,270 - \$43,868 as set forth in the City's Pay Scale Summary.
- (e) *Duties.* The duties of the Budget Analyst shall include:
  - 1. Providing a formal, comprehensive review and analysis of the proposed annual budget.
  - 2. Gathering, organizing, and analyzing data and information relative to budgetary issues.
  - 3. Providing comparative studies of other cities as they relate to municipal finance.
  - 4. Engaging in fiscal forecasting and planning.
  - 5. Analyzing the city's past, current, and proposed revenues and expenditures.
  - 6. Reviewing existing and potential tax revenues.

7. Analyzing federal, state, and local programs to determine sources of funding and appropriate expenditure options.
8. Reviewing the economic effects of proposed legislation.
9. Preparing fiscal and economic project analysis as directed by the City Council.
10. Providing policy research and fiscal analysis on proposed legislation.
11. Preparing such other reports relating to budgetary and legislative policy concerns directed by the City Council.
12. Making recommendations to the City Council in connection with the analysis, studies, and reports described herein.

(f) *Appointment and Removal.* The City Council shall appoint and may remove the Budget Analyst from office by a majority vote of the members of the City Council at any time, with or without cause.

SECTION 3. If any word, phrase, clause, paragraph, section 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 provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

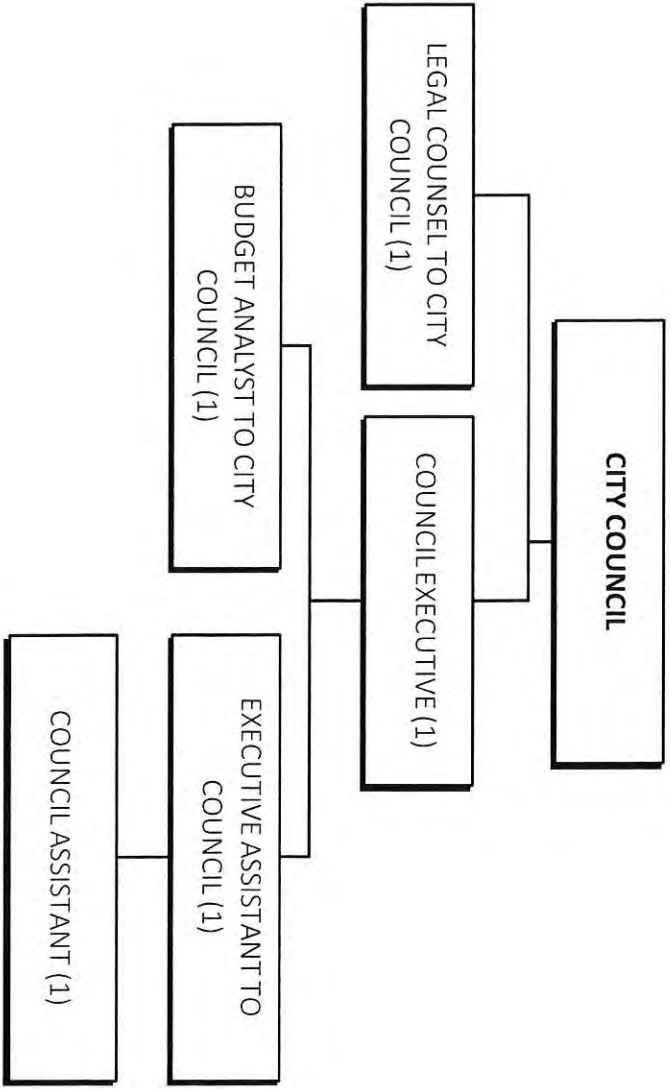
Adopted: April 14, 2016

Approved:   
President of City Council

Attest:

  
City Clerk

# CITY COUNCIL



Total Positions: 5



# Report of City Council Action Items – Special Meeting

September 14, 2016



**Members Present:** Council President Charles Bare, Vice President Brian Spencer, Jewel Cannada-Wynn, Larry B. Johnson, Sherri Myers, Andy Terhaar, and Gerald Wingate

**Absent:** P. C. Wu

1. FINALLY LEVYING AN AD VALOREM TAX FOR THE CITY OF PENSACOLA AND THE DOWNTOWN IMPROVEMENT DISTRICT FOR FISCAL YEAR BEGINNING OCTOBER 1, 2016

RESOLUTION NO. 31-16: **MOTION TO APPROVE**

A RESOLUTION FINALLY LEVYING AN AD VALOREM PROPERTY TAX FOR THE CITY OF PENSACOLA INCLUDING THE DOWNTOWN IMPROVEMENT DISTRICT FOR 2016; PROVIDING AN EFFECTIVE DATE.

*The motion passed unanimously.*

2. ADOPTING A FINAL BUDGET FOR THE CITY OF PENSACOLA FOR FISCAL YEAR BEGINNING OCTOBER 1, 2016

RESOLUTION NO. 32-16: **MOTION TO APPROVE**

A RESOLUTION ADOPTING A FINAL BUDGET FOR THE CITY OF PENSACOLA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016; MAKING FINAL APPROPRIATIONS FOR THE PAYMENT OF THE EXPENSES OF THE CITY GOVERNMENT AND ALL DEPARTMENTS THEREOF AND FOR THE PAYMENT ON ACCOUNT OF THE BONDED INDEBTEDNESS OF THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016; PROVIDING AN EFFECTIVE DATE.

*The motion passed 6 - 1. Council President Bare dissenting.*

3. ADOPTING A FINAL BUDGET FOR THE DOWNTOWN IMPROVEMENT BOARD FOR FISCAL YEAR BEGINNING OCTOBER 1, 2016

RESOLUTION NO. 33-16: **MOTION TO APPROVE**

A RESOLUTION ADOPTING A FINAL BUDGET FOR THE CITY OF PENSACOLA DOWNTOWN IMPROVEMENT BOARD FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016; PROVIDING AN EFFECTIVE DATE.

*The motion passed unanimously.*

16. 09-17 PROPOSED ORDINANCE NO. 09-17 - CREATING SEC. 8-1-28 OF THE CITY CODE - PROHIBITING SOLICITATION OF DONATIONS UPON PUBLIC SIDEWALKS AND RIGHTS-OF-WAY IN THE DOWNTOWN VISITORS' DISTRICT

**Sponsors:** Ashton J. Hayward, III, Brian Spencer

**Indexes:**

**Attachments:** Proposed Ordinance No. 09-17

Letter from John Peacock, DIB Chairman

DIB Panhandling Ordinance Boundary Map

postponed

17. 17-00114 AMENDMENT TO CITY COUNCIL RULES AND PROCEDURES; SECTION 2.07 - CONSENT AGENDA

**Sponsors:** Brian Spencer

**Indexes:**

**Attachments:** Proposed Amendment to Section 2.07 - City Council Rules and Procedures - Spencer

approved

**Yes:** 5 - Spencer, Wingate, Terhaar, Cannada-Wynn, and Wu

**Absent:** 2 - Johnson, and Myers

18. 17-00186 BUDGET ANALYST TO THE CITY COUNCIL

**Sponsors:** Jewel Cannada-Wynn

**Indexes:**

**Attachments:** Proposal--Budget Analyst Rev (002)

Job Description--Budget Analyst

City Attorney Opinion - Council Budget Analyst

EMAIL TRANSMITTAL MAYORAL VETO

approved

**Yes:** 5 - Spencer, Wingate, Terhaar, Cannada-Wynn, and Wu

**Absent:** 2 - Johnson, and Myers

OFFICE of the MAYOR

**MEMORANDUM**

TO: Brian Spencer, President of City Council  
City Council Members

FROM: Ashton J. Hayward, III, Mayor *AA*

DATE: March 14, 2017

SUBJECT: Veto of Council Action on March 9, 2017

Mr. President and Members of the City Council,

On March 9, 2017, City Council took action to begin the process of hiring a Budget Analyst to the City Council. As Councilmember Wingate stated, the City of Pensacola currently has full-time staff that provides analysis of the City's budget. There are more pressing needs within the City of Pensacola that would directly benefit the taxpayers. Therefore, I am vetoing this action.

As always, my staff and I stand ready to provide any information and assistance you need in order to discharge your duties, and I encourage each of you to contact me at any time with any questions or concerns you may have.

OFFICE of the MAYOR

**MEMORANDUM**

TO: Brian Spencer, President of City Council  
FROM: Ashton J. Hayward, III, Mayor *AH*  
DATE: March 14, 2017  
SUBJECT: Exercise of Veto Power Pursuant to Article IV, Section 4.01(a)(10)  
Charter for the City of Pensacola

I hereby exercise my veto power pursuant to the Charter of the City of Pensacola, Article IV, Section 4.01(a)(10) and veto the action taken by City Council on March 9, 2017 regarding item #17-00186, the hiring of a Budget Analyst to the City Council.

cc: City Council

## **Section 4.02. City Council.**

**(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 inquire into the conduct of any municipal office, department, agency or officer and to investigate municipal affairs, and for that purpose, may subpoena witnesses, administer oaths and compel the production of books, papers, or other evidence.

(4) To override the Mayor's veto of an ordinance or resolution by an affirmative vote of at least a majority plus one (1) of the Council Members.

(5) 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.

(6) The City Council shall establish an Office of the City Council and shall have as its staff the following who shall be responsible to the City Council through the President of the Council:

(a) Budget Analyst. The City Council is authorized to employ a Budget Analyst or an individual with similar qualifications, pursuant to the City's position classification code, to assist the budgetary matters of the City Council. The City Council, by ordinance, shall define the qualifications, pay and responsibilities of said employee in accordance with the City's position classification code. The employee shall be subject to termination by a majority vote of the City Council; (b) Legal Aide. The City Council may appoint one assistant city attorney, whose salary shall be in accordance with those established for other assistant city attorneys. Said assistant city attorney shall (1) serve only in an advisory capacity to the City Council, and shall perform only such duties of a technical nature, including drafting of ordinances, legal research and providing advisory opinions, as requested by the City Council through its President, (2) perform such other duties required of him by the city attorney with the concurrence of the President of the City Council, (3) be subject to termination by a majority vote of the City Council; and (4) be responsible to the City Council through the President of the Council. Said assistant city attorney shall not file suit or bring or defend any action in court on behalf of the City Council, Mayor, the several departments, officers, and boards of the City government except with written authorization of the City Attorney. No action or opinion of said assistant city attorney shall be construed to be the official legal position of the City, and such official legal positions and actions shall be solely within the scope and powers and duties of the City Attorney; (c) Council Executive. The City Council is authorized to hire a Council Executive. The City Council shall define the qualifications, pay and responsibilities of said employee in accordance with the City's position classification

code. The employee shall be subject to termination by a majority vote of the City Council; (d) Executive Assistant. The City Council is authorized to hire an Executive Assistant. The City Council shall define the qualifications, pay and responsibilities of said employee in accordance with the City's position classification code. The employee shall be subject to termination by a majority vote of the City Council; and (e) Other Staff. The City Council may create and fill other staff positions for the purpose of assisting it in the performance of its legislative function.

**(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 moving of a Council Member from the district 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 shall be filled within thirty (30) days after the vacancy occurs. The appointed Council Member shall 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) The Council Member appointed by the Council must meet the qualifications for office as set forth in 6.03 of this Charter at the time of appointment.

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