

MEMORANDUM

To: Jewel Cannada-Wynn, Council President
Jared Moore, Council Vice President
Ann Hill, Councilmember
John Jerralds, Councilmember
Sherri Myers, Councilmember
Andy Terhaar, Councilmember
P. C. Wu, Councilmember

Cc: Grover C. Robinson, IV, Mayor
Keith Wilkins, City Administrator
Don Kraher, Council Executive

From: Susan A. Woolf, City Attorney

Date: August 25, 2020

Re: Recodification Workshop

SUMMARY

The purpose of the City Council's workshop on August 26, 2020, is to provide information to all councilmembers regarding the recodification of the City Code. The City Attorney's Office will provide an overview of the principal recommended revisions to the Code and explain the next procedural steps toward adoption of the revised Code. As a workshop, there will not be a vote or other action taken on the proposed recodification of the Code.

THE WORKSHOP

We understand that the size of the Code, including the Land Development Code, makes a comprehensive review of it intimidating. We know that councilmembers will not have had time to thoroughly read and digest all of the proposed revisions that recently were distributed to them. At the workshop, we do not intend to review every section and page of the Code. We will explain the primary revisions in the Code and the reasons for them, and we will explain what recodification does not do to the Code.

Following the workshop, the City Attorney's Office and Council Executive will offer one-on-one briefings with individual councilmembers in order to discuss in greater detail any specific revisions each councilmember may want to discuss and to answer any questions that councilmember may have.

As the Council will learn, there is no intent to change any established council policies or to adopt any new policies or procedures. The recodification does not affect the Charter or the division of duties created by the Charter. The primary focus of the recodification is on removing outdated or unnecessary provisions and updating references to statutes, departments, positions, and external codes such as the Life Safety Code or the Florida Building Code.

Although the number of pages being distributed seems extensive, hopefully, at the end of the workshop, the Council will agree that the suggested revisions are appropriate and not controversial.

RECODIFICATION – HISTORY AND IMPORTANCE

It has been 35 years since the Code of the City of Pensacola has been comprehensively brought up to date. The current Code was adopted in 1986, after the prior 1968 Code had been extensively reviewed and revised in preparation for recodification in 1985.

The City became an incorporated municipality with its first Charter in 1931. Many provisions of that original Charter were incorporated into the Code through the years as the Charter was amended, and the recodification in 1968 was timed to be concurrent with the new 1968 Florida Constitution, which for the first time established Home Rule powers for Florida municipalities. Since the state did not adopt the Home Rule Act, Chapter 166, Florida Statutes, and many implementing provisions until 1972, the 1968 code still contained many provisions from the 1931 Charter, and the 1986 Code has carried them forward to the present time.

There have been a great many changes in the law since the current code was last updated. Many Florida statutes referenced in the current code have changed, United States Supreme Court decisions have affected several sections such as sign regulations, and the City's 2010 Charter has affected several sections pertaining to the details of city employment that are now found in the City's Human Relations Manual and in pension and retirement plans. As the Council will learn at the workshop, there are a great many provisions in the City Code that are no longer applicable and the Code requires updating. Periodic recodification of the City's code of ordinances is necessary to ensure the Code remains in compliance with federal, state, and local law and current procedures of the City.

BACKGROUND OF 2020 RECODIFICATION PROJECT

Prior to 2010 and the adoption of the current Charter, city staff started to tackle the project of recodification of the then-current Code. However, with the adoption of the Charter and the commencement of a new form of government, the project of recodification was set aside.

In 2016, the City Council authorized the Mayor to execute a contract with Municode, the national publisher of most of the city and county codes in the United States, to assist the city staff in preparing a new, updated City code. For approximately 7 months in 2016-2017, the Municode legal staff reviewed the Pensacola Code in great detail. Municode

provided the City with an extensive set of suggested revisions with accompanying commentary for the city staff to digest. Many more months were spent with each affected City department, giving each department director the opportunity to have input and suggest revisions to the sections of the code pertaining to their responsibilities. The City Clerk's office and the City Council's Executive Director and staff have been integrally involved in preparing the proposed revisions for the Council's consideration.

Recodification of the City Code is overdue. Further, with new councilmembers due to take their seats in November, it would be beneficial to complete this project with the current councilmembers who already are familiar with the Code and the City government. As you all will remember, there is much to learn and absorb as a new councilmember, and I believe it would be a gift to those new members for the current Council to complete this project.

Thank you in advance for your participation in and consideration of this important project.