



City of Pensacola

City Council Special Meeting

Agenda - Final

Thursday, July 28, 2022, 5:30 PM

Council Chambers, 1st Floor

**Consideration of Proposed Ordinance(s) on 1st Reading for Adoption of
Referendum Ballot Language for Proposed Amendments to the City Charter
11/8/22 General Election.**

Members of the public may attend the meeting in person. City Council encourages those not fully vaccinated to wear face coverings that cover their nose and mouth.

The meeting can be watched via live stream at [cityofpensacola.com/video](https://www.cityofpensacola.com/video). Citizens may submit an online form at <https://www.cityofpensacola.com/ccinput> BEGINNING AT 3:00 P.M.

ROLL CALL

ACTION ITEMS

1. [36-22](#) PROPOSED ORDINANCE NO. 36-22 - CHARTER AMENDMENT QUESTION 1 RELATED TO THE PREAMBLE AND ARTICLE I - GENERAL POWERS OF THE CITY, ARTICLE III - ELECTED CITY POSITIONS, ARTICLE IV - MAYOR AND CITY COUNCIL, ARTICLE VI -- ELECTIONS , ARTICLE VIII - CHARTER REVIEW AND CHARTER AMENDMENTS AND ARTICLE X -- SCHEDULE

Recommendation: That City Council approve Proposed Ordinance No. 36-22 on first reading:

AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER FOR THE CITY OF PENSACOLA, FLORIDA; AMENDING THE PREAMBLE; AMENDING ARTICLE I - GENERAL POWERS OF THE CITY; AMENDING ARTICLE I CREATING SECTION 1.04-COMPUTATION OF TIME; AMENDING SECTION 4.01 POWERS AND DUTIES- MAYOR; AMENDING SECTION 4.02 POWERS AND DUTIES - CITY COUNCIL; AMENDING SECTION 4.03 - CITY COUNCIL PROCEDURES; AMENDING SECTION 4.04 - PROHIBITIONS; AMENDING SECTION 8.01- CHARTER REVIEW COMMISSION; AMENDING SECTION 8.02- CHARTER AMENDMENTS; REMOVAL OF TRANSITIONAL LANGUAGE LOCATED IN ARTICLES III, VI AND X; PROVIDING FOR A REFERENDUM THEREON; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Sponsors: Ann Hill

Attachments: [Proposed Ord. No. 36-22](#)
[CRC Report](#)

2. [37-22](#) PROPOSED ORDINANCE NO. 37-22 - CHARTER AMENDMENT QUESTION 2 RELATED TO ARTICLE V - APPOINTED CITY POSITIONS

Recommendation: That City Council approve Proposed Ordinance No. 37-22 on first reading:

AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER FOR THE CITY OF PENSACOLA, FLORIDA; AMENDING ARTICLE V - APPOINTED CITY POSITIONS; AMENDING SECTION 5.01 -- CITY CLERK; AMENDING SECTION 5.03 -- CITY ATTORNEY; PROVIDING FOR A REFERENDUM THEREON; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Sponsors: Ann Hill

Attachments: [Proposed Ord No. 37-22](#)
[CRC REPORT](#)

3. [38-22](#) PROPOSED ORDINANCE NO. 38-22 - CHARTER AMENDMENT
QUESTION 3 RELATED TO ARTICLE VI - ELECTIONS.

Recommendation: That City Council approve Proposed Ordinance No. 38-22 on first reading:

AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER FOR THE CITY OF PENSACOLA, FLORIDA; AMENDING ARTICLE VI - ELECTIONS; AMENDING SECTION 6.03- QUALIFICATIONS, ELIGIBILITY, AND FILING FEE; AMENDING SECTION 6.06 - ALTERNATIVE TO QUALIFYING FEE; PROVIDING FOR A REFERENDUM THEREON; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

Sponsors: Ann Hill

Attachments: [Proposed Ord. No. 38-22](#)
[CRC Report](#)

4. [39-22](#) PROPOSED ORDINANCE NO. 39-22 - CHARTER AMENDMENT
QUESTION 4 RELATED TO ARTICLE IV - MAYOR AND CITY COUNCIL

Recommendation: That City Council approve Proposed Ordinance No. 39-22 on first reading:

AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER FOR THE CITY OF PENSACOLA, FLORIDA; AMENDING ARTICLE IV - MAYOR AND CITY COUNCIL; AMENDING SECTION 4.02(C) - COMPENSATION; PROVIDING FOR A REFERENDUM THEREON; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Sponsors: Ann Hill

Attachments: [Proposed Ord. No. 39-22](#)
[CRC Report](#)

5. [40-22](#) PROPOSED ORDINANCE NO. 40-22 - CHARTER AMENDMENT
QUESTION 5 RELATED TO ARTICLE VII - RECALL, INITIATIVE, AND
REFERENDUM

Recommendation: That City Council approve Proposed Ordinance No. 40-22 on first reading:

AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER FOR THE CITY OF PENSACOLA, FLORIDA; AMENDING ARTICLE VII - RECALL, INITIATIVE, AND REFERENDUM; AMENDING SECTION 7.02 - POWER OF INITIATIVE; AMENDING SECTION 7.03 - POWER OF REFERENDUM; AMENDING SECTION 7.04 - COMMENCEMENT OF PROCEEDINGS; AMENDING SECTION 7.05 - INITIATIVE OR REFERENDUM PETITIONS; AMENDING SECTION 7.06 - VERIFICATION OF PETITIONS; PROVIDING FOR A REFERENDUM THEREON; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Sponsors: Ann Hill

Attachments: [Proposed Ord. No. 40-22](#)
[CRC Report](#)

DISCUSSION ITEMS

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

File #: 36-22

City Council

7/28/2022

LEGISLATIVE ACTION ITEM

SPONSOR: City Council President Ann Hill

SUBJECT:

PROPOSED ORDINANCE NO. 36-22 - CHARTER AMENDMENT QUESTION 1 RELATED TO THE PREAMBLE AND ARTICLE I - GENERAL POWERS OF THE CITY, ARTICLE III - ELECTED CITY POSITIONS, ARTICLE IV - MAYOR AND CITY COUNCIL, ARTICLE VI -- ELECTIONS , ARTICLE VIII - CHARTER REVIEW AND CHARTER AMENDMENTS AND ARTICLE X -- SCHEDULE

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 36-22 on first reading:

AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER FOR THE CITY OF PENSACOLA, FLORIDA; AMENDING THE PREAMBLE; AMENDING ARTICLE I - GENERAL POWERS OF THE CITY; AMENDING ARTICLE I CREATING SECTION 1.04-COMPUTATION OF TIME; AMENDING SECTION 4.01 POWERS AND DUTIES- MAYOR; AMENDING SECTION 4.02 POWERS AND DUTIES - CITY COUNCIL; AMENDING SECTION 4.03 - CITY COUNCIL PROCEDURES; AMENDING SECTION 4.04 - PROHIBITIONS; AMENDING SECTION 8.01 - CHARTER REVIEW COMMISSION; AMENDING SECTION 8.02- CHARTER AMENDMENTS; REMOVAL OF TRANSITIONAL LANGUAGE LOCATED IN ARTICLES III, VI AND X; PROVIDING FOR A REFERENDUM THEREON; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Article VIII- Section 8.01(a-g) of the City Charter provide for the establishment of a Charter Review Commission, composition, procedures, rules and compensation, expenses, review and report and process, respectively, outlining that a review of the Charter begin in January of 2022.

In September of 2021, the City Council and the Mayor appointed nine (9) citizens, establishing the Charter Review Commission (CRC).

From January 2022 through June 2022, the CRC met, discussed, and made recommendations for amending the City Charter.

In June of 2022, the City Council held a workshop to discuss the CRC recommendations.

In accordance with Section 8.01(f), the CRC reviewed, on behalf of the citizens of Pensacola, in order to make recommendations on amendments, if any.

In accordance with 8.01(g) the CRC issued a report to City Council providing their recommendations for amendments. The City Council serves as the final decision makers as to whether the proposed amendments are (a) returned to the CRC for further review, (b) revised and included on a ballot, (c) included on a ballot without change or (d) take other action. The proposed amendments are then placed on the ballot of the 2022 general election to be held on November 8, 2022. The citizens are then asked to either approve or reject the proposed Charter Amendments.

Ballot question no. 1 addresses the following:

Amending the Preamble

Amending Article I- General Powers of the City

Amending Article I - Creation Section 1.04 Computation of time

Amending Section 4.01 - Powers and Duties - Mayor

Amending Section 4.02 - Powers and Duties - City Council

Amending Section 4.03 - City Council Procedures

Amending Section 4.04 -- Prohibitions

Amending Section 8.01-- Charter Review Commission

Amending Section 8.02 - Charter Amendments

Removal of Transitional language located in Articles III, VI and X

PRIOR ACTION:

July 19, 2022 - City Council Special Meeting to determine proposed Charter Amendments to be placed on the November 8, 2022, General Election Ballot

July 11, 2022 - City Council Special Meeting to determine proposed Charter Amendments to be placed on the November 8, 2022, General Election Ballot

June 27, 2022 - City Council Workshop regarding CRC proposed Charter Amendments

January 5, 2022 - June 15, 2022 - CRC held meetings

September 9, 2021 - City Council/Mayor appointed members to the CRC

FUNDING:

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) Proposed Ord. No. 36-22
- 2) CRC Report

PRESENTATION: No

PROPOSED
ORDINANCE NO. 36-22

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER FOR THE CITY OF PENSACOLA, FLORIDA; AMENDING THE PREAMBLE; AMENDING ARTICLE I – GENERAL POWERS OF THE CITY; AMENDING ARTICLE I CREATING SECTION 1.04-COMPUTATION OF TIME; AMENDING SECTION 4.01 POWERS AND DUTIES- MAYOR; AMENDING SECTION 4.02 POWERS AND DUTIES – CITY COUNCIL; AMENDING SECTION 4.03 – CITY COUNCIL PROCEDURES; AMENDING SECTION 4.04 – PROHIBITIONS; AMENDING SECTION 8.01 – CHARTER REVIEW COMMISSION; AMENDING SECTION 8.02-CHARTER AMENDMENTS; REMOVAL OF TRANSITIONAL LANGUAGE LOCATED IN ARTICLES III, VI AND X; PROVIDING FOR A REFERENDUM THEREON; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Pensacola has determined that certain amendments to the City Charter are in order to clarify and update the Charter; and

WHEREAS, pursuant to Section 166.031 Florida Statutes, the City Council is required to submit the Charter Amendments to the electors of the City for approval or rejection.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF 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 8, 2022, to consider and vote for or against the approval of proposed amendments 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 8, 2022.

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 revisions shall be:

QUESTION

THE CITY OF PENSACOLA – REFERENDUM QUESTION NO. 1

Shall the Charter be amended to delete, add or revise provisions including the preamble; scope of municipal powers; duties of Mayor and Council Members; removing Council staff; notice of special meetings; computation of time; procedures for adopting Charter amendments and for appointing members to Charter Review Commission; and deleting transitional language from original charter.

_____ **Yes – For Approval**

_____ **No – Against Approval**

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 Articles I, III, VI and X of the existing Charter, to wit:

PREAMBLE

We the people of the City of Pensacola, under the Constitution and laws of the State of Florida, in order to secure the benefits of local self-government and to provide for an honest, effective, and accountable Mayor-Council government, do hereby adopt this charter and confer upon the City the following powers, subject to the following restrictions, and prescribed by the following procedures and governmental structure. By this action, we secure the benefits of home rule and affirm the values of representative democracy, professional management, strong political leadership, citizen participation, and regional cooperation, through promoting equal opportunity and equity based on the broad cultural diversity of the City and inclusiveness that focuses on justice, equality, equity and environmental stewardship.

ARTICLE I – GENERAL POWERS OF THE CITY

Section 1.01. General Powers and Corporate Existence.

The City of Pensacola (“City”), located in Escambia County, Florida, 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 or this charter.

Section 1.04. Computation of Time.

In computing any period of time prescribed or allowed by this charter, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or City observed holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or City observed holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and City observed holidays shall be excluded in the computation.

ARTICLE IV- MAYOR AND CITY COUNCIL

Section 4.01. Mayor

(a) *Powers and Duties.* The Mayor shall be the Chief Executive Officer of the City, shall exercise the executive powers of the City, and shall be responsible for the administration of all City affairs pursuant to this Charter. The Mayor, who shall serve in a full-time capacity, and shall exemplify good citizenship and exhibit a cooperative spirit, shall have the following powers and duties:

(1) ~~To exercise the executive powers of the City and~~ To supervise all departments, including, but not limited to, the power to appoint, discipline, and remove all officers and employees, unless otherwise provided in this Charter.

(11) To attend, or designate a representative to attend, all meetings of the City Council with authority to participate in discussions, but without the power to vote.

(16) To cooperate with and in no way obstruct an inquiry into the conduct or dealings of any municipal office, department, agency or officer as permitted under 4.02(a)(3).

Section 4.02. City Council.

(a) *Powers and Duties.* City Council Members shall exemplify good citizenship and exhibit a cooperative spirit. All powers of the City shall be vested in the City Council, except as otherwise provided by law or this Charter, including but not limited to ~~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 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. Such positions shall be subject to termination by a majority vote of the City Council.

Section 4.03. City Council Procedures.

- (a) *Meetings.* The City Council shall meet ~~regularly~~ at least once every month at such times and places as the City Council may prescribe. Special meetings may be held on the call of the City Council president or the Mayor or at the request of three (3) of the City Council Members to the City Clerk and, whenever practicable, upon no less than ~~twelve (12)~~ seventy-two (72) hours' notice to each Council Member and the public, or such shorter time as the City Council president, Mayor, or three (3) City Council Members deems necessary in the event of an emergency.

Section 4.04. Prohibitions

(b) *Interference with Administration.* Except for the purpose of inquiries, notifications and investigations made in good faith, the City Council or Council Members shall deal with the City officers and employees, who are subject to the direction and supervision of the Mayor, solely through the Mayor. 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~~ orders for improvement of municipal governmental operations by individual Council Members be made solely to ~~and through by~~ the Mayor

ARTICLE VII – CHARTER REVIEW AND CHARTER AMENDMENTS

Section 8.01. Charter Review Commission

(a) *Charter Review Commission Established.* During the month of January ~~2022~~ 2031 and every ten (10) years thereafter, there shall be established a Charter Review Commission (“CRC”); provided, however, that the City Council shall have the power to establish a CRC more often in the event it so chooses.

(b) *Composition.* Every ten (10) years, the Mayor and City Council shall appoint nine members to the CRC. The Mayor shall appoint two (2) members and each Council Member shall appoint one member residing in their Council District. The CRC shall be composed of nine members, with at least one (1) member from each of the seven (7) Council districts of the City and no more than two (2) members coming from any one Council District. No members of the CRC shall be elected officials. Each member of the CRC shall be a City resident and elector. Vacancies shall be filled within 30 days in the same manner as the original appointments.

(c) *Procedures.* The CRC shall meet prior to the third week in January ~~2022~~ 2031, and every ten (10) years thereafter, for the purposes of organization. The CRC shall elect a Chair and Vice Chair from among its membership. Further meetings of the CRC shall be held upon the call of the Chair or any three members of the CRC. All meetings shall be open to the public. A majority of the members of the CRC shall constitute a quorum.

Section 8.02. Charter Amendments.

(b) *Initiation by Petition.* The electors of the City may propose amendments to this Charter by petition. Each petition proposing amendments to this Charter shall be commenced in the same manner as an ordinance proposed by initiative in Article VII of this Charter. Initiative petitions must be signed by City electors equal to at least ten percent (10%) of the total number of registered electors in the City, as shown by the compilation by the Supervisor of Elections for the most recent general election of the City Council. The City Council shall place the proposed amendment contained in the ordinance or petition to a vote of the electors at the next general election held within the City or at a special election called for such purpose.

ARTICLE III-ELECTED CITY POSITIONS

Section 3.01. Form of Government.

~~With the exception of the initial transition period pursuant to Section 10.07 below,~~ The City shall have a Mayor-Council 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 seven (7) Council Members, one (1) to be elected from each of the seven (7) election districts of the City. 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 fourth Tuesday in November after his or her election at 12 o'clock noon.

The base year for elections for Council Members for districts 2, 4, and 6, and the Mayor shall be 2010, and shall be for a four-year term. The base year for elections for Council Members for districts 1, 3, 5, and 7 shall be 2012 and shall be for a four-year term. These base year dates are established only for the purpose of scheduling elections and staggering terms, and do not impact the term limit requirements of Section 3.03. ~~Council Members for districts 1, 3, 5, and 7 elected in 2010 shall serve a two-year term. Terms served by the Mayor or a Council Member immediately preceding the base year dates shall not be counted in applying Section 3.03.~~

Section 3.03. Limitations of Terms for Mayor and Council Members; Effective Date.

- (a) *Mayor.* No person shall be elected to serve as Mayor for more than three consecutive terms. ~~on and after the general election in November 2010.~~

- (b) *City Council Members.* No person shall be elected to serve as a Council Member for ~~districts 1, 3, 5, and 7~~ for more than three consecutive terms. ~~on and after the general election in November 2012. No person shall be elected to serve as a Council Member for districts 2, 4, and 6 for more than three consecutive terms on and after the general election in November 2010.~~

ARTICLE VI – ELECTIONS

Section 6.07. Commencement of terms of office.

~~(c) Commencement of Terms for Year 2010 Elections. The terms for the Council Members and Mayor elected in the 2010 general election shall commence at noon on the second Monday of January 2011 as provided for in the former City Charter, or on such earlier date as the office becomes vacant after the 2010 general election. This provision shall be effective solely for the purposes of transition from the former City Charter to Section 3.02 of this Charter.~~

ARTICLE X - SCHEDULE

Section 10.06 (d) Commencement of Terms for Year 2010 Elections.

~~(d) Section 10.06. Existing Rights, Obligations, Duties and Relationships(Commencement of Terms for Year 2010 Elections. The terms for the Council Members and Mayor elected in the 2010 general election shall commence at noon on the second Monday of January 2011 as provided for in the former City Charter, or on such earlier date as the office becomes vacant after the 2010 general election. This provision shall be effective solely for the purposes of transition from the former City Charter to Section 3.02 of this Charter.~~

~~Section 10.07. Transition.~~

~~The City Council shall adopt such ordinances and resolutions as are required to effect the transition from a nine (9) member City Council with two (2) at large elected seats to a seven (7) member City Council with no at large elected seats upon the expiration of their current respective terms. Ordinances adopted within sixty (60) days of the first Council meeting under this Charter for the purpose of facilitating the transition may be passed as emergency ordinances following the procedures prescribed by law.~~

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 on immediately upon adoption.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk

To: Pensacola City Council
From: 2022 Charter Review Commission
Date: June 15, 2022
Re: Charter Review Commission Recommendations

Madam President and Members of City Council

On September 9, 2021, City Council and the Mayor appointed members to the Charter Review Commission (CRC), those appointed members were:

Samuel Horton Sr. – Chair

Clorissti Berine Shoemo – Vice Chair

Antonio Bruni

Chris Schwier

Jack Zoesch

David Alexander III

Lester Smith

John Trawick

Thomas Williams – Mr. Williams (Judge Williams) was appointed to the Judicial Bench forcing his withdrawal from the Commission

Mike Wiggins – was selected to replace Mr. Williams

The CRC began meeting on January 5, 2022, followed by meetings on:

February 9, 2022

February 23, 2022

March 9, 2022

March 23, 2022

April 6, 2022

April 20, 2022

May 4, 2022

May 18, 2022

June 1, 2022

June 15, 2022

During that time the CRC heard from a representative from the Florida League of Cities, prior City Attorney Susan Woolf, at least one Council Member, a former Council Member, the Mayor, citizens as well as conducting information gathering from city staff members. City Attorney Charlie Pepler was chosen by the CRC as their legal representation.

Over the course of these eleven (11) meetings, the CRC discussed the Charter, discussed recommendations, some of which were approved by a majority of the CRC members, some of which were rejected. This report will outline those recommendations that were approved (in detail).

These recommendations will be shown by Charter Section, along with proposed language additions or deletions.

RECOMMENDATIONS

PREAMBLE

No amendments recommended

ARTICLE I – GENERAL POWERS OF THE CITY

Section 1.01. General Powers and Corporate Existence.

The City of Pensacola (“City”), located in Escambia County, Florida, 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 or this charter.

Section 1.04 Public Utilities

The City shall not renew or enter into a new franchise agreement, contract, lease, purchase agreement or memorandum of understanding for provision of utility services without securing a study on the feasibility of municipalizing that utility as well as securing a full and independent audit of the prior agreement by a certified public accountant or firm of such accountants who have no direct or indirect interest in the fiscal affairs of the City or any of its officers or elected officials. For municipalized utilities, the City shall secure a study on the feasibility of privatizing that utility no less than once every 30 years. The City shall not create or dispose of any public utility without referendum.

Section 1.05. Computation of Time.

In computing any period of time prescribed or allowed by this charter, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a

Saturday, Sunday or City observed holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or City observed holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and City observed holidays shall be excluded in the computation.

ARTICLE II – CORPORATE BOUNDARIES

No amendments recommended

ARTICLE III – ELECTED CITY POSITIONS

Section 3.01. Form of Government.

~~With the exception of the initial transition period pursuant to Section 10.07 below,~~
The City shall have a Mayor-Council 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 seven (7) Council Members, one (1) to be elected from each of the seven (7) election districts of the City. 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 fourth Tuesday in November after his or her election at 12 o'clock noon.

The base year for elections for Council Members for districts 2, 4, and 6, and the Mayor shall be 2010, and shall be for a four-year term. The base year for elections for Council Members for districts 1, 3, 5, and 7 shall be 2012 and shall be for a four-year term. These base year dates are established only for the purpose of scheduling elections and staggering terms, and do not impact the term limit requirements of Section 3.03. ~~Council Members for districts 1, 3, 5, and 7 elected in 2010 shall serve a two-year term. Terms served by the Mayor or a Council Member immediately preceding the base year dates shall not be counted in applying Section 3.03.~~

Section 3.03. Limitations of Terms for Mayor and Council Members; Effective Date.

(a) **Mayor.** No person shall be elected to serve as Mayor for more than ~~three~~ two consecutive terms. ~~on and after the general election in November 2010.~~

(b) **City Council Members.** No person shall be elected to serve as a Council Member for ~~districts 1, 3, 5, and 7~~ for more than three consecutive terms. ~~on and after the general election in November 2012. No person shall be elected to serve as a~~

Council Member for districts 2, 4, and 6 for more than three consecutive terms on and after the general election in November 2010.

ARTICLE IV – MAYOR AND CITY COUNCIL

Section 4.01. Mayor.

(a) ***Powers and Duties.*** The Mayor shall be the Chief Executive Officer of the City, shall exercise the executive powers of the City, and shall be responsible for the administration of all City affairs placed in their charge pursuant to this Charter. The Mayor, who shall serve in a full-time capacity, and shall exemplify good citizenship and exhibit a cooperative spirit, shall have the following powers and duties:

(1) ~~To exercise the executive powers of the City and~~ To supervise all departments, including, but not limited to, the power to appoint, discipline, and remove all officers and employees, unless otherwise provided in this Charter.

(4) To appoint a City Administrator, who shall serve at the pleasure of the Mayor, and who shall have the power to appoint and remove all officers and employees not otherwise provided for in this Charter.

(8) To suspend, discipline, or remove a department head with or without cause. and without the consent of City Council Members, unless otherwise provided for in this Charter. Such department head may appeal any such action to the City Council who may overturn the action by an affirmative vote of a majority plus one (1) of the City Council Members.

(11) To attend, or designate a representative to attend, all meetings of the City Council with authority to participate in discussions, but without the power to vote.

(16) To cooperate with and in no way obstruct an inquiry into the conduct or dealings of any municipal office, department, agency or officer as permitted under 4.02(a)(3).

Section 4.02. City Council.

(a) ***Powers and Duties.*** City Council Members shall exemplify good citizenship and exhibit a cooperative spirit. All powers of the City shall be vested in the City Council, except as otherwise provided by law or this Charter, including but not limited to ~~The City Council shall have the following powers and duties:~~

(2) To adopt the annual budget and all other appropriations necessary for efficient City government. Any modification of specific appropriations in the budget by greater than an amount set by ordinance, including but not limited to reallocating greater than

said amount between departments, shall require consent of the City Council by an affirmative vote of a majority of City Council Members.

(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~~ them 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. Such positions shall be subject to termination by a majority vote of the City Council.

(a) 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) business 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. The Council Member appointed by the Council may seek election to the Council position at the next election.

Section 4.03. City Council Procedures.

- (a) **Meetings.** The City Council shall meet ~~regularly~~ at least once every month at such times and places as the City Council may prescribe. Special meetings may be held on the call of the City Council president or the Mayor or at the request of three (3) of the City Council Members to the City Clerk and, whenever practicable, upon no less than ~~twelve (12)~~ seventy-two (72) hours notice to each Council Member and the public, or such shorter time as the City Council president, Mayor, or three (3) City Council Members deems necessary in the event of an emergency.

ARTICLE V – APPOINTED CITY POSITIONS

Section 5.01. City Clerk.

There shall be a City Clerk who shall be appointed by the Mayor with the consent of the City Council by an affirmative vote of a majority of Council Members, and whose duties and responsibilities are as provided for by this Charter. Although an appointee of the Mayor, the Clerk shall serve the entire City government. The Clerk shall keep and have the care and custody of the books, records, papers, legal documents and journals of proceedings of the City Council and shall carry out such additional duties as may be required by the Council or the Mayor. The City Clerk may be removed from office with the concurrence of the Mayor and a majority of the City Council. Nothing in this Charter shall authorize or permit the Mayor or City Council to suspend, discharge, remove or otherwise discipline any Deputy City Clerk, Assistant City Clerk or administrative staff hired and supervised by the City Clerk. It is the intent of this section that the Deputy City Clerk, all Assistant City Clerks, and all administrative personnel under the supervision of the City Clerk perform their duties and serve at his or her pleasure without interference from the Mayor or City Council.

Section 5.03. City Attorney.

The City Attorney shall serve as the chief legal adviser to, 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 Mayor shall appoint the City Attorney, with the consent of the City Council by an affirmative vote of a majority of City Council Members. The City Attorney may be removed from office with the concurrence of the Mayor and a majority of the City Council. Nothing in this Charter shall authorize or permit the Mayor or City Council to suspend, discharge, remove or otherwise discipline any Deputy City Attorney, Assistant City Attorney or administrative staff hired and supervised by the City Attorney. It is the intent of this section that the Deputy City Attorney, all Assistant City Attorneys, and all administrative personnel under the supervision of the City Attorney perform their duties and serve at his or her pleasure without interference from the Mayor or City Council.

ARTICLE VI -- ELECTIONS

ARTICLE VII – RECALL, INITIATIVE, AND REFERENDUM

Section 7.02. Power of Initiative.

City electors shall have the power to propose ordinances to the City Council. If the City Council fails to adopt an ordinance so proposed without any change in substance, the electors have the power to adopt or reject the proposed ordinance at a City election. The electors are not empowered to propose ordinances that extend to providing an annual budget, levying taxes, or setting salaries of City officers or employees, expending LOST funds, or compelling government speech in a particular manner.

Section 7.03. Power of Referendum.

No later than ~~Within~~ sixty (60) days following the effective date of a measure passed by City Council, City electors shall have the power to require reconsideration by the City Council of any measure passed by City Council. If the City Council fails to repeal a measure so reconsidered, the electors shall have the power to ~~approve~~ adopt or reject the reconsidered measure by petition as specified in Section 7.05 following. ~~at a City election.~~ The electors are not empowered to reconsider measures that extend to providing an annual budget, levying taxes, ~~or~~ setting salaries of City officers or employees, the expenditure of LOST funds, or government speech.

Section 7.04. Commencement of Proceedings.

Within sixty (60) days of a measure passed by City Council either adopting or rejecting the proposed ordinance or adopting or rejecting the proposed repeal of a measure, ~~A~~ any ten (10) electors may commence initiative or referendum proceedings by filing with the City

Clerk an affidavit stating that they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form. The affidavit shall further provide their names and addresses, specify the mailing address for notices to be sent to the committee, and fully set forth the proposed initiative or identify the measure sought to be reconsidered. Promptly after the petitioners' committee's affidavit is filed, the City Clerk, at the committee's request, shall issue the appropriate petition forms to the committee at the committee's expense.

Section 7.05. Initiative or Referendum Petitions.

(c) Statement of Circulator. When filed, petitions shall have attached an affidavit statement executed and sworn by a member of the petitioner's committee that ~~by the circulator or circulators of the petitions that~~ he, she, or they personally circulated the petitions. The statement shall further state the number of signed petitions submitted and that the ~~circulator~~ petitioner's committee believes them to be the genuine signatures of the persons whose names they purport to be.

(d) Filing Deadline. All initiative and referendum petitions must be filed with the City Clerk within sixty (60) days of the commencement date of the initiative or referendum proceedings as specified in Section 7.04 above. The City Clerk shall submit the petitions to the Supervisor of Elections within three (3) business days of receipt of the petitions.

Section 7.06. Verification of Petitions.

The petitioner's committee shall submit with the petitions ~~the completed petitions to the Escambia County Supervisor of Elections for verification as to the number of registered electors whose valid signatures appear thereon, along with~~ any fee required by general law. The Supervisor of Elections shall make a good faith effort to verify the signatures within ten (10) days of receipt of the petitions. The Supervisor of Elections shall record the date each form is received by the Supervisor of Elections, and the date the signature on the form is verified as valid. The Supervisor of Elections may verify that the signature on a form is valid only if (i) the form contains the original signature of the elector; (ii) the elector has accurately recorded on the form the date on which he or she signed the form; (iii) the form accurately sets forth the elector's name and address; and (iv) the elector is, at the time he or she signs the form, a duly qualified and registered elector of the City.

ARTICLE VIII – CHARTER REVIEW AND CHARTER AMENDMENTS

Section. 8.01. Charter Review Commission.

(a) Charter Review Commission Established. During the month of January 2022 2031 and every ten (10) years thereafter, there shall be established a Charter Review

Commission (“CRC”); provided, however, that the City Council shall have the power to establish a CRC more often in the event it so chooses.

(b) **Composition.** Every ten (10) years, the Mayor and City Council shall appoint nine members to the CRC. The Mayor shall appoint two (2) members and each Council Member shall appoint one member residing in their Council District. The CRC shall be composed of nine members, with at least one (1) member from each of the seven (7) Council districts of the City and no more than two (2) members coming from any one Council District. No members of the CRC shall be elected officials. Each member of the CRC shall be a City resident and elector. Vacancies shall be filled within 30 days in the same manner as the original appointments.

(c) **Procedures.** The CRC shall meet prior to the third week in January 2022 2031, and every ten (10) years thereafter, for the purposes of organization. The CRC shall elect a Chair and Vice Chair from among its membership. Further meetings of the CRC shall be held upon the call of the Chair or any three members of the CRC. All meetings shall be open to the public. A majority of the members of the CRC shall constitute a quorum.

Section 8.02. Charter Amendments.

(b) **Initiation by Petition.** The electors of the City may propose amendments to this Charter by petition. Each petition proposing amendments to this Charter shall be commenced in the same manner as an ordinance proposed by initiative in Article VII of this Charter. Initiative petitions must be signed by City electors equal to at least ten percent (10%) of the total number of registered electors in the City, as shown by the compilation by the Supervisor of Elections for the most recent general election of the City Council. The City Council shall place the proposed amendment contained in the ordinance or petition to a vote of the electors at the next general election held within the City or at a special election called for such purpose.

ARTICLE IX -- MISCELLANEOUS

No amendments recommended

ARTICLE X – SCHEDULE

Section 10.06. Existing Rights, Obligations, Duties and Relationships.

~~(d) **Commencement of Terms for Year 2010 Elections.** The terms for the Council Members and Mayor elected in the 2010 general election shall commence at noon on the second Monday of January 2011 as provided for in the former City Charter, or on such earlier date as the office becomes vacant after the 2010 general election. This provision shall be effective solely for the purposes of transition from the former City Charter to Section 3.02 of this Charter.~~

Section 10.07. Transition.

~~The City Council shall adopt such ordinances and resolutions as are required to effect the transition from a nine (9) member City Council with two (2) at large elected seats to a seven (7) member City Council with no at large elected seats upon the expiration of their current respective terms. Ordinances adopted within sixty (60) days of the first Council meeting under this Charter for the purpose of facilitating the transition may be passed as emergency ordinances following the procedures prescribed by law.~~



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 37-22

City Council

7/28/2022

LEGISLATIVE ACTION ITEM

SPONSOR: City Council President Ann Hill

SUBJECT:

PROPOSED ORDINANCE NO. 37-22 - CHARTER AMENDMENT QUESTION 2 RELATED TO ARTICLE V - APPOINTED CITY POSITIONS

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 37-22 on first reading:

AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER FOR THE CITY OF PENSACOLA, FLORIDA; AMENDING ARTICLE V - APPOINTED CITY POSITIONS; AMENDING SECTION 5.01 -- CITY CLERK; AMENDING SECTION 5.03 -- CITY ATTORNEY; PROVIDING FOR A REFERENDUM THEREON; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Article VIII- Section 8.01(a-g) of the City Charter provide for the establishment of a Charter Review Commission, composition, procedures, rules and compensation, expenses, review and report and process, respectively, outlining that a review of the Charter begin in January of 2022.

In September of 2021, the City Council and the Mayor appointed nine (9) citizens, establishing the Charter Review Commission (CRC).

From January 2022 through June 2022, the CRC met, discussed, and made recommendations for amending the City Charter.

In June of 2022, the City Council held a workshop to discuss the CRC recommendations.

In accordance with Section 8.01(f), the CRC reviewed, on behalf of the citizens of Pensacola, in order to make recommendations on amendments, if any.

In accordance with 8.01(g) the CRC issued a report to City Council providing their recommendations for amendments. The City Council serves as the final decision makers as to whether the proposed amendments are (a) returned to the CRC for further review, (b) revised and included on a ballot, (c) included on a ballot without change or (d) take other action. The proposed amendments are then

placed on the ballot of the 2022 general election to be held on November 8, 2022. The citizens are then asked to either approve or reject the proposed Charter Amendments.

Ballot question no. 2 addresses the following:

Article V - Section 5.01 - City Clerk
Section 5.03 - City Attorney

PRIOR ACTION:

July 19, 2022 - City Council Special Meeting to determine proposed Charter Amendments to be placed on the November 8, 2022, General Election Ballot

July 11, 2022 - City Council Special Meeting to determine proposed Charter Amendments to be placed on the November 8, 2022, General Election Ballot

June 27, 2022 - City Council Workshop regarding CRC proposed Charter Amendments

January 5, 2022 - June 15, 2022 - CRC held meetings

September 9, 2021 - City Council/Mayor appointed members to the CRC

FUNDING:

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) Proposed Ord. No. 37-22
- 2) CRC Report

PRESENTATION: No

PROPOSED
ORDINANCE NO. 37-22

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER FOR THE CITY OF PENSACOLA, FLORIDA; AMENDING ARTICLE V – APPOINTED CITY POSITIONS; AMENDING SECTION 5.01 -- CITY CLERK; AMENDING SECTION 5.03 -- CITY ATTORNEY; PROVIDING FOR A REFERENDUM THEREON; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Pensacola has determined that certain amendments to the City Charter are in order to clarify and update the Charter; and

WHEREAS, pursuant to Section 166.031 Florida Statutes, the City Council is required to submit the Charter Amendments to the electors of the City for approval or rejection.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF 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 8, 2022, to consider and vote for or against the approval of proposed amendments 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 8, 2022.

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 revisions shall be:

QUESTION

THE CITY OF PENSACOLA – REFERENDUM QUESTION NO. 2

Shall the Charter be amended to provide that City Clerk and City Attorney shall have the sole power to hire, discipline and terminate staff and employees supervised by them and that neither Mayor nor City Council shall interfere with the exercise of that power?

Yes – For Approval

No – Against Approval

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 Article V of the existing Charter, to wit:

ARTICLE V – APPOINTED CITY POSITIONS

Section 5.01. City Clerk.

There shall be a City Clerk who shall be appointed by the Mayor with the consent of the City Council by an affirmative vote of a majority of Council Members, and whose duties and responsibilities are as provided for by this Charter. Although an appointee of the Mayor, the Clerk shall serve the entire City government. The Clerk shall keep and have the care and custody of the books, records, papers, legal documents and journals of proceedings of the City Council and shall carry out such additional duties as may be required by the Council or the Mayor. The City Clerk may be removed from office with the concurrence of the Mayor and a majority of the City Council. Nothing in this Charter shall authorize or permit the Mayor or City Council to suspend, discharge, remove or otherwise discipline any Deputy City Clerk, Assistant City Clerk or administrative staff hired and supervised by the City Clerk. It is the intent of this section that the Deputy City Clerk, all Assistant City Clerks, and all administrative personnel under the supervision of the City Clerk perform their duties and serve at his or her pleasure without interference from the Mayor or City Council.

Section 5.03. City Attorney.

The City Attorney shall serve as the chief legal adviser to, 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 Mayor shall appoint the City Attorney, with the consent of the City Council by an affirmative vote of a majority of City Council Members. The City Attorney may be removed from office with the concurrence of the Mayor and a majority of the City Council. Nothing in this Charter shall authorize or permit the Mayor or City Council to suspend, discharge, remove or otherwise discipline any Deputy City Attorney, Assistant City Attorney or administrative staff hired and supervised by the City Attorney. It is the intent of this section that the Deputy City Attorney, all Assistant City Attorneys, and all administrative personnel under the supervision of the City Attorney perform their duties and serve at his or her pleasure without interference from the Mayor or City Council.

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 on immediately upon adoption.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk

To: Pensacola City Council
From: 2022 Charter Review Commission
Date: June 15, 2022
Re: Charter Review Commission Recommendations

Madam President and Members of City Council

On September 9, 2021, City Council and the Mayor appointed members to the Charter Review Commission (CRC), those appointed members were:

Samuel Horton Sr. – Chair

Clorissi Berine Shoemo – Vice Chair

Antonio Bruni

Chris Schwier

Jack Zoesch

David Alexander III

Lester Smith

John Trawick

Thomas Williams – Mr. Williams (Judge Williams) was appointed to the Judicial Bench forcing his withdrawal from the Commission

Mike Wiggins – was selected to replace Mr. Williams

The CRC began meeting on January 5, 2022, followed by meetings on:

February 9, 2022

February 23, 2022

March 9, 2022

March 23, 2022

April 6, 2022

April 20, 2022

May 4, 2022

May 18, 2022

June 1, 2022

June 15, 2022

During that time the CRC heard from a representative from the Florida League of Cities, prior City Attorney Susan Woolf, at least one Council Member, a former Council Member, the Mayor, citizens as well as conducting information gathering from city staff members. City Attorney Charlie Pepler was chosen by the CRC as their legal representation.

Over the course of these eleven (11) meetings, the CRC discussed the Charter, discussed recommendations, some of which were approved by a majority of the CRC members, some of which were rejected. This report will outline those recommendations that were approved (in detail).

These recommendations will be shown by Charter Section, along with proposed language additions or deletions.

RECOMMENDATIONS

PREAMBLE

No amendments recommended

ARTICLE I – GENERAL POWERS OF THE CITY

Section 1.01. General Powers and Corporate Existence.

The City of Pensacola (“City”), located in Escambia County, Florida, 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 or this charter.

Section 1.04 Public Utilities

The City shall not renew or enter into a new franchise agreement, contract, lease, purchase agreement or memorandum of understanding for provision of utility services without securing a study on the feasibility of municipalizing that utility as well as securing a full and independent audit of the prior agreement by a certified public accountant or firm of such accountants who have no direct or indirect interest in the fiscal affairs of the City or any of its officers or elected officials. For municipalized utilities, the City shall secure a study on the feasibility of privatizing that utility no less than once every 30 years. The City shall not create or dispose of any public utility without referendum.

Section 1.05. Computation of Time.

In computing any period of time prescribed or allowed by this charter, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a

Saturday, Sunday or City observed holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or City observed holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and City observed holidays shall be excluded in the computation.

ARTICLE II – CORPORATE BOUNDARIES

No amendments recommended

ARTICLE III – ELECTED CITY POSITIONS

Section 3.01. Form of Government.

~~With the exception of the initial transition period pursuant to Section 10.07 below,~~
The City shall have a Mayor-Council 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 seven (7) Council Members, one (1) to be elected from each of the seven (7) election districts of the City. 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 fourth Tuesday in November after his or her election at 12 o'clock noon.

The base year for elections for Council Members for districts 2, 4, and 6, and the Mayor shall be 2010, and shall be for a four-year term. The base year for elections for Council Members for districts 1, 3, 5, and 7 shall be 2012 and shall be for a four-year term. These base year dates are established only for the purpose of scheduling elections and staggering terms, and do not impact the term limit requirements of Section 3.03. ~~Council Members for districts 1, 3, 5, and 7 elected in 2010 shall serve a two-year term. Terms served by the Mayor or a Council Member immediately preceding the base year dates shall not be counted in applying Section 3.03.~~

Section 3.03. Limitations of Terms for Mayor and Council Members; Effective Date.

(a) **Mayor.** No person shall be elected to serve as Mayor for more than three two consecutive terms. ~~on and after the general election in November 2010.~~

(b) **City Council Members.** No person shall be elected to serve as a Council Member for ~~districts 1, 3, 5, and 7~~ for more than three consecutive terms. ~~on and after the general election in November 2012. No person shall be elected to serve as a~~

Council Member for districts 2, 4, and 6 for more than three consecutive terms on and after the general election in November 2010.

ARTICLE IV – MAYOR AND CITY COUNCIL

Section 4.01. Mayor.

(a) ***Powers and Duties.*** The Mayor shall be the Chief Executive Officer of the City, shall exercise the executive powers of the City, and shall be responsible for the administration of all City affairs placed in their charge pursuant to this Charter. The Mayor, who shall serve in a full-time capacity, and shall exemplify good citizenship and exhibit a cooperative spirit, shall have the following powers and duties:

(1) ~~To exercise the executive powers of the City and~~ To supervise all departments, including, but not limited to, the power to appoint, discipline, and remove all officers and employees, unless otherwise provided in this Charter.

(4) To appoint a City Administrator, who shall serve at the pleasure of the Mayor, and who shall have the power to appoint and remove all officers and employees not otherwise provided for in this Charter.

(8) To suspend, discipline, or remove a department head with or without cause. and without the consent of City Council Members, unless otherwise provided for in this Charter. Such department head may appeal any such action to the City Council who may overturn the action by an affirmative vote of a majority plus one (1) of the City Council Members.

(11) To attend, or designate a representative to attend, all meetings of the City Council with authority to participate in discussions, but without the power to vote.

(16) To cooperate with and in no way obstruct an inquiry into the conduct or dealings of any municipal office, department, agency or officer as permitted under 4.02(a)(3).

Section 4.02. City Council.

(a) ***Powers and Duties.*** City Council Members shall exemplify good citizenship and exhibit a cooperative spirit. All powers of the City shall be vested in the City Council, except as otherwise provided by law or this Charter, including but not limited to ~~The City Council shall have the following powers and duties:~~

(2) To adopt the annual budget and all other appropriations necessary for efficient City government. Any modification of specific appropriations in the budget by greater than an amount set by ordinance, including but not limited to reallocating greater than

said amount between departments, shall require consent of the City Council by an affirmative vote of a majority of City Council Members.

(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~~ them 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. Such positions shall be subject to termination by a majority vote of the City Council.

(a) 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) business 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. The Council Member appointed by the Council may seek election to the Council position at the next election.

Section 4.03. City Council Procedures.

- (a) **Meetings.** The City Council shall meet ~~regularly~~ at least once every month at such times and places as the City Council may prescribe. Special meetings may be held on the call of the City Council president or the Mayor or at the request of three (3) of the City Council Members to the City Clerk and, whenever practicable, upon no less than ~~twelve (12)~~ seventy-two (72) hours notice to each Council Member and the public, or such shorter time as the City Council president, Mayor, or three (3) City Council Members deems necessary in the event of an emergency.

ARTICLE V – APPOINTED CITY POSITIONS

Section 5.01. City Clerk.

There shall be a City Clerk who shall be appointed by the Mayor with the consent of the City Council by an affirmative vote of a majority of Council Members, and whose duties and responsibilities are as provided for by this Charter. Although an appointee of the Mayor, the Clerk shall serve the entire City government. The Clerk shall keep and have the care and custody of the books, records, papers, legal documents and journals of proceedings of the City Council and shall carry out such additional duties as may be required by the Council or the Mayor. The City Clerk may be removed from office with the concurrence of the Mayor and a majority of the City Council. Nothing in this Charter shall authorize or permit the Mayor or City Council to suspend, discharge, remove or otherwise discipline any Deputy City Clerk, Assistant City Clerk or administrative staff hired and supervised by the City Clerk. It is the intent of this section that the Deputy City Clerk, all Assistant City Clerks, and all administrative personnel under the supervision of the City Clerk perform their duties and serve at his or her pleasure without interference from the Mayor or City Council.

Section 5.03. City Attorney.

The City Attorney shall serve as the chief legal adviser to, 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 Mayor shall appoint the City Attorney, with the consent of the City Council by an affirmative vote of a majority of City Council Members. The City Attorney may be removed from office with the concurrence of the Mayor and a majority of the City Council. Nothing in this Charter shall authorize or permit the Mayor or City Council to suspend, discharge, remove or otherwise discipline any Deputy City Attorney, Assistant City Attorney or administrative staff hired and supervised by the City Attorney. It is the intent of this section that the Deputy City Attorney, all Assistant City Attorneys, and all administrative personnel under the supervision of the City Attorney perform their duties and serve at his or her pleasure without interference from the Mayor or City Council.

ARTICLE VI -- ELECTIONS

ARTICLE VII – RECALL, INITIATIVE, AND REFERENDUM

Section 7.02. Power of Initiative.

City electors shall have the power to propose ordinances to the City Council. If the City Council fails to adopt an ordinance so proposed without any change in substance, the electors have the power to adopt or reject the proposed ordinance at a City election. The electors are not empowered to propose ordinances that extend to providing an annual budget, levying taxes, or setting salaries of City officers or employees, expending LOST funds, or compelling government speech in a particular manner.

Section 7.03. Power of Referendum.

No later than ~~Within~~ sixty (60) days following the effective date of a measure passed by City Council, City electors shall have the power to require reconsideration by the City Council of any measure passed by City Council. If the City Council fails to repeal a measure so reconsidered, the electors shall have the power to ~~approve~~ adopt or reject the reconsidered measure by petition as specified in Section 7.05 following. ~~at a City election.~~ The electors are not empowered to reconsider measures that extend to providing an annual budget, levying taxes, ~~or~~ setting salaries of City officers or employees, the expenditure of LOST funds, or government speech.

Section 7.04. Commencement of Proceedings.

Within sixty (60) days of a measure passed by City Council either adopting or rejecting the proposed ordinance or adopting or rejecting the proposed repeal of a measure, ~~A~~ any ten (10) electors may commence initiative or referendum proceedings by filing with the City

Clerk an affidavit stating that they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form. The affidavit shall further provide their names and addresses, specify the mailing address for notices to be sent to the committee, and fully set forth the proposed initiative or identify the measure sought to be reconsidered. Promptly after the petitioners' committee's affidavit is filed, the City Clerk, at the committee's request, shall issue the appropriate petition forms to the committee at the committee's expense.

Section 7.05. Initiative or Referendum Petitions.

(c) Statement of Circulator. When filed, petitions shall have attached an affidavit statement executed and sworn by a member of the petitioner's committee that ~~by the circulator or circulators of the petitions that~~ he, she, or they personally circulated the petitions. The statement shall further state the number of signed petitions submitted and that the ~~circulator~~ petitioner's committee believes them to be the genuine signatures of the persons whose names they purport to be.

(d) Filing Deadline. All initiative and referendum petitions must be filed with the City Clerk within sixty (60) days of the commencement date of the initiative or referendum proceedings as specified in Section 7.04 above. The City Clerk shall submit the petitions to the Supervisor of Elections within three (3) business days of receipt of the petitions.

Section 7.06. Verification of Petitions.

The petitioner's committee shall submit with the petitions ~~the completed petitions to the Escambia County Supervisor of Elections for verification as to the number of registered electors whose valid signatures appear thereon, along with~~ any fee required by general law. The Supervisor of Elections shall make a good faith effort to verify the signatures within ten (10) days of receipt of the petitions. The Supervisor of Elections shall record the date each form is received by the Supervisor of Elections, and the date the signature on the form is verified as valid. The Supervisor of Elections may verify that the signature on a form is valid only if (i) the form contains the original signature of the elector; (ii) the elector has accurately recorded on the form the date on which he or she signed the form; (iii) the form accurately sets forth the elector's name and address; and (iv) the elector is, at the time he or she signs the form, a duly qualified and registered elector of the City.

ARTICLE VIII – CHARTER REVIEW AND CHARTER AMENDMENTS

Section. 8.01. Charter Review Commission.

(a) Charter Review Commission Established. During the month of January 2022 2031 and every ten (10) years thereafter, there shall be established a Charter Review

Commission (“CRC”); provided, however, that the City Council shall have the power to establish a CRC more often in the event it so chooses.

(b) **Composition.** Every ten (10) years, the Mayor and City Council shall appoint nine members to the CRC. The Mayor shall appoint two (2) members and each Council Member shall appoint one member residing in their Council District. The CRC shall be composed of nine members, with at least one (1) member from each of the seven (7) Council districts of the City and no more than two (2) members coming from any one Council District. No members of the CRC shall be elected officials. Each member of the CRC shall be a City resident and elector. Vacancies shall be filled within 30 days in the same manner as the original appointments.

(c) **Procedures.** The CRC shall meet prior to the third week in January 2022 2031, and every ten (10) years thereafter, for the purposes of organization. The CRC shall elect a Chair and Vice Chair from among its membership. Further meetings of the CRC shall be held upon the call of the Chair or any three members of the CRC. All meetings shall be open to the public. A majority of the members of the CRC shall constitute a quorum.

Section 8.02. Charter Amendments.

(b) **Initiation by Petition.** The electors of the City may propose amendments to this Charter by petition. Each petition proposing amendments to this Charter shall be commenced in the same manner as an ordinance proposed by initiative in Article VII of this Charter. Initiative petitions must be signed by City electors equal to at least ten percent (10%) of the total number of registered electors in the City, as shown by the compilation by the Supervisor of Elections for the most recent general election of the City Council. The City Council shall place the proposed amendment contained in the ordinance or petition to a vote of the electors at the next general election held within the City or at a special election called for such purpose.

ARTICLE IX -- MISCELLANEOUS

No amendments recommended

ARTICLE X – SCHEDULE

Section 10.06. Existing Rights, Obligations, Duties and Relationships.

~~(d) **Commencement of Terms for Year 2010 Elections.** The terms for the Council Members and Mayor elected in the 2010 general election shall commence at noon on the second Monday of January 2011 as provided for in the former City Charter, or on such earlier date as the office becomes vacant after the 2010 general election. This provision shall be effective solely for the purposes of transition from the former City Charter to Section 3.02 of this Charter.~~

Section 10.07. Transition.

~~The City Council shall adopt such ordinances and resolutions as are required to effect the transition from a nine (9) member City Council with two (2) at large elected seats to a seven (7) member City Council with no at large elected seats upon the expiration of their current respective terms. Ordinances adopted within sixty (60) days of the first Council meeting under this Charter for the purpose of facilitating the transition may be passed as emergency ordinances following the procedures prescribed by law.~~



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 38-22

City Council

7/28/2022

LEGISLATIVE ACTION ITEM

SPONSOR: City Council President Ann Hill

SUBJECT:

PROPOSED ORDINANCE NO. 38-22 - CHARTER AMENDMENT QUESTION 3 RELATED TO ARTICLE VI - ELECTIONS.

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 38-22 on first reading:

AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER FOR THE CITY OF PENSACOLA, FLORIDA; AMENDING ARTICLE VI - ELECTIONS; AMENDING SECTION 6.03- QUALIFICATIONS, ELIGIBILITY, AND FILING FEE; AMENDING SECTION 6.06 - ALTERNATIVE TO QUALIFYING FEE; PROVIDING FOR A REFERENDUM THEREON; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

HEARING REQUIRED: No Hearing Required

SUMMARY:

Article VIII- Section 8.01(a-g) of the City Charter provide for the establishment of a Charter Review Commission, composition, procedures, rules and compensation, expenses, review and report and process, respectively, outlining that a review of the Charter begin in January of 2022.

In September of 2021, the City Council and the Mayor appointed nine (9) citizens, establishing the Charter Review Commission (CRC).

From January 2022 through June 2022, the CRC met, discussed, and made recommendations for amending the City Charter.

In June of 2022, the City Council held a workshop to discuss the CRC recommendations.

In accordance with Section 8.01(f), the CRC reviewed, on behalf of the citizens of Pensacola, in order to make recommendations on amendments, if any.

In accordance with 8.01(g) the CRC issued a report to City Council providing their recommendations for amendments. The City Council serves as the final decision makers as to whether the proposed amendments are (a) returned to the CRC for further review, (b) revised and included on a ballot, (c)

included on a ballot without change or (d) take other action. The proposed amendments are then placed on the ballot of the 2022 general election to be held on November 8, 2022. The citizens are then asked to either approve or reject the proposed Charter Amendments.

Ballot question no. 3 addresses the following:

Amending Article VI- Elections

Amending Section 6.03 - Qualifications, Eligibility, and filing fee

Amending Section 6.06 - Alternative to Qualifying Fee

PRIOR ACTION:

July 19, 2022 - City Council Special Meeting to determine proposed Charter Amendments to be placed on the November 8, 2022, General Election Ballot

July 11, 2022 - City Council Special Meeting to determine proposed Charter Amendments to be placed on the November 8, 2022, General Election Ballot

June 27, 2022 - City Council Workshop regarding CRC proposed Charter Amendments

January 5, 2022 - June 15, 2022 - CRC held meetings

September 9, 2021 - City Council/Mayor appointed members to the CRC

FUNDING:

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) Proposed Ord. No. 38-22
- 2) CRC Report

PRESENTATION: No

PROPOSED
ORDINANCE NO. 38-22

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER FOR THE CITY OF PENSACOLA, FLORIDA; AMENDING ARTICLE VI – ELECTIONS; AMENDING SECTION 6.03 - QUALIFICATIONS, ELIGIBILITY, AND FILING FEE; AMENDING SECTION 6.06 – ALTERNATIVE TO QUALIFYING FEE; PROVIDING FOR A REFERENDUM THEREON; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Pensacola has determined that certain amendments to the City Charter are in order to clarify and update the Charter; and

WHEREAS, pursuant to Section 166.031 Florida Statutes, the City Council is required to submit the Charter Amendments to the electors of the City for approval or rejection.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF 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 8, 2022, to consider and vote for or against the approval of proposed amendments 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 8, 2022.

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 revisions shall be:

QUESTION

THE CITY OF PENSACOLA – REFERENDUM QUESTION NO. 3

Shall the Charter be amended to reduce filing fees for candidates for offices of Mayor and City Council; reduce the percentage of signatures needed for being placed on a ballot for either the office of Mayor or City Council; and further reduce, during decennial census years, the percentage of signatures needed for candidates for Mayor or City Council to be placed on the ballot?

_____ **Yes – For Approval**

_____ **No – Against Approval**

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 Article VI of the existing Charter, to wit:

ARTICLE VI– ELECTIONS

Section 6.03. Qualifications, Eligibility, and Filing Fee

(b) *Filing Fee.* Each candidate shall pay to the qualifying officer a filing fee in the amount of ~~three percent (3%)~~ one and one-half percent (1.5%) of the annual salary of the office of Mayor or office of Member of City Council, as well as an election assessment as provided by Florida law.

Section 6.06. Alternative to Qualifying Fee.

(c) *Valid Signatures.* The candidate may begin to seek signatures on a petition supporting his or her candidacy once the requirements of general law are met. Only signatures of City electors shall be counted toward obtaining the minimum number of signatures prescribed in this subsection. Candidates for the office of Mayor under this petition process shall obtain the signatures of a number of qualified electors equal to at least ~~five percent (5%)~~ two and one-half percent (2.5 %) of the total number of

registered electors in the City, as shown by the compilation by the Supervisor of Elections for the most recent general election of the City Council. A candidate for a single-member district position shall obtain the signatures of a number of qualified electors residing in the district for which the candidate seeks election equal to at least ~~five percent (5%)~~ of two and one-half percent (2.5%) of the total number of registered electors in the district, as shown by the same compilation.

For the City election next following each decennial census, the required petition signatures shall be as follows:

(i) Candidates for the office of Mayor under this petition process shall obtain the signatures of a number of registered voters of the City equal to at least ~~two and one-half percent (2.5%)~~ one and one-quarter percent (1.25%) of the population of the City according to the most recent decennial census.

(ii) A candidate for the office of a district City Council Member under this petition process shall obtain the signatures of a number of registered voters residing in the district for which the candidate seeks election equal to at least ~~two and one-half percent (2.5%)~~ one and one-quarter percent (1.25%) of the ideal district population according to the most recent decennial census. For the purposes of this section, the "ideal district population" means the total population of the City based upon the most recent decennial census divided by the number of City Council districts.

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 on immediately upon adoption.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk

To: Pensacola City Council
From: 2022 Charter Review Commission
Date: June 15, 2022
Re: Charter Review Commission Recommendations

Madam President and Members of City Council

On September 9, 2021, City Council and the Mayor appointed members to the Charter Review Commission (CRC), those appointed members were:

Samuel Horton Sr. – Chair

Clorissi Berine Shoemo – Vice Chair

Antonio Bruni

Chris Schwier

Jack Zoesch

David Alexander III

Lester Smith

John Trawick

Thomas Williams – Mr. Williams (Judge Williams) was appointed to the Judicial Bench forcing his withdrawal from the Commission

Mike Wiggins – was selected to replace Mr. Williams

The CRC began meeting on January 5, 2022, followed by meetings on:

February 9, 2022

February 23, 2022

March 9, 2022

March 23, 2022

April 6, 2022

April 20, 2022

May 4, 2022

May 18, 2022

June 1, 2022

June 15, 2022

During that time the CRC heard from a representative from the Florida League of Cities, prior City Attorney Susan Woolf, at least one Council Member, a former Council Member, the Mayor, citizens as well as conducting information gathering from city staff members. City Attorney Charlie Pepler was chosen by the CRC as their legal representation.

Over the course of these eleven (11) meetings, the CRC discussed the Charter, discussed recommendations, some of which were approved by a majority of the CRC members, some of which were rejected. This report will outline those recommendations that were approved (in detail).

These recommendations will be shown by Charter Section, along with proposed language additions or deletions.

RECOMMENDATIONS

PREAMBLE

No amendments recommended

ARTICLE I – GENERAL POWERS OF THE CITY

Section 1.01. General Powers and Corporate Existence.

The City of Pensacola (“City”), located in Escambia County, Florida, 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 or this charter.

Section 1.04 Public Utilities

The City shall not renew or enter into a new franchise agreement, contract, lease, purchase agreement or memorandum of understanding for provision of utility services without securing a study on the feasibility of municipalizing that utility as well as securing a full and independent audit of the prior agreement by a certified public accountant or firm of such accountants who have no direct or indirect interest in the fiscal affairs of the City or any of its officers or elected officials. For municipalized utilities, the City shall secure a study on the feasibility of privatizing that utility no less than once every 30 years. The City shall not create or dispose of any public utility without referendum.

Section 1.05. Computation of Time.

In computing any period of time prescribed or allowed by this charter, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a

Saturday, Sunday or City observed holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or City observed holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and City observed holidays shall be excluded in the computation.

ARTICLE II – CORPORATE BOUNDARIES

No amendments recommended

ARTICLE III – ELECTED CITY POSITIONS

Section 3.01. Form of Government.

~~With the exception of the initial transition period pursuant to Section 10.07 below,~~
The City shall have a Mayor-Council 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 seven (7) Council Members, one (1) to be elected from each of the seven (7) election districts of the City. 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 fourth Tuesday in November after his or her election at 12 o'clock noon.

The base year for elections for Council Members for districts 2, 4, and 6, and the Mayor shall be 2010, and shall be for a four-year term. The base year for elections for Council Members for districts 1, 3, 5, and 7 shall be 2012 and shall be for a four-year term. These base year dates are established only for the purpose of scheduling elections and staggering terms, and do not impact the term limit requirements of Section 3.03. ~~Council Members for districts 1, 3, 5, and 7 elected in 2010 shall serve a two-year term. Terms served by the Mayor or a Council Member immediately preceding the base year dates shall not be counted in applying Section 3.03.~~

Section 3.03. Limitations of Terms for Mayor and Council Members; Effective Date.

(a) **Mayor.** No person shall be elected to serve as Mayor for more than three two consecutive terms. ~~on and after the general election in November 2010.~~

(b) **City Council Members.** No person shall be elected to serve as a Council Member for ~~districts 1, 3, 5, and 7~~ for more than three consecutive terms. ~~on and after the general election in November 2012. No person shall be elected to serve as a~~

Council Member for districts 2, 4, and 6 for more than three consecutive terms on and after the general election in November 2010.

ARTICLE IV – MAYOR AND CITY COUNCIL

Section 4.01. Mayor.

(a) ***Powers and Duties.*** The Mayor shall be the Chief Executive Officer of the City, shall exercise the executive powers of the City, and shall be responsible for the administration of all City affairs placed in their charge pursuant to this Charter. The Mayor, who shall serve in a full-time capacity, and shall exemplify good citizenship and exhibit a cooperative spirit, shall have the following powers and duties:

(1) ~~To exercise the executive powers of the City and~~ To supervise all departments, including, but not limited to, the power to appoint, discipline, and remove all officers and employees, unless otherwise provided in this Charter.

(4) To appoint a City Administrator, who shall serve at the pleasure of the Mayor, and who shall have the power to appoint and remove all officers and employees not otherwise provided for in this Charter.

(8) ~~To suspend, discipline, or remove a department head with or without cause. and without the consent of City Council Members, unless otherwise provided for in this Charter.~~ Such department head may appeal any such action to the City Council who may overturn the action by an affirmative vote of a majority plus one (1) of the City Council Members.

(11) To attend, or designate a representative to attend, all meetings of the City Council with authority to participate in discussions, but without the power to vote.

(16) To cooperate with and in no way obstruct an inquiry into the conduct or dealings of any municipal office, department, agency or officer as permitted under 4.02(a)(3).

Section 4.02. City Council.

(a) ***Powers and Duties.*** City Council Members shall exemplify good citizenship and exhibit a cooperative spirit. All powers of the City shall be vested in the City Council, except as otherwise provided by law or this Charter, including but not limited to ~~The City Council shall have the following powers and duties:~~

(2) To adopt the annual budget and all other appropriations necessary for efficient City government. Any modification of specific appropriations in the budget by greater than an amount set by ordinance, including but not limited to reallocating greater than

said amount between departments, shall require consent of the City Council by an affirmative vote of a majority of City Council Members.

(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~~ them 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. Such positions shall be subject to termination by a majority vote of the City Council.

(a) 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) business 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. The Council Member appointed by the Council may seek election to the Council position at the next election.

Section 4.03. City Council Procedures.

- (a) **Meetings.** The City Council shall meet ~~regularly~~ at least once every month at such times and places as the City Council may prescribe. Special meetings may be held on the call of the City Council president or the Mayor or at the request of three (3) of the City Council Members to the City Clerk and, whenever practicable, upon no less than ~~twelve (12)~~ seventy-two (72) hours notice to each Council Member and the public, or such shorter time as the City Council president, Mayor, or three (3) City Council Members deems necessary in the event of an emergency.

ARTICLE V – APPOINTED CITY POSITIONS

Section 5.01. City Clerk.

There shall be a City Clerk who shall be appointed by the Mayor with the consent of the City Council by an affirmative vote of a majority of Council Members, and whose duties and responsibilities are as provided for by this Charter. Although an appointee of the Mayor, the Clerk shall serve the entire City government. The Clerk shall keep and have the care and custody of the books, records, papers, legal documents and journals of proceedings of the City Council and shall carry out such additional duties as may be required by the Council or the Mayor. The City Clerk may be removed from office with the concurrence of the Mayor and a majority of the City Council. Nothing in this Charter shall authorize or permit the Mayor or City Council to suspend, discharge, remove or otherwise discipline any Deputy City Clerk, Assistant City Clerk or administrative staff hired and supervised by the City Clerk. It is the intent of this section that the Deputy City Clerk, all Assistant City Clerks, and all administrative personnel under the supervision of the City Clerk perform their duties and serve at his or her pleasure without interference from the Mayor or City Council.

Section 5.03. City Attorney.

The City Attorney shall serve as the chief legal adviser to, 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 Mayor shall appoint the City Attorney, with the consent of the City Council by an affirmative vote of a majority of City Council Members. The City Attorney may be removed from office with the concurrence of the Mayor and a majority of the City Council. Nothing in this Charter shall authorize or permit the Mayor or City Council to suspend, discharge, remove or otherwise discipline any Deputy City Attorney, Assistant City Attorney or administrative staff hired and supervised by the City Attorney. It is the intent of this section that the Deputy City Attorney, all Assistant City Attorneys, and all administrative personnel under the supervision of the City Attorney perform their duties and serve at his or her pleasure without interference from the Mayor or City Council.

ARTICLE VI -- ELECTIONS

ARTICLE VII – RECALL, INITIATIVE, AND REFERENDUM

Section 7.02. Power of Initiative.

City electors shall have the power to propose ordinances to the City Council. If the City Council fails to adopt an ordinance so proposed without any change in substance, the electors have the power to adopt or reject the proposed ordinance at a City election. The electors are not empowered to propose ordinances that extend to providing an annual budget, levying taxes, or setting salaries of City officers or employees, expending LOST funds, or compelling government speech in a particular manner.

Section 7.03. Power of Referendum.

No later than ~~Within~~ sixty (60) days following the effective date of a measure passed by City Council, City electors shall have the power to require reconsideration by the City Council of any measure passed by City Council. If the City Council fails to repeal a measure so reconsidered, the electors shall have the power to ~~approve~~ adopt or reject the reconsidered measure by petition as specified in Section 7.05 following. ~~at a City election.~~ The electors are not empowered to reconsider measures that extend to providing an annual budget, levying taxes, ~~or~~ setting salaries of City officers or employees, the expenditure of LOST funds, or government speech.

Section 7.04. Commencement of Proceedings.

Within sixty (60) days of a measure passed by City Council either adopting or rejecting the proposed ordinance or adopting or rejecting the proposed repeal of a measure, ~~A~~ any ten (10) electors may commence initiative or referendum proceedings by filing with the City

Clerk an affidavit stating that they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form. The affidavit shall further provide their names and addresses, specify the mailing address for notices to be sent to the committee, and fully set forth the proposed initiative or identify the measure sought to be reconsidered. Promptly after the petitioners' committee's affidavit is filed, the City Clerk, at the committee's request, shall issue the appropriate petition forms to the committee at the committee's expense.

Section 7.05. Initiative or Referendum Petitions.

(c) Statement of Circulator. When filed, petitions shall have attached an affidavit statement executed and sworn by a member of the petitioner's committee that ~~by the circulator or circulators of the petitions that~~ he, she, or they personally circulated the petitions. The statement shall further state the number of signed petitions submitted and that the ~~circulator~~ petitioner's committee believes them to be the genuine signatures of the persons whose names they purport to be.

(d) Filing Deadline. All initiative and referendum petitions must be filed with the City Clerk within sixty (60) days of the commencement date of the initiative or referendum proceedings as specified in Section 7.04 above. The City Clerk shall submit the petitions to the Supervisor of Elections within three (3) business days of receipt of the petitions.

Section 7.06. Verification of Petitions.

The petitioner's committee shall submit with the petitions ~~the completed petitions to the Escambia County Supervisor of Elections for verification as to the number of registered electors whose valid signatures appear thereon, along with~~ any fee required by general law. The Supervisor of Elections shall make a good faith effort to verify the signatures within ten (10) days of receipt of the petitions. The Supervisor of Elections shall record the date each form is received by the Supervisor of Elections, and the date the signature on the form is verified as valid. The Supervisor of Elections may verify that the signature on a form is valid only if (i) the form contains the original signature of the elector; (ii) the elector has accurately recorded on the form the date on which he or she signed the form; (iii) the form accurately sets forth the elector's name and address; and (iv) the elector is, at the time he or she signs the form, a duly qualified and registered elector of the City.

ARTICLE VIII – CHARTER REVIEW AND CHARTER AMENDMENTS

Section. 8.01. Charter Review Commission.

(a) Charter Review Commission Established. During the month of January 2022 2031 and every ten (10) years thereafter, there shall be established a Charter Review

Commission (“CRC”); provided, however, that the City Council shall have the power to establish a CRC more often in the event it so chooses.

(b) **Composition.** Every ten (10) years, the Mayor and City Council shall appoint nine members to the CRC. The Mayor shall appoint two (2) members and each Council Member shall appoint one member residing in their Council District. The CRC shall be composed of nine members, with at least one (1) member from each of the seven (7) Council districts of the City and no more than two (2) members coming from any one Council District. No members of the CRC shall be elected officials. Each member of the CRC shall be a City resident and elector. Vacancies shall be filled within 30 days in the same manner as the original appointments.

(c) **Procedures.** The CRC shall meet prior to the third week in January 2022 2031, and every ten (10) years thereafter, for the purposes of organization. The CRC shall elect a Chair and Vice Chair from among its membership. Further meetings of the CRC shall be held upon the call of the Chair or any three members of the CRC. All meetings shall be open to the public. A majority of the members of the CRC shall constitute a quorum.

Section 8.02. Charter Amendments.

(b) **Initiation by Petition.** The electors of the City may propose amendments to this Charter by petition. Each petition proposing amendments to this Charter shall be commenced in the same manner as an ordinance proposed by initiative in Article VII of this Charter. Initiative petitions must be signed by City electors equal to at least ten percent (10%) of the total number of registered electors in the City, as shown by the compilation by the Supervisor of Elections for the most recent general election of the City Council. The City Council shall place the proposed amendment contained in the ordinance or petition to a vote of the electors at the next general election held within the City or at a special election called for such purpose.

ARTICLE IX -- MISCELLANEOUS

No amendments recommended

ARTICLE X – SCHEDULE

Section 10.06. Existing Rights, Obligations, Duties and Relationships.

~~(d) **Commencement of Terms for Year 2010 Elections.** The terms for the Council Members and Mayor elected in the 2010 general election shall commence at noon on the second Monday of January 2011 as provided for in the former City Charter, or on such earlier date as the office becomes vacant after the 2010 general election. This provision shall be effective solely for the purposes of transition from the former City Charter to Section 3.02 of this Charter.~~

Section 10.07. Transition.

~~The City Council shall adopt such ordinances and resolutions as are required to effect the transition from a nine (9) member City Council with two (2) at large elected seats to a seven (7) member City Council with no at large elected seats upon the expiration of their current respective terms. Ordinances adopted within sixty (60) days of the first Council meeting under this Charter for the purpose of facilitating the transition may be passed as emergency ordinances following the procedures prescribed by law.~~



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 39-22

City Council

7/28/2022

LEGISLATIVE ACTION ITEM

SPONSOR: City Council President Ann Hill

SUBJECT:

PROPOSED ORDINANCE NO. 39-22 - CHARTER AMENDMENT QUESTION 4 RELATED TO ARTICLE IV - MAYOR AND CITY COUNCIL

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 39-22 on first reading:

AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER FOR THE CITY OF PENSACOLA, FLORIDA; AMENDING ARTICLE IV - MAYOR AND CITY COUNCIL; AMENDING SECTION 4.02(C) - COMPENSATION; PROVIDING FOR A REFERENDUM THEREON; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Article VIII- Section 8.01(a-g) of the City Charter provide for the establishment of a Charter Review Commission, composition, procedures, rules and compensation, expenses, review and report and process, respectively, outlining that a review of the Charter begin in January of 2022.

In September of 2021, the City Council and the Mayor appointed nine (9) citizens, establishing the Charter Review Commission (CRC).

From January 2022 through June 2022, the CRC met, discussed, and made recommendations for amending the City Charter.

In June of 2022, the City Council held a workshop to discuss the CRC recommendations.

In accordance with Section 8.01(f), the CRC reviewed, on behalf of the citizens of Pensacola, in order to make recommendations on amendments, if any.

In accordance with 8.01(g) the CRC issued a report to City Council providing their recommendations for amendments. The City Council serves as the final decision makers as to whether the proposed amendments are (a) returned to the CRC for further review, (b) revised and included on a ballot, (c) included on a ballot without change or (d) take other action. The proposed amendments are then

placed on the ballot of the 2022 general election to be held on November 8, 2022. The citizens are then asked to either approve or reject the proposed Charter Amendments.

Ballot question no. 4 addresses the following:

Amending Article IV - Mayor and City Council
Amending Section 4.02(c) - Compensation

PRIOR ACTION:

July 19, 2022 - City Council Special Meeting to determine proposed Charter Amendments to be placed on the November 8, 2022, General Election Ballot

July 11, 2022 - City Council Special Meeting to determine proposed Charter Amendments to be placed on the November 8, 2022, General Election Ballot

June 27, 2022 - City Council Workshop regarding CRC proposed Charter Amendments

January 5, 2022 - June 15, 2022 - CRC held meetings

September 9, 2021 - City Council / Mayor appointed members to the CRC

FUNDING:

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) Proposed Ord. No. 39-22
- 2) CRC Report

PRESENTATION: No

PROPOSED
ORDINANCE NO. 39-22

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER FOR THE CITY OF PENSACOLA, FLORIDA; AMENDING ARTICLE IV – MAYOR AND CITY COUNCIL; AMENDING SECTION 4.02(C) – COMPENSATION; PROVIDING FOR A REFERENDUM THEREON; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Pensacola has determined that certain amendments to the City Charter are in order to clarify and update the Charter; and

WHEREAS, pursuant to Section 166.031 Florida Statutes, the City Council is required to submit the Charter Amendments to the electors of the City for approval or rejection; and

WHEREAS, the Council has determined that a fair and objective method for setting the annual salaries of Council Members is to use the formula methodology utilized by the Florida Legislature’s Office of Economic and Demographic Research (OEDR) for School Board Members; and

WHEREAS, the OEDR formula may vary upwardly or downwardly on an annual basis depending on fluctuation in population and other factors built into the formula; and

WHEREAS, the formula for School Board Members, taking into account the current population of the City of Pensacola and other components of the formula, when applied in 2022 results in an annual salary of \$31,807.89 which could be lesser or greater in November 2024.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF 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 8, 2022, to consider and vote for or against the approval of proposed amendments 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 8, 2022.

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 revisions shall be:

QUESTION

THE CITY OF PENSACOLA – REFERENDUM QUESTION NO. 4

Shall the Charter be amended to provide that the annual salary of members of City Council be set each year by a formula derived from Florida Legislature’s Office of Economic and Demographic Research, beginning in 2024 and continuing thereafter for each fiscal year that a member is in office?

_____ **Yes – For Approval**

_____ **No – Against Approval**

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 Article IV of the existing Charter, to wit:

ARTICLE IV – MAYOR AND CITY COUNCIL

Section 4.02. City Council

(c) **Compensation.** ~~The salary compensation of Council Members shall be set by ordinance—shall be established on an annual basis using the Florida Legislature’s Office of Economic and Demographic Research formula on an annual basis for School Board Members, which shall take effect for all Council Members assuming office following the next Council election following the 2024 General Election.~~

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 on immediately upon adoption.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk

To: Pensacola City Council
From: 2022 Charter Review Commission
Date: June 15, 2022
Re: Charter Review Commission Recommendations

Madam President and Members of City Council

On September 9, 2021, City Council and the Mayor appointed members to the Charter Review Commission (CRC), those appointed members were:

Samuel Horton Sr. – Chair

Clorissi Berine Shoemo – Vice Chair

Antonio Bruni

Chris Schwier

Jack Zoesch

David Alexander III

Lester Smith

John Trawick

Thomas Williams – Mr. Williams (Judge Williams) was appointed to the Judicial Bench forcing his withdrawal from the Commission

Mike Wiggins – was selected to replace Mr. Williams

The CRC began meeting on January 5, 2022, followed by meetings on:

February 9, 2022

February 23, 2022

March 9, 2022

March 23, 2022

April 6, 2022

April 20, 2022

May 4, 2022

May 18, 2022

June 1, 2022

June 15, 2022

During that time the CRC heard from a representative from the Florida League of Cities, prior City Attorney Susan Woolf, at least one Council Member, a former Council Member, the Mayor, citizens as well as conducting information gathering from city staff members. City Attorney Charlie Pepler was chosen by the CRC as their legal representation.

Over the course of these eleven (11) meetings, the CRC discussed the Charter, discussed recommendations, some of which were approved by a majority of the CRC members, some of which were rejected. This report will outline those recommendations that were approved (in detail).

These recommendations will be shown by Charter Section, along with proposed language additions or deletions.

RECOMMENDATIONS

PREAMBLE

No amendments recommended

ARTICLE I – GENERAL POWERS OF THE CITY

Section 1.01. General Powers and Corporate Existence.

The City of Pensacola (“City”), located in Escambia County, Florida, 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 or this charter.

Section 1.04 Public Utilities

The City shall not renew or enter into a new franchise agreement, contract, lease, purchase agreement or memorandum of understanding for provision of utility services without securing a study on the feasibility of municipalizing that utility as well as securing a full and independent audit of the prior agreement by a certified public accountant or firm of such accountants who have no direct or indirect interest in the fiscal affairs of the City or any of its officers or elected officials. For municipalized utilities, the City shall secure a study on the feasibility of privatizing that utility no less than once every 30 years. The City shall not create or dispose of any public utility without referendum.

Section 1.05. Computation of Time.

In computing any period of time prescribed or allowed by this charter, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a

Saturday, Sunday or City observed holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or City observed holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and City observed holidays shall be excluded in the computation.

ARTICLE II – CORPORATE BOUNDARIES

No amendments recommended

ARTICLE III – ELECTED CITY POSITIONS

Section 3.01. Form of Government.

~~With the exception of the initial transition period pursuant to Section 10.07 below,~~
The City shall have a Mayor-Council 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 seven (7) Council Members, one (1) to be elected from each of the seven (7) election districts of the City. 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 fourth Tuesday in November after his or her election at 12 o'clock noon.

The base year for elections for Council Members for districts 2, 4, and 6, and the Mayor shall be 2010, and shall be for a four-year term. The base year for elections for Council Members for districts 1, 3, 5, and 7 shall be 2012 and shall be for a four-year term. These base year dates are established only for the purpose of scheduling elections and staggering terms, and do not impact the term limit requirements of Section 3.03. ~~Council Members for districts 1, 3, 5, and 7 elected in 2010 shall serve a two-year term. Terms served by the Mayor or a Council Member immediately preceding the base year dates shall not be counted in applying Section 3.03.~~

Section 3.03. Limitations of Terms for Mayor and Council Members; Effective Date.

(a) **Mayor.** No person shall be elected to serve as Mayor for more than three two consecutive terms. ~~on and after the general election in November 2010.~~

(b) **City Council Members.** No person shall be elected to serve as a Council Member for ~~districts 1, 3, 5, and 7~~ for more than three consecutive terms. ~~on and after the general election in November 2012. No person shall be elected to serve as a~~

Council Member for districts 2, 4, and 6 for more than three consecutive terms on and after the general election in November 2010.

ARTICLE IV – MAYOR AND CITY COUNCIL

Section 4.01. Mayor.

(a) ***Powers and Duties.*** The Mayor shall be the Chief Executive Officer of the City, shall exercise the executive powers of the City, and shall be responsible for the administration of all City affairs placed in their charge pursuant to this Charter. The Mayor, who shall serve in a full-time capacity, and shall exemplify good citizenship and exhibit a cooperative spirit, shall have the following powers and duties:

(1) ~~To exercise the executive powers of the City and~~ To supervise all departments, including, but not limited to, the power to appoint, discipline, and remove all officers and employees, unless otherwise provided in this Charter.

(4) To appoint a City Administrator, who shall serve at the pleasure of the Mayor, and who shall have the power to appoint and remove all officers and employees not otherwise provided for in this Charter.

(8) To suspend, discipline, or remove a department head with or without cause. and without the consent of City Council Members, unless otherwise provided for in this Charter. Such department head may appeal any such action to the City Council who may overturn the action by an affirmative vote of a majority plus one (1) of the City Council Members.

(11) To attend, or designate a representative to attend, all meetings of the City Council with authority to participate in discussions, but without the power to vote.

(16) To cooperate with and in no way obstruct an inquiry into the conduct or dealings of any municipal office, department, agency or officer as permitted under 4.02(a)(3).

Section 4.02. City Council.

(a) ***Powers and Duties.*** City Council Members shall exemplify good citizenship and exhibit a cooperative spirit. All powers of the City shall be vested in the City Council, except as otherwise provided by law or this Charter, including but not limited to ~~The City Council shall have the following powers and duties:~~

(2) To adopt the annual budget and all other appropriations necessary for efficient City government. Any modification of specific appropriations in the budget by greater than an amount set by ordinance, including but not limited to reallocating greater than

said amount between departments, shall require consent of the City Council by an affirmative vote of a majority of City Council Members.

(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~~ them 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. Such positions shall be subject to termination by a majority vote of the City Council.

(a) 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) business 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. The Council Member appointed by the Council may seek election to the Council position at the next election.

Section 4.03. City Council Procedures.

- (a) **Meetings.** The City Council shall meet ~~regularly~~ at least once every month at such times and places as the City Council may prescribe. Special meetings may be held on the call of the City Council president or the Mayor or at the request of three (3) of the City Council Members to the City Clerk and, whenever practicable, upon no less than ~~twelve (12)~~ seventy-two (72) hours notice to each Council Member and the public, or such shorter time as the City Council president, Mayor, or three (3) City Council Members deems necessary in the event of an emergency.

ARTICLE V – APPOINTED CITY POSITIONS

Section 5.01. City Clerk.

There shall be a City Clerk who shall be appointed by the Mayor with the consent of the City Council by an affirmative vote of a majority of Council Members, and whose duties and responsibilities are as provided for by this Charter. Although an appointee of the Mayor, the Clerk shall serve the entire City government. The Clerk shall keep and have the care and custody of the books, records, papers, legal documents and journals of proceedings of the City Council and shall carry out such additional duties as may be required by the Council or the Mayor. The City Clerk may be removed from office with the concurrence of the Mayor and a majority of the City Council. Nothing in this Charter shall authorize or permit the Mayor or City Council to suspend, discharge, remove or otherwise discipline any Deputy City Clerk, Assistant City Clerk or administrative staff hired and supervised by the City Clerk. It is the intent of this section that the Deputy City Clerk, all Assistant City Clerks, and all administrative personnel under the supervision of the City Clerk perform their duties and serve at his or her pleasure without interference from the Mayor or City Council.

Section 5.03. City Attorney.

The City Attorney shall serve as the chief legal adviser to, 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 Mayor shall appoint the City Attorney, with the consent of the City Council by an affirmative vote of a majority of City Council Members. The City Attorney may be removed from office with the concurrence of the Mayor and a majority of the City Council. Nothing in this Charter shall authorize or permit the Mayor or City Council to suspend, discharge, remove or otherwise discipline any Deputy City Attorney, Assistant City Attorney or administrative staff hired and supervised by the City Attorney. It is the intent of this section that the Deputy City Attorney, all Assistant City Attorneys, and all administrative personnel under the supervision of the City Attorney perform their duties and serve at his or her pleasure without interference from the Mayor or City Council.

ARTICLE VI -- ELECTIONS

ARTICLE VII – RECALL, INITIATIVE, AND REFERENDUM

Section 7.02. Power of Initiative.

City electors shall have the power to propose ordinances to the City Council. If the City Council fails to adopt an ordinance so proposed without any change in substance, the electors have the power to adopt or reject the proposed ordinance at a City election. The electors are not empowered to propose ordinances that extend to providing an annual budget, levying taxes, or setting salaries of City officers or employees, expending LOST funds, or compelling government speech in a particular manner.

Section 7.03. Power of Referendum.

No later than ~~Within~~ sixty (60) days following the effective date of a measure passed by City Council, City electors shall have the power to require reconsideration by the City Council of any measure passed by City Council. If the City Council fails to repeal a measure so reconsidered, the electors shall have the power to ~~approve~~ adopt or reject the reconsidered measure by petition as specified in Section 7.05 following. ~~at a City election.~~ The electors are not empowered to reconsider measures that extend to providing an annual budget, levying taxes, ~~or~~ setting salaries of City officers or employees, the expenditure of LOST funds, or government speech.

Section 7.04. Commencement of Proceedings.

Within sixty (60) days of a measure passed by City Council either adopting or rejecting the proposed ordinance or adopting or rejecting the proposed repeal of a measure, ~~A~~ any ten (10) electors may commence initiative or referendum proceedings by filing with the City

Clerk an affidavit stating that they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form. The affidavit shall further provide their names and addresses, specify the mailing address for notices to be sent to the committee, and fully set forth the proposed initiative or identify the measure sought to be reconsidered. Promptly after the petitioners' committee's affidavit is filed, the City Clerk, at the committee's request, shall issue the appropriate petition forms to the committee at the committee's expense.

Section 7.05. Initiative or Referendum Petitions.

(c) Statement of Circulator. When filed, petitions shall have attached an affidavit statement executed and sworn by a member of the petitioner's committee that ~~by the circulator or circulators of the petitions that~~ he, she, or they personally circulated the petitions. The statement shall further state the number of signed petitions submitted and that the ~~circulator~~ petitioner's committee believes them to be the genuine signatures of the persons whose names they purport to be.

(d) Filing Deadline. All initiative and referendum petitions must be filed with the City Clerk within sixty (60) days of the commencement date of the initiative or referendum proceedings as specified in Section 7.04 above. The City Clerk shall submit the petitions to the Supervisor of Elections within three (3) business days of receipt of the petitions.

Section 7.06. Verification of Petitions.

The petitioner's committee shall submit with the petitions ~~the completed petitions to the Escambia County Supervisor of Elections for verification as to the number of registered electors whose valid signatures appear thereon, along with~~ any fee required by general law. The Supervisor of Elections shall make a good faith effort to verify the signatures within ten (10) days of receipt of the petitions. The Supervisor of Elections shall record the date each form is received by the Supervisor of Elections, and the date the signature on the form is verified as valid. The Supervisor of Elections may verify that the signature on a form is valid only if (i) the form contains the original signature of the elector; (ii) the elector has accurately recorded on the form the date on which he or she signed the form; (iii) the form accurately sets forth the elector's name and address; and (iv) the elector is, at the time he or she signs the form, a duly qualified and registered elector of the City.

ARTICLE VIII – CHARTER REVIEW AND CHARTER AMENDMENTS

Section. 8.01. Charter Review Commission.

(a) Charter Review Commission Established. During the month of January 2022 2031 and every ten (10) years thereafter, there shall be established a Charter Review

Commission (“CRC”); provided, however, that the City Council shall have the power to establish a CRC more often in the event it so chooses.

(b) **Composition.** Every ten (10) years, the Mayor and City Council shall appoint nine members to the CRC. The Mayor shall appoint two (2) members and each Council Member shall appoint one member residing in their Council District. The CRC shall be composed of nine members, with at least one (1) member from each of the seven (7) Council districts of the City and no more than two (2) members coming from any one Council District. No members of the CRC shall be elected officials. Each member of the CRC shall be a City resident and elector. Vacancies shall be filled within 30 days in the same manner as the original appointments.

(c) **Procedures.** The CRC shall meet prior to the third week in January 2022 2031, and every ten (10) years thereafter, for the purposes of organization. The CRC shall elect a Chair and Vice Chair from among its membership. Further meetings of the CRC shall be held upon the call of the Chair or any three members of the CRC. All meetings shall be open to the public. A majority of the members of the CRC shall constitute a quorum.

Section 8.02. Charter Amendments.

(b) **Initiation by Petition.** The electors of the City may propose amendments to this Charter by petition. Each petition proposing amendments to this Charter shall be commenced in the same manner as an ordinance proposed by initiative in Article VII of this Charter. Initiative petitions must be signed by City electors equal to at least ten percent (10%) of the total number of registered electors in the City, as shown by the compilation by the Supervisor of Elections for the most recent general election of the City Council. The City Council shall place the proposed amendment contained in the ordinance or petition to a vote of the electors at the next general election held within the City or at a special election called for such purpose.

ARTICLE IX -- MISCELLANEOUS

No amendments recommended

ARTICLE X – SCHEDULE

Section 10.06. Existing Rights, Obligations, Duties and Relationships.

~~(d) **Commencement of Terms for Year 2010 Elections.** The terms for the Council Members and Mayor elected in the 2010 general election shall commence at noon on the second Monday of January 2011 as provided for in the former City Charter, or on such earlier date as the office becomes vacant after the 2010 general election. This provision shall be effective solely for the purposes of transition from the former City Charter to Section 3.02 of this Charter.~~

Section 10.07. Transition.

~~The City Council shall adopt such ordinances and resolutions as are required to effect the transition from a nine (9) member City Council with two (2) at large elected seats to a seven (7) member City Council with no at large elected seats upon the expiration of their current respective terms. Ordinances adopted within sixty (60) days of the first Council meeting under this Charter for the purpose of facilitating the transition may be passed as emergency ordinances following the procedures prescribed by law.~~



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 40-22

City Council

7/28/2022

LEGISLATIVE ACTION ITEM

SPONSOR: City Council President Ann Hill

SUBJECT:

PROPOSED ORDINANCE NO. 40-22 - CHARTER AMENDMENT QUESTION 5 RELATED TO ARTICLE VII - RECALL, INITIATIVE, AND REFERENDUM

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 40-22 on first reading:

AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER FOR THE CITY OF PENSACOLA, FLORIDA; AMENDING ARTICLE VII - RECALL, INITIATIVE, AND REFERENDUM; AMENDING SECTION 7.02 - POWER OF INITIATIVE; AMENDING SECTION 7.03 - POWER OF REFERENDUM; AMENDING SECTION 7.04 - COMMENCEMENT OF PROCEEDINGS; AMENDING SECTION 7.05 - INITIATIVE OR REFERENDUM PETITIONS; AMENDING SECTION 7.06 - VERIFICATION OF PETITIONS; PROVIDING FOR A REFERENDUM THEREON; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Article VIII- Section 8.01(a-g) of the City Charter provide for the establishment of a Charter Review Commission, composition, procedures, rules and compensation, expenses, review and report and process, respectively, outlining that a review of the Charter begin in January of 2022.

In September of 2021, the City Council and the Mayor appointed nine (9) citizens, establishing the Charter Review Commission (CRC).

From January 2022 through June 2022, the CRC met, discussed, and made recommendations for amending the City Charter.

In June of 2022, the City Council held a workshop to discuss the CRC recommendations.

In accordance with Section 8.01(f), the CRC reviewed, on behalf of the citizens of Pensacola, in order to make recommendations on amendments, if any.

In accordance with 8.01(g) the CRC issued a report to City Council providing their recommendations

for amendments. The City Council serves as the final decision makers as to whether the proposed amendments are (a) returned to the CRC for further review, (b) revised and included on a ballot, (c) included on a ballot without change or (d) take other action. The proposed amendments are then placed on the 2022 ballot of the general election to be held on November 8, 2022. The citizens are then asked to either approve or reject the proposed Charter Amendments.

Ballot question no. 5 addresses the following:

- Amending Article VII
- Amending Section 7.02 - Power of Initiative
- Amending Section 7.03 - Power of Referendum
- Amending Section 7.04 -- Commencement of Proceedings
- Amending Section 7.05 - Initiative or Referendum Petitions
- Amending Section 7.06 - Verification of Petitions

PRIOR ACTION:

July 19, 2022 - City Council Special Meeting to determine proposed Charter Amendments to be placed on the November 8, 2022, General Election Ballot

July 11, 2022 - City Council Special Meeting to determine proposed Charter Amendments to be placed on the November 8, 2022, General Election Ballot

June 27, 2022 - City Council Workshop regarding CRC proposed Charter Amendments

January 5, 2022 - June 15, 2022 - CRC held meetings

September 9, 2021 - City Council / Mayor appointed members to the CRC

FUNDING:

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) Proposed Ord. No. 40-22
- 2) CRC Report

PRESENTATION: No

PROPOSED
ORDINANCE NO. 40-22

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER FOR THE CITY OF PENSACOLA, FLORIDA; AMENDING ARTICLE VII – RECALL, INITIATIVE, AND REFERENDUM; AMENDING SECTION 7.02 – POWER OF INITIATIVE; AMENDING SECTION 7.03 – POWER OF REFERENDUM; AMENDING SECTION 7.04 – COMMENCEMENT OF PROCEEDINGS; AMENDING SECTION 7.05 – INITIATIVE OR REFERENDUM PETITIONS; AMENDING SECTION 7.06 – VERIFICATION OF PETITIONS; PROVIDING FOR A REFERENDUM THEREON; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Pensacola has determined that certain amendments to the City Charter are in order to clarify and update the Charter; and

WHEREAS, pursuant to Section 166.031 Florida Statutes, the City Council is required to submit the Charter Amendments to the electors of the City for approval or rejection.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF 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 8, 2022, to consider and vote for or against the approval of proposed amendments 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 8, 2022.

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 revisions shall be:

QUESTION

THE CITY OF PENSACOLA – REFERENDUM QUESTION NO. 5

Shall the Charter be amended to add a further exception to the powers of initiative for ordinances and of referendum for any measures passed by the City Council regarding the compelling of government speech in a particular manner; and to clarify the timing of and procedures for petitioning for initiative and referendum?

_____ **Yes – For Approval**

_____ **No – Against Approval**

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 Article IV of the existing Charter, to wit:

ARTICLE VII – RECALL, INITIATIVE AND REFERENDUM

Section 7.02. Power of Initiative.

City electors shall have the power to propose ordinances to the City Council. If the City Council fails to adopt an ordinance so proposed without any change in substance, the electors have the power to adopt or reject the proposed ordinance at a City election. The electors are not empowered to propose ordinances that extend to providing an annual budget, levying taxes, setting salaries of City officers or employees, or compelling government speech in a particular manner.

Section 7.03. Power of Referendum.

No later than ~~Within~~ sixty (60) days following the effective date of a measure passed by City Council, City electors shall have the power to require reconsideration

by the City Council of any measure passed by City Council. If the City Council fails to repeal a measure so reconsidered, the electors shall have the power to ~~approve~~ adopt or reject the reconsidered measure by petition as specified in Section 7.05 following ~~at a City election~~. The electors are not empowered to reconsider measures that extend to providing an annual budget, levying taxes, or- setting salaries of City officers or employees, or compelling government speech in a particular manner.

Section 7.04. Commencement of Proceedings.

Within sixty (60) days of a measure passed by City Council either adopting or rejecting the proposed ordinance or adopting or rejecting the proposed repeal of a measure, ~~A~~ any ten (10) electors may commence initiative or referendum proceedings by filing with the City Clerk an affidavit stating that they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form. The affidavit shall further provide their names and addresses, specify the mailing address for notices to be sent to the committee, and fully set forth the proposed initiative or identify the measure sought to be reconsidered. Promptly after the petitioners' committee's affidavit is filed, the City Clerk, at the committee's request, shall issue the appropriate petition forms to the committee at the committee's expense.

Section 7.05. Initiative or Referendum Petitions.

(a) **Number and Signatures.** Initiative and referendum petitions must be signed by City electors equal to at least ten percent (10%) of the total number of registered electors in the City, as shown by the compilation by the Supervisor of Elections for the most recent general election of the City Council.

(b) **Form and Content.** All petition papers shall be uniform in size and style and shall be printed on separate cards or individual sheets of paper. Adequate space must be provided for the voter's name, address, signature, and date of signature. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(c) **Statement of Circulator.** When filed, petitions shall have attached an affidavit statement executed and sworn by a member of the petitioner's committee that ~~by the circulator or circulators of the petitions that~~ he, she, or they personally circulated the petitions. The statement shall further state the number of signed petitions submitted and that the ~~circulator~~ petitioner's committee believes them to be the genuine signatures of the persons whose names they purport to be.

(d) **Filing Deadline.** All initiative and referendum petitions must be filed with the City Clerk within sixty (60) days of the commencement date of the initiative or referendum proceedings as specified in Section 7.04 above. The City Clerk shall submit the petitions to the Supervisor of Elections within three (3) ~~business~~ days of receipt of the petitions.

Section 7.06. Verification of Petitions.

The petitioner's committee shall submit with the petitions ~~the completed petitions to the Escambia County Supervisor of Elections for verification as to the number of registered electors whose valid signatures appear thereon, along with any fee required by general law.~~ The Supervisor of Elections shall make a good faith effort to verify the signatures within ten (10) days of receipt of the petitions. The Supervisor of Elections shall record the date each form is received by the Supervisor of Elections, and the date the signature on the form is verified as valid. The Supervisor of Elections may verify that the signature on a form is valid only if (i) the form contains the original signature of the elector; (ii) the elector has accurately recorded on the form the date on which he or she signed the form; (iii) the form accurately sets forth the elector's name and address; and (iv) the elector is, at the time he or she signs the form, a duly qualified and registered elector of the City.

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 on immediately upon adoption.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk

To: Pensacola City Council
From: 2022 Charter Review Commission
Date: June 15, 2022
Re: Charter Review Commission Recommendations

Madam President and Members of City Council

On September 9, 2021, City Council and the Mayor appointed members to the Charter Review Commission (CRC), those appointed members were:

Samuel Horton Sr. – Chair

Clorissti Berine Shoemo – Vice Chair

Antonio Bruni

Chris Schwier

Jack Zoesch

David Alexander III

Lester Smith

John Trawick

Thomas Williams – Mr. Williams (Judge Williams) was appointed to the Judicial Bench forcing his withdrawal from the Commission

Mike Wiggins – was selected to replace Mr. Williams

The CRC began meeting on January 5, 2022, followed by meetings on:

February 9, 2022

February 23, 2022

March 9, 2022

March 23, 2022

April 6, 2022

April 20, 2022

May 4, 2022

May 18, 2022

June 1, 2022

June 15, 2022

During that time the CRC heard from a representative from the Florida League of Cities, prior City Attorney Susan Woolf, at least one Council Member, a former Council Member, the Mayor, citizens as well as conducting information gathering from city staff members. City Attorney Charlie Pepler was chosen by the CRC as their legal representation.

Over the course of these eleven (11) meetings, the CRC discussed the Charter, discussed recommendations, some of which were approved by a majority of the CRC members, some of which were rejected. This report will outline those recommendations that were approved (in detail).

These recommendations will be shown by Charter Section, along with proposed language additions or deletions.

RECOMMENDATIONS

PREAMBLE

No amendments recommended

ARTICLE I – GENERAL POWERS OF THE CITY

Section 1.01. General Powers and Corporate Existence.

The City of Pensacola (“City”), located in Escambia County, Florida, 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 or this charter.

Section 1.04 Public Utilities

The City shall not renew or enter into a new franchise agreement, contract, lease, purchase agreement or memorandum of understanding for provision of utility services without securing a study on the feasibility of municipalizing that utility as well as securing a full and independent audit of the prior agreement by a certified public accountant or firm of such accountants who have no direct or indirect interest in the fiscal affairs of the City or any of its officers or elected officials. For municipalized utilities, the City shall secure a study on the feasibility of privatizing that utility no less than once every 30 years. The City shall not create or dispose of any public utility without referendum.

Section 1.05. Computation of Time.

In computing any period of time prescribed or allowed by this charter, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a

Saturday, Sunday or City observed holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or City observed holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and City observed holidays shall be excluded in the computation.

ARTICLE II – CORPORATE BOUNDARIES

No amendments recommended

ARTICLE III – ELECTED CITY POSITIONS

Section 3.01. Form of Government.

~~With the exception of the initial transition period pursuant to Section 10.07 below,~~ The City shall have a Mayor-Council 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 seven (7) Council Members, one (1) to be elected from each of the seven (7) election districts of the City. 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 fourth Tuesday in November after his or her election at 12 o'clock noon.

The base year for elections for Council Members for districts 2, 4, and 6, and the Mayor shall be 2010, and shall be for a four-year term. The base year for elections for Council Members for districts 1, 3, 5, and 7 shall be 2012 and shall be for a four-year term. These base year dates are established only for the purpose of scheduling elections and staggering terms, and do not impact the term limit requirements of Section 3.03. ~~Council Members for districts 1, 3, 5, and 7 elected in 2010 shall serve a two-year term. Terms served by the Mayor or a Council Member immediately preceding the base year dates shall not be counted in applying Section 3.03.~~

Section 3.03. Limitations of Terms for Mayor and Council Members; Effective Date.

(a) **Mayor.** No person shall be elected to serve as Mayor for more than ~~three~~ two consecutive terms. ~~on and after the general election in November 2010.~~

(b) **City Council Members.** No person shall be elected to serve as a Council Member for ~~districts 1, 3, 5, and 7~~ for more than three consecutive terms. ~~on and after the general election in November 2012. No person shall be elected to serve as a~~

Council Member for districts 2, 4, and 6 for more than three consecutive terms on and after the general election in November 2010.

ARTICLE IV – MAYOR AND CITY COUNCIL

Section 4.01. Mayor.

(a) ***Powers and Duties.*** The Mayor shall be the Chief Executive Officer of the City, shall exercise the executive powers of the City, and shall be responsible for the administration of all City affairs placed in their charge pursuant to this Charter. The Mayor, who shall serve in a full-time capacity, and shall exemplify good citizenship and exhibit a cooperative spirit, shall have the following powers and duties:

(1) ~~To exercise the executive powers of the City and~~ To supervise all departments, including, but not limited to, the power to appoint, discipline, and remove all officers and employees, unless otherwise provided in this Charter.

(4) To appoint a City Administrator, who shall serve at the pleasure of the Mayor, and who shall have the power to appoint and remove all officers and employees not otherwise provided for in this Charter.

(8) To suspend, discipline, or remove a department head with or without cause. and without the consent of City Council Members, unless otherwise provided for in this Charter. Such department head may appeal any such action to the City Council who may overturn the action by an affirmative vote of a majority plus one (1) of the City Council Members.

(11) To attend, or designate a representative to attend, all meetings of the City Council with authority to participate in discussions, but without the power to vote.

(16) To cooperate with and in no way obstruct an inquiry into the conduct or dealings of any municipal office, department, agency or officer as permitted under 4.02(a)(3).

Section 4.02. City Council.

(a) ***Powers and Duties.*** City Council Members shall exemplify good citizenship and exhibit a cooperative spirit. All powers of the City shall be vested in the City Council, except as otherwise provided by law or this Charter, including but not limited to ~~The City Council shall have the following powers and duties:~~

(2) To adopt the annual budget and all other appropriations necessary for efficient City government. Any modification of specific appropriations in the budget by greater than an amount set by ordinance, including but not limited to reallocating greater than

said amount between departments, shall require consent of the City Council by an affirmative vote of a majority of City Council Members.

(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~~ them 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. Such positions shall be subject to termination by a majority vote of the City Council.

(a) 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) business 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. The Council Member appointed by the Council may seek election to the Council position at the next election.

Section 4.03. City Council Procedures.

- (a) **Meetings.** The City Council shall meet ~~regularly~~ at least once every month at such times and places as the City Council may prescribe. Special meetings may be held on the call of the City Council president or the Mayor or at the request of three (3) of the City Council Members to the City Clerk and, whenever practicable, upon no less than ~~twelve (12)~~ seventy-two (72) hours notice to each Council Member and the public, or such shorter time as the City Council president, Mayor, or three (3) City Council Members deems necessary in the event of an emergency.

ARTICLE V – APPOINTED CITY POSITIONS

Section 5.01. City Clerk.

There shall be a City Clerk who shall be appointed by the Mayor with the consent of the City Council by an affirmative vote of a majority of Council Members, and whose duties and responsibilities are as provided for by this Charter. Although an appointee of the Mayor, the Clerk shall serve the entire City government. The Clerk shall keep and have the care and custody of the books, records, papers, legal documents and journals of proceedings of the City Council and shall carry out such additional duties as may be required by the Council or the Mayor. The City Clerk may be removed from office with the concurrence of the Mayor and a majority of the City Council. Nothing in this Charter shall authorize or permit the Mayor or City Council to suspend, discharge, remove or otherwise discipline any Deputy City Clerk, Assistant City Clerk or administrative staff hired and supervised by the City Clerk. It is the intent of this section that the Deputy City Clerk, all Assistant City Clerks, and all administrative personnel under the supervision of the City Clerk perform their duties and serve at his or her pleasure without interference from the Mayor or City Council.

Section 5.03. City Attorney.

The City Attorney shall serve as the chief legal adviser to, 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 Mayor shall appoint the City Attorney, with the consent of the City Council by an affirmative vote of a majority of City Council Members. The City Attorney may be removed from office with the concurrence of the Mayor and a majority of the City Council. Nothing in this Charter shall authorize or permit the Mayor or City Council to suspend, discharge, remove or otherwise discipline any Deputy City Attorney, Assistant City Attorney or administrative staff hired and supervised by the City Attorney. It is the intent of this section that the Deputy City Attorney, all Assistant City Attorneys, and all administrative personnel under the supervision of the City Attorney perform their duties and serve at his or her pleasure without interference from the Mayor or City Council.

ARTICLE VI -- ELECTIONS

ARTICLE VII – RECALL, INITIATIVE, AND REFERENDUM

Section 7.02. Power of Initiative.

City electors shall have the power to propose ordinances to the City Council. If the City Council fails to adopt an ordinance so proposed without any change in substance, the electors have the power to adopt or reject the proposed ordinance at a City election. The electors are not empowered to propose ordinances that extend to providing an annual budget, levying taxes, or setting salaries of City officers or employees, expending LOST funds, or compelling government speech in a particular manner.

Section 7.03. Power of Referendum.

No later than ~~Within~~ sixty (60) days following the effective date of a measure passed by City Council, City electors shall have the power to require reconsideration by the City Council of any measure passed by City Council. If the City Council fails to repeal a measure so reconsidered, the electors shall have the power to ~~approve~~ adopt or reject the reconsidered measure by petition as specified in Section 7.05 following. ~~at a City election.~~ The electors are not empowered to reconsider measures that extend to providing an annual budget, levying taxes, ~~or~~ setting salaries of City officers or employees, the expenditure of LOST funds, or government speech.

Section 7.04. Commencement of Proceedings.

Within sixty (60) days of a measure passed by City Council either adopting or rejecting the proposed ordinance or adopting or rejecting the proposed repeal of a measure, ~~A~~ any ten (10) electors may commence initiative or referendum proceedings by filing with the City

Clerk an affidavit stating that they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form. The affidavit shall further provide their names and addresses, specify the mailing address for notices to be sent to the committee, and fully set forth the proposed initiative or identify the measure sought to be reconsidered. Promptly after the petitioners' committee's affidavit is filed, the City Clerk, at the committee's request, shall issue the appropriate petition forms to the committee at the committee's expense.

Section 7.05. Initiative or Referendum Petitions.

(c) Statement of Circulator. When filed, petitions shall have attached an affidavit statement executed and sworn by a member of the petitioner's committee that ~~by the circulator or circulators of the petitions that~~ he, she, or they personally circulated the petitions. The statement shall further state the number of signed petitions submitted and that the ~~circulator~~ petitioner's committee believes them to be the genuine signatures of the persons whose names they purport to be.

(d) Filing Deadline. All initiative and referendum petitions must be filed with the City Clerk within sixty (60) days of the commencement date of the initiative or referendum proceedings as specified in Section 7.04 above. The City Clerk shall submit the petitions to the Supervisor of Elections within three (3) business days of receipt of the petitions.

Section 7.06. Verification of Petitions.

The petitioner's committee shall submit with the petitions ~~the completed petitions to the Escambia County Supervisor of Elections for verification as to the number of registered electors whose valid signatures appear thereon, along with~~ any fee required by general law. The Supervisor of Elections shall make a good faith effort to verify the signatures within ten (10) days of receipt of the petitions. The Supervisor of Elections shall record the date each form is received by the Supervisor of Elections, and the date the signature on the form is verified as valid. The Supervisor of Elections may verify that the signature on a form is valid only if (i) the form contains the original signature of the elector; (ii) the elector has accurately recorded on the form the date on which he or she signed the form; (iii) the form accurately sets forth the elector's name and address; and (iv) the elector is, at the time he or she signs the form, a duly qualified and registered elector of the City.

ARTICLE VIII – CHARTER REVIEW AND CHARTER AMENDMENTS

Section. 8.01. Charter Review Commission.

(a) Charter Review Commission Established. During the month of January 2022 2031 and every ten (10) years thereafter, there shall be established a Charter Review

Commission (“CRC”); provided, however, that the City Council shall have the power to establish a CRC more often in the event it so chooses.

(b) **Composition.** Every ten (10) years, the Mayor and City Council shall appoint nine members to the CRC. The Mayor shall appoint two (2) members and each Council Member shall appoint one member residing in their Council District. The CRC shall be composed of nine members, with at least one (1) member from each of the seven (7) Council districts of the City and no more than two (2) members coming from any one Council District. No members of the CRC shall be elected officials. Each member of the CRC shall be a City resident and elector. Vacancies shall be filled within 30 days in the same manner as the original appointments.

(c) **Procedures.** The CRC shall meet prior to the third week in January 2022 2031, and every ten (10) years thereafter, for the purposes of organization. The CRC shall elect a Chair and Vice Chair from among its membership. Further meetings of the CRC shall be held upon the call of the Chair or any three members of the CRC. All meetings shall be open to the public. A majority of the members of the CRC shall constitute a quorum.

Section 8.02. Charter Amendments.

(b) **Initiation by Petition.** The electors of the City may propose amendments to this Charter by petition. Each petition proposing amendments to this Charter shall be commenced in the same manner as an ordinance proposed by initiative in Article VII of this Charter. Initiative petitions must be signed by City electors equal to at least ten percent (10%) of the total number of registered electors in the City, as shown by the compilation by the Supervisor of Elections for the most recent general election of the City Council. The City Council shall place the proposed amendment contained in the ordinance or petition to a vote of the electors at the next general election held within the City or at a special election called for such purpose.

ARTICLE IX -- MISCELLANEOUS

No amendments recommended

ARTICLE X – SCHEDULE

Section 10.06. Existing Rights, Obligations, Duties and Relationships.

~~(d) **Commencement of Terms for Year 2010 Elections.** The terms for the Council Members and Mayor elected in the 2010 general election shall commence at noon on the second Monday of January 2011 as provided for in the former City Charter, or on such earlier date as the office becomes vacant after the 2010 general election. This provision shall be effective solely for the purposes of transition from the former City Charter to Section 3.02 of this Charter.~~

Section 10.07. Transition.

~~The City Council shall adopt such ordinances and resolutions as are required to effect the transition from a nine (9) member City Council with two (2) at large elected seats to a seven (7) member City Council with no at large elected seats upon the expiration of their current respective terms. Ordinances adopted within sixty (60) days of the first Council meeting under this Charter for the purpose of facilitating the transition may be passed as emergency ordinances following the procedures prescribed by law.~~