

## Robyn Tice

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**From:** Lysia Bowling  
**Sent:** Friday, April 07, 2017 4:45 PM  
**To:** City Council Only  
**Subject:** April 10, 2017 "Special Meeting for Discussion/Action on Mayor's Veto of Council's March 9, 2017 Action Regarding a Budget Analyst."  
**Attachments:** MX-2615N\_20170407\_150502.pdf

Dear Council President Brian Spencer and Members of City Council:

I have prepared the attached memorandum to assist City Council in its April 10, 2017 "Special Meeting for Discussion/Action on Mayor's Veto of Council's March 9, 2017 Action Regarding a Budget Analyst."

Thank you,

Lysia H. Bowling  
City Attorney



For Non-Emergency Citizen Requests, Dial 311 or visit [Pensacola311.com](http://Pensacola311.com)

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OFFICE of the CITY ATTORNEY

TO: City Council President Brian Spencer and Members of City Council  
FROM: Lysia H. Bowling, City Attorney *LHB*  
DATE: April 7, 2017  
RE: April 10, 2017 "Special Meeting for Discussion/ Action on Mayor's Veto of Council's March 9, 2017 Action Regarding a Budget Analyst"

As guidance to City Council for the April 10, 2017 "Special Meeting for Discussion/ Action on Mayor's Veto of Council's March 9, 2017 Action Regarding a Budget Analyst," I am providing Council with the following analysis of pertinent documents and information applicable to the matter.

In August 2014, the City Council adopted Ordinance No. 28-14 which approved a referendum of the electors of the City of Pensacola to be held on November 4, 2014 to consider proposed amendments to the City Charter (Attachment # 1). One amendment to be considered was granting City Council the authority to hire its own staff independent of the Mayor's authority to hire City officers and employees. The language approved by City Council and included on the November 4<sup>th</sup> ballot was as follows:

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

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

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

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

On November 4, 2014, the charter amendment was approved by the voters and City Council was provided the authority to hire staff in its discretion.

At the City Council Workshop held on January 26, 2015 to consider the elements of a proposed ordinance establishing the Office of City Council and provide staffing for City Council, the Council Liaison provided a memo enumerating several issues that City Council might address during the workshop (Attachment # 2). One such issue was whether or not Council was obligated to fill every position referenced in the new Charter provision. In the memo, the Council Liaison stated the following:

The Charter uses mandatory language in the establishment of an Office of the City Council ("shall establish an Office...and shall have as its staff the following..."), but it uses discretionary language with respect to each of the specified positions:

- "is authorized to employ a Budget Analyst... ."
- "may appoint one assistant attorney... ."
- "is authorized to hire a Council Executive... ."
- "may create and fill other staff positions... ."

Therefore, it may be concluded that every position referenced in the Charter need not necessarily be filled.

In March 2015, City Council adopted Ordinance No. 05-15 creating Section 2-2-10 of the City Code and establishing the Office of the City Council pursuant to the Charter Amendment (Attachment # 3). The Ordinance states that "City Council is authorized to employ staff to fill the following positions or discharge the following functions: Budget Analyst, Assistant City Attorney, Council Executive, Executive Assistant and such other staff as may be deemed warranted in the performance of Council's legislative function".

In April 2016, City Council adopted Ordinance No. 10-16 creating Section 2-4-52 of the City Code authorizing the creation of the position of Budget Analyst and providing the qualifications, salary range and duties and responsibilities for the position created in accordance with City Charter requirements (Attachment # 4).

On August 11, 2016, City Council approved requesting a legal opinion from the City Attorney regarding the following question: In accordance with City Charter Section 4.02(a)(b) is City Council mandated by the Charter to hire a Budget Analyst? In response to this request, I provided a legal opinion dated August 19, 2016 advising that the word "shall" is usually regarded as mandatory, but the phrase "is authorized" is not (Attachment # 5). In its ordinances establishing the Office of the City Council and the Budget Analyst position, Council utilized the phrase "is authorized" rather than the clearly mandatory or direct language. In addition my legal opinion stated that the decision to hire a Budget Analyst and to assign specific tasks to that person is uniquely and exclusively a City Council decision.

On March 9, 2017, City Council approved beginning the process of hiring a Budget Analyst (Attachment # 6) consistent with the legal opinion dated August 19, 2016 summarized above. On March 14, 2017, the Mayor exercised his veto power pursuant to the City Charter and vetoed the action taken by City Council regarding the hiring of a Budget Analyst (Attachment # 7). On March 15, 2017, the Council Executive inquired as the relative authority whereby Mayoral veto power extends to powers granted to the City Council by referendum. In response to his request I stated the following (Attachment # 8):

The Mayor's authority to exercise a veto power over City Council actions can be found in the City Charter. The Charter specifies the categories of City Council actions that are not subject to a potential Mayor veto: (i) an emergency ordinance as defined in Florida Statutes; (ii) those ordinances adopted as a result of quasi-judicial proceedings when such proceedings are mandated by law; and (iii) ordinances proposing Charter amendments, which the Council is required by law or by this Charter to place on the ballot (Section 4.01(10)).

Therefore, the City Charter provides the Mayor the authority to veto City Council's action of hiring a Budget Analyst. The City Charter also provides Council with the authority to override the Mayor's veto by an affirmative vote of at least a majority plus one (1) of the Council Members. Consistent with this power granted by the City Charter, City Council Members have placed two Legislative Action Items on the City Council Agenda for the April 13, 2017 meeting recommending that City Council vote to override the Mayor's veto (Attachment # 9).

In summary, my legal opinion is that the Mayor under the Charter was authorized to veto the action taken by City Council on March 9, 2017 regarding the hiring of a Budget Analyst. Further, that City Council is authorized under the Charter to override the Mayor's veto if it so chooses with five votes of the City Council.

I respectfully submit this information for City Council's review.

# ATTACHMENT # 1

PROPOSED  
ORDINANCE NO. 31-14

ORDINANCE NO. 28-14

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

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

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

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

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

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

QUESTION

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

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

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

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

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

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

**Section 4.02. City Council.**

(a) **Powers and Duties.** City Council Members shall exemplify good citizenship and exhibit a cooperative spirit. The City Council shall have the following powers and duties:

...

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

Published Daily-Pensacola, Escambia County, FL

## PROOF OF PUBLICATION

State of Florida

County of Escambia:

Before the undersigned authority personally appeared Virginia Hollingsworth who, on oath, says that she is a personal representative of the Pensacola News Journal, a daily newspaper published in Escambia County, Florida; that the attached copy of advertisement, being a Legal in the matter of:

### Notice of Proposed Ordinances

Was published in said newspaper in the issue(s) of:

**August 1, 2014**

Affiant further says that the said Pensacola News Journal is a newspaper published in said Escambia County, Florida, and that the said newspaper has heretofore been published in said Escambia County, Florida, and has been entered as second class matter at the Post Office in said Escambia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this **1st Day of August, 2014**, by Virginia Hollingsworth, who is personally known to me.

Virginia Hollingsworth Affiant

Nikki E. Nichols Notary Public

**NIKKI E. NICHOLS**  
Notary Public-State of FL  
Comm. Exp. Aug. 01, 2016  
Comm. No EE 215743

#### NOTICE OF PROPOSED ORDINANCES

Please be advised that Proposed Ordinance Nos. 81-14 and 82-14 were presented to the City Council of the City of Pensacola for first reading on Thursday, July 17, 2014 and will be presented for final reading and adoption at a SPECIAL MEETING on MONDAY, August 11, 2014 at 4:00 p.m., in Council Chambers on the First Floor of City Hall, 222 West Main Street, Pensacola, Florida.

The titles of the proposed ordinances are as follows:

P.O. #81-14:  
AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER OF THE CITY OF PENSACOLA, FLORIDA; AMENDING SEC. 4.02 OF THE CHARTER TO ADD SUBSECTION (a)(6); PROVIDING THE CITY COUNCIL WITH AUTHORITY TO HIRE ITS OWN STAFF INDEPENDENT OF THE MAYOR'S AUTHORITY TO HIRE CITY OFFICERS AND EMPLOYEES; PROVIDING FOR A REFERENDUM THEREON; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

P.O. #82-14:  
AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER FOR THE CITY OF PENSACOLA, FLORIDA; AMENDING SEC. 7.01 OF THE CHARTER; PROVIDING A RECALL PROCEDURE FOR THE MAYOR AND MEMBERS OF THE CITY COUNCIL; PROVIDING FOR A REFERENDUM THEREON; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

A copy of proposed ordinances may be inspected by the public in the City Clerk's office located on the 7th Floor of City Hall, 222 West Main Street, Pensacola, Florida, or online on the City's website: <http://cityofpensacola.com/AgendaCenter/CityCouncil>. Interested parties may appear at the Council meeting and be heard with respect to proposed ordinances.

If any person decides to appeal any decision made with respect to any matter considered at this meeting or public hearing, such person may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and any 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. Requests 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, FLORIDA**

By: Ericka L. Burnett, City Clerk

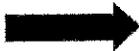
Visit [www.cityofpensacola.com](http://www.cityofpensacola.com) to learn more about City activities. Council agendas posted online before meetings.

Legal No. 1627781 IT August 1 2014



**SAMPLE GENERAL ELECTION BALLOT  
 ESCAMBIA COUNTY, FLORIDA  
 NOVEMBER 4, 2014**

31

<p>TO VOTE, COMPLETELY FILL IN THE OVAL <input type="radio"/> NEXT TO YOUR CHOICE.</p> <p>Use only the marking device provided or a blue or black ink pen to mark your ballot.</p> <p>If you make a mistake, don't hesitate to ask for a new ballot.</p> <p>If you erase or make other marks, your vote may not count.</p> <p>To vote for a candidate whose name is not printed on the ballot, fill in the oval, and write in the candidate's name on the blank line provided for a write-in candidate.</p>	<p><b>COMMISSIONER OF AGRICULTURE</b> (Vote for One)</p>	<p><b>SCHOOL BOARD MEMBER</b> DISTRICT 3 (Vote for One)</p>
	<p><input type="radio"/> Adam Putnam REP</p> <p><input type="radio"/> Thaddeus Thad Hamilton DEM</p> <p><input type="radio"/> Write-in: _____</p>	<p><input type="radio"/> Linda Moultrie</p> <p><input type="radio"/> Charlie Nichols</p>
	<p><b>STATE REPRESENTATIVE</b> DISTRICT 2 (Vote for One)</p>	<p><b>MAYOR</b> CITY OF PENSACOLA (Vote for One)</p>
	<p><input type="radio"/> Mike Hill REP</p> <p><input type="radio"/> Jeremy Lau DEM</p>	<p><input type="radio"/> Donna Clark</p> <p><input type="radio"/> Ashton J. Hayward</p>
<p><b>REPRESENTATIVE IN CONGRESS</b> DISTRICT 1 (Vote for One)</p>	<p><b>DISTRICT COURT OF APPEAL</b></p>	<p><b>CITY COUNCIL</b> DISTRICT 6 (Vote for One)</p>
<p><input type="radio"/> Jeff Miller REP</p> <p><input type="radio"/> Jim Bryan DEM</p> <p><input type="radio"/> Mark Wichern NPA</p>	<p>Shall Judge Robert T. Benton of the First District Court of Appeal be retained in office?</p> <p><input type="radio"/> YES</p> <p><input type="radio"/> NO</p>	<p><input type="radio"/> Brian Spencer</p> <p><input type="radio"/> Mark Taylor</p>
<p><b>GOVERNOR AND LIEUTENANT GOVERNOR</b> (Vote for One)</p>	<p><b>DISTRICT COURT OF APPEAL</b></p>	<p><b>No. 1</b> <b>CONSTITUTIONAL AMENDMENT</b> <b>ARTICLE X SECTION 28</b></p>
<p><input type="radio"/> Rick Scott Carlos Lopez-Cantera REP</p> <p><input type="radio"/> Charle Crist Annette Taddeo DEM</p>	<p>Shall Judge Joseph Lewis, Jr. of the First District Court of Appeal be retained in office?</p> <p><input type="radio"/> YES</p> <p><input type="radio"/> NO</p>	<p><b>Water and Land Conservation -</b> <b>Dedicates funds to acquire and restore Florida conservation and recreation lands</b></p> <p>Funds the Land Acquisition Trust Fund to acquire, restore, improve, and manage conservation lands including wetlands and forests; fish and wildlife habitat; lands protecting water resources and drinking water sources, including the Everglades, and the water quality of rivers, lakes, and streams; beaches and shores; outdoor recreational lands; working farms and ranches; and historic or geologic sites, by dedicating 33 percent of net revenues from the existing excise tax on documents for 20 years.</p>
<p><input type="radio"/> Adrian Wylie Greg Roe LPF</p> <p><input type="radio"/> Farid Khavari Lateresa A. Jones NPA</p> <p><input type="radio"/> Glenn Burkett Jose Augusto Matos NPA</p> <p><input type="radio"/> Write-in: _____</p>	<p><b>DISTRICT COURT OF APPEAL</b></p> <p>Shall Judge Scott Makar of the First District Court of Appeal be retained in office?</p> <p><input type="radio"/> YES</p> <p><input type="radio"/> NO</p>	<p>This amendment does not increase or decrease state revenues. The state revenue restricted to the purposes specified in the amendment is estimated to be \$648 million in Fiscal Year 2015-16 and grows to \$1.268 billion by the twentieth year. Whether this results in any additional state expenditures depends upon future legislative actions and cannot be determined. Similarly, the impact on local government revenues, if any, cannot be determined. No additional local government costs are expected.</p>
<p><b>ATTORNEY GENERAL</b> (Vote for One)</p>	<p><b>DISTRICT COURT OF APPEAL</b></p>	
<p><input type="radio"/> Pam Bondi REP</p> <p><input type="radio"/> George Sheldon DEM</p> <p><input type="radio"/> Bill Wohlsifer LPF</p>	<p>Shall Judge Clay Roberts of the First District Court of Appeal be retained in office?</p> <p><input type="radio"/> YES</p> <p><input type="radio"/> NO</p>	<p><input type="radio"/> YES</p> <p><input type="radio"/> NO</p>
<p><b>CHIEF FINANCIAL OFFICER</b> (Vote for One)</p>		
<p><input type="radio"/> Jeff Atwater REP</p> <p><input type="radio"/> William "Will" Rankin DEM</p>		<p align="center"><b>VOTE BOTH SIDES OF BALLOT</b></p> <p align="center"></p> <p align="center">Typ:01 Seq:0021 Spl:01</p>

**PRECINCT: 31  
 POLLING PLACE:  
 CHRIST CHURCH PENSACOLA  
 18 W WRIGHT ST**

<p align="center"><b>No. 2</b> <b>CONSTITUTIONAL AMENDMENT</b> <b>ARTICLE X, SECTION 29</b></p>	<p align="center"><b>CONTINUATION OF ONE-HALF CENT SALES SURTAX TO FINANCE EDUCATIONAL FACILITIES FOR TEN (10) YEARS</b></p>	<p align="center"><b>PERTAINING TO CITY COUNCIL AUTHORITY TO HIRE ITS OWN STAFF INDEPENDENT OF THE MAYOR</b></p>
<p><b>Use of Marijuana for Certain Medical Conditions</b></p> <p>Allows the medical use of marijuana for individuals with debilitating diseases as determined by a licensed Florida physician. Allows caregivers to assist patients' medical use of marijuana. The Department of Health shall register and regulate centers that produce and distribute marijuana for medical purposes and shall issue identification cards to patients and caregivers. Applies only to Florida law. Does not authorize violations of federal law or any non-medical use, possession or production of marijuana.</p> <p>Increased costs from this amendment to state and local governments cannot be determined. There will be additional regulatory and enforcement activities associated with the production and sale of medical marijuana. Fees will offset at least a portion of the regulatory costs. While sales tax may apply to purchases, changes in revenue cannot reasonably be determined since the extent to which medical marijuana will be exempt from taxation is unclear without legislative or state administrative action.</p>	<p>Shall the School Board of Escambia County, Florida, continue to levy a one-half cent sales surtax for a period of ten (10) years beginning January 1, 2018 to fund construction of new schools, renovations and additions to existing schools, land acquisition and improvements, and the upgrading and equipping of schools for technology?</p> <p><input type="radio"/> FOR the continuation of the one-half cent tax</p> <p><input type="radio"/> AGAINST continuation of the one-half cent tax</p>	<p>Shall the City of Pensacola amend its current Charter to provide the City Council with the authority to hire its own staff independent of the Mayor's authority to hire all City officers and employees?</p> <p><input type="radio"/> YES - For granting the City Council the power to hire its own staff independent of the Mayor's authority to hire all City officers and employees</p> <p><input type="radio"/> NO - Against granting the City Council the power to hire its own staff independent of the Mayor's authority to hire all City officers and employees</p>
<p><input type="radio"/> YES</p> <p><input type="radio"/> NO</p>	<p align="center"><b>EXTENDED LEVY OF COUNTY-WIDE ONE-CENT SALES TAX FOR INFRASTRUCTURE / PUBLIC FACILITIES</b></p>	<p align="center"><b>RELATING TO RIGHT OF RECALL OF MAYOR AND MEMBERS OF THE CITY COUNCIL</b></p>
<p align="center"><b>No. 3</b> <b>CONSTITUTIONAL AMENDMENT</b> <b>ARTICLE V, SECTIONS 10, 11</b></p>	<p>Shall the one-cent sales tax, approved by the voters of Escambia County by referendum held March 7, 2006 for eleven years, be extended from January 1, 2018, through December 31, 2028, to provide for law enforcement/fire and public safety facilities and equipment, transportation and drainage improvements, infrastructure projects/public facilities, recreation/natural resources, jail/court facilities, Growth Management Act mandates, capital equipment, community services, and economic development projects per section 212.055(2)(d)3, Florida Statutes?</p> <p><input type="radio"/> FOR THE ONE-CENT (1¢) SALES TAX</p> <p><input type="radio"/> AGAINST THE ONE-CENT (1¢) SALES TAX</p>	<p>Shall the City of Pensacola amend its current Charter to provide qualified voters of the City the power to remove from office the Mayor or any Member of the City Council in the manner provided by general law in Florida Statutes § 100.361, as that provision may from time to time be amended?</p> <p><input type="radio"/> YES - For granting the power to remove the Mayor or any Member of City Council</p> <p><input type="radio"/> NO - Against granting the power to remove the Mayor or any Member of City Council</p>
<p><b>Prospective Appointment of Certain Judicial Vacancies</b></p> <p>Proposing an amendment to the State Constitution requiring the Governor to prospectively fill vacancies in a judicial office to which election for retention applies resulting from the justice's or judge's reaching the mandatory retirement age or failure to qualify for a retention election; and allowing prospective appointments if a justice or judge is not retained at an election. Currently, the Governor may not fill an expected vacancy until the current justice's or judge's term expires.</p>		
<p><input type="radio"/> YES</p> <p><input type="radio"/> NO</p>		
		<p align="center"><b>VOTE BOTH SIDES OF BALLOT</b></p> <p align="center"></p>

Typ:01 Seq:0021 Spl:01

**PRECINCT: 31**  
**POLLING PLACE:**  
**CHRIST CHURCH PENSACOLA**  
**18 W WRIGHT ST**

# ATTACHMENT # 2



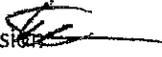
# City of Pensacola

*America's First Settlement  
Established 1559*

Office of the City Council

## MEMORANDUM

TO: COUNCIL PRESIDENT ANDY TERHAAR AND MEMBERS OF CITY COUNCIL

FROM: William D. Wells, Assistant City Attorney – Council Liaison 

RE: SUGGESTED CONSIDERATIONS FOR COUNCIL WORKSHOP – OFFICE OF CITY COUNCIL

DATE: January 22, 2015

The purpose of this memorandum is to enumerate several issues that the Council may choose to address in the upcoming workshop on creating the Office of City Council. It is not the purpose of this memorandum to suggest how these issues should be resolved, if at all.

### 1. Is the Council obligated to fill every position referenced in the new Charter provision?

The Charter uses mandatory language in the establishment of an Office of the City Council (“shall establish an Office ... and shall have as its staff the following ...”), but it uses discretionary language with respect to each of the specified positions:

- “is authorized to employ a Budget Analyst ...”
- “may appoint one assistant attorney ...”
- “is authorized to hire a Council Executive.”
- “is authorized to hire an Executive Assistant.”
- “may create and fill other staff positions ...”

In addressing positions referenced in the Charter, the Mayor, the Council and the Charter Commission indicated that the positions were actually functions to be performed, not necessarily individuals to be employed. For example, this was the approach taken in hiring the Messer Law Firm as the City Attorney instead of an individual attorney as a payroll employee. If Council continues this approach, it would seem to fulfill the Charter’s provisions if a staff member were acquired who could discharge more than one of the functions listed above. For example, a Council Executive may not need a Budget Analyst if he or she is qualified, or may not need an Executive Assistant, if he or she is adept at office skills.

### 2. Is the Council required to conduct a search for staff, similar to the process followed in the past?

While the benefits of conducting a search are readily apparent, and Council has followed this procedure in the past, there is no requirement in the Charter, city ordinances or state law that a competitive search be conducted to acquire staff, and Council may wish to consider the possible benefits of acquiring staff

in a more expeditious or expedient manner. Particularly with respect to key positions, the following considerations are suggested:

- If knowledge of the existing Pensacola city government and governing process are regarded as having a high value, Council may wish to consider the acquisition of some staff who are familiar with the government and its procedures, in order to eliminate a learning curve and have someone on board who can train other staff who are unfamiliar with the Pensacola city government and the way it functions. For example, Elaine Mager has performed a wide variety of Council and Mayoral support functions for many years, and it may be beneficial to continue her service in the Office of City Council, while she shares her knowledge with an assistant who could be regarded as a potential replacement.

**3. If Council prefers to utilize a search process, what procedures may be employed to expedite the process while maximizing the potential for selecting the most suitable candidate(s)?**

The City Council itself, with 8 members, may seem to be an unwieldy committee to conduct the search on its own. Other organizations of similar size have successfully elected to appoint a skilled search committee, charged with the responsibility of recruiting and short-listing a small number of candidates that would then be interviewed and selected by the entire Council. The key to success in this process is the identification of 3 or 4 individuals to serve as the search committee, who are already familiar with the content of the job being filled, and needs and expectations of Council, and the compensation and conditions of the job being filled. As an example, such a committee could consist of the Council President, a former member of council, someone like Landrum's executive, Ted Kirchaar, whose specialty is executive recruiting, and former City Manager Al Coby. A group of those individuals would be very likely to produce qualified applicants for Council's consideration.

**4. How will the staff be employed and how will they function?**

Pursuant to the Charter, the staff will be hired by majority vote of the Council, will work at the pleasure of the Council, and may be terminated by majority vote of the Council. However, a determination needs to be made regarding the elements of an employment contract, a process of performance evaluation and compensation, and the nature of staff supervision. The Charter specifies that staff is responsible to Council through the President of the Council, and that the positions be established using the City's position classification codes (and, it is assumed, using the city's established pay ranges).

Council may wish to specify that the staff is supervised on a day-to-day basis by the Council Executive, so that a chain of command and responsibility can be clear, with approval of the Council President.

The working relationship between each Council member and each staff member is a matter of great importance, but is beyond the scope of the intent of this memorandum.

# ATTACHMENT # 3

PROPOSED  
ORDINANCE NO. 05-15

ORDINANCE NO. 05-15

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

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

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

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

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

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

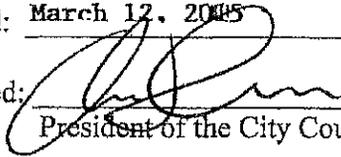
6. In the performance of their duties, the staff of the Office of City Council shall be directed by the Council President or by formal Council action.

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the Application thereof to any person or circumstance is held invalid, or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

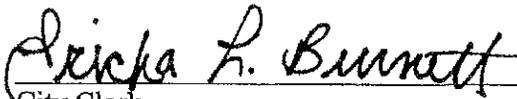
SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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

Adopted: March 12, 2005

Approved:   
President of the City Council

Attest:

  
City Clerk

Published Daily-Pensacola, Escambia County, FL

**PROOF OF PUBLICATION**

State of Florida

County of Escambia:

Before the undersigned authority personally appeared Anna Hammes who, on oath, says that she is a personal representative of the Pensacola News Journal, a daily newspaper published in Escambia County, Florida; that the attached copy of advertisement, being a Legal in the matter of:

**Notice Of Proposed Ordinances**

Was published in said newspaper in the issue(s) of:

**March 2, 2015**

Affiant further says that the said Pensacola News Journal is a newspaper published in said Escambia County, Florida, and that the said newspaper has heretofore been published in said Escambia County, Florida, and has been entered as second class matter at the Post Office in said Escambia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 2nd day of **March, 2015**, by Anna Hammes, who is personally known to me.

Anna Hammes Affiant  
Cheryl Maniscalco Notary Public

CHERYL MANISCALCO  
 Notary Public - State of Florida  
 Comm. Expires August 4, 2018  
 Comm. No. FF 147551

**NOTICE OF PROPOSED ORDINANCES**

Please be advised that Proposed Ordinance Nos. 06-13, 06-14, and 07-15 were presented to the City Council of the City of Pensacola for final review on Thursday, February 12, 2015 and will be presented for final review and adoption on Thursday, March 12, 2015 at 5:30 p.m. in the City Council Chambers of the First Floor, City Hall, 222 West Main Street, Pensacola, Florida. The titles of the proposed ordinances are as follows:

P.O. #05-15:  
**AN ORDINANCE OF THE CITY OF PENSACOLA, FLORIDA, AMENDING SECTION 10 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, TO PROVIDE FOR SEVERABILITY; REPEALING CLARIFYING AND PROVIDING AN EFFECTIVE DATE.**

P.O. #06-15:  
**AN ORDINANCE OF THE CITY OF PENSACOLA, FLORIDA, AMENDING SECTION 10 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, TO PROVIDE FOR SEVERABILITY; REPEALING CLARIFYING AND PROVIDING AN EFFECTIVE DATE.**

P.O. #07-15:  
**AN ORDINANCE OF THE CITY OF PENSACOLA, FLORIDA, AMENDING SECTION 10 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, TO PROVIDE FOR SEVERABILITY; REPEALING CLARIFYING AND PROVIDING AN EFFECTIVE DATE.**

A copy of proposed ordinances may be inspected by the public in the City Clerk's office located on the 3rd Floor of City Hall, 222 West Main Street, Pensacola, Florida, or on-line on the City's website: [www.cityofpensacola.com/AgendaCenter/City-Council-1](http://www.cityofpensacola.com/AgendaCenter/City-Council-1). Interested parties may appear at the Council meeting and be heard with respect to proposed ordinances.

If any person decides to appeal any decision made with respect to any matter considered at this meeting or public hearing, such person may need to request that a verbatim record of the proceedings be made. Such record includes the testimony and any evidence upon which the appeal is based.

The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable accommodations for people with disabilities in its services, programs and activities. Please call 435-7606 (or TDD) for further information. Requests 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, FLORIDA**  
 By: Ericka E. Burfield, City Clerk

Visit [www.cityofpensacola.com](http://www.cityofpensacola.com) for more about City activities... Council agendas posted on-line before meetings.

Legal No. 1635124 1T March 12, 2015



# ATTACHMENT # 4

PROPOSED  
ORDINANCE NO. 05-16

ORDINANCE NO. 10-16

AN ORDINANCE  
TO BE ENTITLED:

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

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

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

Sec. 2-4-52. – Budget Analyst.

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

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

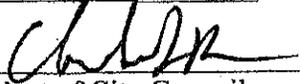
(f) *Appointment and Removal.* The City Council shall appoint and may remove the Budget Analyst from office by a majority vote of the members of the City Council at any time, with or without cause.

SECTION 3. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

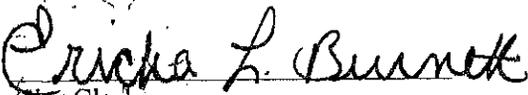
SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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

Adopted: April 14, 2016

Approved:   
President of City Council

Attest:

  
City Clerk

Published Daily-Pensacola, Escambia County, FL

**PROOF OF PUBLICATION**

State of Florida

County of Escambia:

Before the undersigned authority personally appeared **Tricia Wible** who, on oath, says that she is a personal representative of the Pensacola News Journal, a daily newspaper published in Escambia County, Florida; that the attached copy of advertisement, being a Legal in the matter of:

**NOTICE OF PROPOSED ORDINANCE**

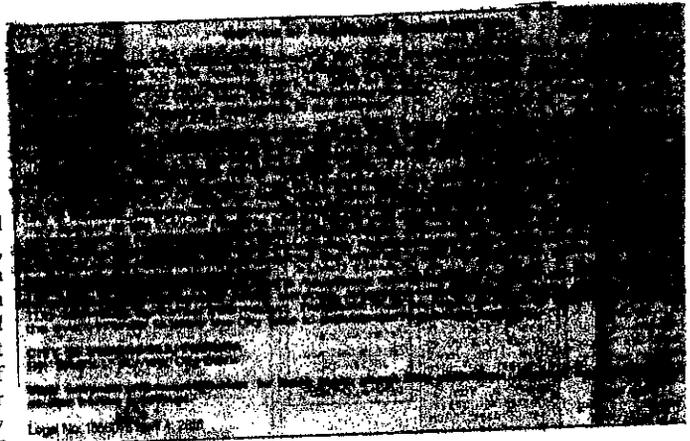
Was published in said newspaper in the issue(s) of:

**April 4, 2016**

Affiant further says that the said Pensacola News Journal is a newspaper published in said Escambia County, Florida, and that the said newspaper has heretofore been published in said Escambia County, Florida, and has been entered as second class matter at the Post Office in said Escambia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 4<sup>TH</sup> day of April, 2016, by **Tricia Wible**, who is personally known to me.

Tricia Wible Affiant  
Mark Don King Notary Public



**RECEIVED**  
APR 07 2016

# ATTACHMENT # 5



OFFICE of the CITY ATTORNEY

TO: Council President Bare and Members of City Council  
FROM: Lysia H. Bowling, City Attorney *LHB*  
DATE: August 19, 2016  
RE: Council Budget Analyst - Charter Section 4.02(a)(6)

This memorandum is prepared in response to the City Council's request for a legal opinion regarding whether City Charter Section 4.02(a)(6) requires the hiring of a Budget Analyst.

Following referendum approval of the Charter amendment which created Sec. 4.02(a)(6) in November 2014, the City Council has taken several actions relative to acquiring a Council staff. A workshop was conducted on January 26, 2015, at which various opinions and options were discussed among the members of Council. Council adopted Ordinance No. 05-15 on March 12, 2015, creating sec. 2-2-10 of the City Code and establishing the Office of the City Council, pursuant to the Charter amendment. On August 14, 2016, Council adopted Ordinance 10-16, which created sec. 2-4-52 of the City Code, authorizing the creation of the position of Budget Analyst and providing the qualifications, salary range and duties and responsibilities for the position created.

With respect to the position of Budget Analyst, the Charter provides:

(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.

Sec. 4.02(a)(6)(a). Looking closely at this section, I will advise that the word "shall" is usually regarded as mandatory, but the phrase "is authorized" is not. At its workshop following the adoption of the Charter provision, Council was advised by staff at that time that the language was not clear as to whether the employment of a budget analyst was required or was discretionary. In its ordinances establishing the Office of City Council and the Budget Analyst position, Council utilized the phrase "is authorized" rather than any clearly mandatory or directory language.

August 19, 2016  
Page two

The decision to hire a Budget Analyst and to assign specific tasks to that person is uniquely and exclusively a City Council decision. To the extent that there is any perceived ambiguity within the language contained in the Charter pertaining to this position, it would be the prerogative of the Council to resolve that ambiguity by the exercise of its sound judgment. Only the Council can determine its budgetary requirements and the extent of assistance that it may require. Whether the position would be a full time or part time position is within the Council's complete discretion; however, the Charter does specify that if the position is filled, the position must be filled by an "employee" and not by a vendor or an independent contractor.

## Robyn Tice

---

**From:** Janet Matteson  
**Sent:** Friday, August 19, 2016 3:26 PM  
**To:** City Council Only  
**Cc:** Lysia Bowling  
**Subject:** Legal Opinion - Council Budget Analyst - Charter Section 4.02(a)(6)  
**Attachments:** City Attorney Opinion - Council Budget Analyst.pdf

Please see the attached legal opinion from City Attorney Lysia H. Bowling.

*Janet Matteson  
Legal Assistant  
City Attorney's Office  
E-mail [jmatteson@cityofpensacola.com](mailto:jmatteson@cityofpensacola.com)  
(850) 435-1618*

**PENSACOLA**

DIAL 311 FOR CITY SERVICES For Non-Emergency Citizen Requests, Dial 311 or visit [Pensacola311.com](http://Pensacola311.com)

Notice Florida has a very broad public records law. As a result, any written communication created or received by City of Pensacola officials and employees will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this office; instead, contact our office by phone or in writing

# ATTACHMENT # 6



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Legislation Details (With Text)

**File #:** 17-00186    **Version:** 1    **Name:**  
**Type:** Legislative Action Item    **Status:** Passed  
**File created:** 2/27/2017    **In control:** City Council  
**On agenda:** 3/9/2017    **Final action:** 3/9/2017  
**Enactment date:**    **Enactment #:**  
**Title:** BUDGET ANALYST TO THE CITY COUNCIL  
**Sponsors:** Jewel Cannada-Wynn

**Indexes:**

**Code sections:**

**Attachments:** 1. Proposal--Budget Analyst Rev (002), 2. Job Description--Budget Analyst, 3. City Attorney Opinion - Council Budget Analyst, 4. EMAIL TRANSMITTAL\_ MAYORAL VETO

Date	Ver.	Action By	Action	Result
3/9/2017	1	City Council	approved	Pass
3/6/2017	1	Agenda Conference	Placed on Regular Agenda	Pass

### LEGISLATIVE ACTION ITEM

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

**SUBJECT:**

BUDGET ANALYST TO THE CITY COUNCIL

**RECOMMENDATION:**

That City Council begin the process of hiring a Budget Analyst in accordance with Section 4.02(6) of the City Charter.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

In 2014, a Charter amendment was passed which authorized the City Council to establish the Office of the City Council, with the authority to hire certain staff:

“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.” 4.02(6) *City Charter*

“...The City Council, by ordinance, shall define the qualifications, pay and responsibilities of said employee in accordance with the City’s position classification code.” 4.02(6) *City Charter - Budget Analyst*

In 2015, City Council began the staffing process with the addition of a Council Executive and in early 2016 added an Executive Assistant to the City Council as well as a Council Assistant. In a continuation of the staffing efforts, and in keeping with the language set forth in the City Charter as approved by the electorate in a special referendum, the position to be filled is that of Budget Analyst.

Currently, the position of Budget Analyst is classified at a GE-09 with a salary range of \$26,270 - \$43,868.

Attached is a proposal for qualifications, salary, and responsibilities.

**PRIOR ACTION:**

December 8, 2016 - Action item brought before City Council, failing on a 3-3 vote  
October 13, 2016 - Discussion Item presented to City Council, no action taken  
August 19, 2016 - Legal Opinion rendered by the City Attorney regarding the hiring of a Budget Analyst  
July 14, 2016 - Update provided to City Council regarding contact with potential firms to fill this position  
May 12, 2016 - During a discussion item, Council discussed the process for hiring a Budget Analyst and requested that staff look at firms that may be able to fill that role on a contract basis  
April 14, 2016 - Ordinance for Budget Analyst passed on second reading  
March 17, 2016 - Ordinance for Budget Analyst presented for first reading  
February 11, 2016 - Action item to direct Council Executive to begin search for a Budget Analyst failed on a 3-4 vote

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

None at this point

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

- 1) Proposal - Budget Analyst Rev (002)
- 2) Job Description - Budget Analyst
- 3) Legal Opinion - Budget Analyst

**PRESENTATION:** No

**BUDGET ANALYST**  
**PROPOSAL – Councilwoman Jewel Cannada-Wynn**

The purpose of the Budget Analyst is to provide independent analysis of the yearly budget.

**Qualifications:**

Minimum Bachelor's Degree, Master's Degree preferred in finance, economic, business or other relevant field; in addition at least five (5) years of experience in municipal finance.

A qualified candidate cannot have been convicted of any felony under the laws of Florida, or another state in the United States.

**Salary: To be determined by City Council**

The Council Budget Analyst shall be appointed for a term of one (1) year, but may be removed prior to the expiration of that term, at any time, with or without cause, by a two-thirds vote of all Council members.

The Budget Analyst shall serve as a full-time employee.

Council shall provide staff to assist the analyst in carrying out the scope of work and funding in its budget for the position.

**Responsibilities:**

- A financial analysis of the Mayor's proposed annual budget
- Provide financial advice to the City Council
- Examine past budgets
- Estimate future financial needs based on Council requests and project priorities
- Draft budget related legislation based on Council discussions and budget review
- Conduct training regarding best practices in budget development and procedures
- Assist in budget preparations, formulation and execution
- Help evaluate Council's request for funding in relationship to the resources available to support funding projects as well as a review of possible program trade-offs
- Evaluate program changes as a result of budget adjustments
- Identify possible sources of funding for projects based on the assessment of the budget
- An annual budget options report of potential cost-savings reforms and efficiencies
- A review of all public/private partnerships and leases
- A review of the current financial policies established by Council

- Annual report/review of the Council's financial activities and make recommendations

This above list of responsibilities does not limit Council's authority to request the budget analyst to review budgetary matters not on the list.

Job Classification:  
Job Code:

**Budget Analyst to City Council  
(4011)**

**Minimum Preparation for Work:**

- ✓ Graduation from an accredited college or university with a degree in accounting, finance, budget analyst, or closely related field; and
- ✓ One (1) year experience in accounting, finance, or budget analysis. Two (2) years of pertinent experience may be substituted for each year of college lacking.

**Necessary Special Requirements:**

- ✓ Possession of an appropriate driver license for equipment operated and any license, training or certification required by law or regulation to complete assigned tasks.

**Nature of Work:**

This is technical budget analysis work in the development and implementation of the City Council budget as well as providing information regarding the City Budget to the City Council. This position is set forth with the City Charter as approved by the electorate in a special referendum.

An employee in this class is responsible for evaluating budget requests, performing detail analysis work in budget formulation and administration, and assisting in budget monitoring and control functions. Utilizes microcomputers and computer terminals.

**Examples of Work:**

- Analyzes budget data prepared by departments for completeness, accuracy and conformance to prevailing policies and procedures.
- Assists in the development of the City Council budget.
- Reviews and analyzes budget for the City Council.
- Participates in conference and hearings regarding budgetary requirements of the City.
- Prepares various financial schedules, analyses, reports, and other documents, either manually or with computer assistance.
- Assists Council Staff in the maintenance of proper appropriations and allotment accounts.
- Providing a formal, comprehensive review and analysis of the proposed annual budget.
- Gathering, organizing, and analyzing data and information relative to budgetary issues.

- Providing comparative studies of other cities as they relate to municipal finance.
- Engaging in fiscal forecasting and planning.
- Analyzing the city's past, current, and proposed revenues and expenditures.
- Reviewing existing and potential tax revenues.
- Analyzing federal, state, and local programs to determine sources of funding and appropriate expenditure options.
- Reviewing the economic effects of proposed legislation.
- Preparing fiscal and economic project analysis as directed by the City Council.
- Providing policy research and fiscal analysis on proposed legislation.
- Preparing such other reports relating to budgetary and legislative policy concerns directed by the City Council.
- Making recommendations to the City Council in connection with the analysis, studies, and reports described herein.

**Knowledge, Skills and Abilities:**

- Knowledge of budgeting practices and principles.
- Knowledge of laws, ordinances, and regulations governing municipal financial matters.
- Knowledge of computer fundamentals and operation.
- Ability to organize and present clear and concise oral and written reports.

Budget Analyst (continued)

- Ability to establish and maintain effective working relationships with associates and the general public.
- Ability to analyze quantifiable data to produce statistically valid conclusions and recommendations.

*The mental and physical demands and the work environment characteristics described below are representative of those that must be met by an employee to successfully*

*perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.*

### **Mental and Physical Requirements:**

While performing the duties of this job, the employee is regularly required to use hands and fingers to hold or feel, reach with hands and arms, walk, talk and hear. The employee is occasionally required to stand, sit, climb, balance, stoop, and crouch. Specific vision abilities include close, distance, color, and peripheral vision, and depth perception.

The employee regularly lifts and/or moves up to 25 pounds and occasionally lifts and/or moves up to 45 pounds.

### **Work Environment:**

The noise level in the work environment is usually moderate. Some jobs may require an employee to be exposed to outside weather conditions, wet and/or humid conditions, and risk of electrical shock.

*This description is not intended to be, nor should it be construed as an all-inclusive list of responsibilities, skills or working conditions associated with the position. It is intended to accurately reflect the activities and requirements of the position, but duties may be added, deleted, or modified as necessary. This description does not constitute a written or implied contract of employment.*

Est.: 11/10/88

Edited: 2/28/06bjs

Rev.: 2/28/01 tmm, 2/10/04 tkw, 11/10/10 tkw, 9/26/13 tkw

# PENSACOLA

THE UPSIDE of FLORIDA

OFFICE of the CITY ATTORNEY

TO: Council President Bare and Members of City Council

FROM: Lysia H. Bowling, City Attorney *LHB*

DATE: August 19, 2016

RE: Council Budget Analyst – Charter Section 4.02(a)(6)

This memorandum is prepared in response to the City Council's request for a legal opinion regarding whether City Charter Section 4.02(a)(6) requires the hiring of a Budget Analyst.

Following referendum approval of the Charter amendment which created Sec. 4.02(a)(6) in November 2014, the City Council has taken several actions relative to acquiring a Council staff. A workshop was conducted on January 26, 2015, at which various opinions and options were discussed among the members of Council. Council adopted Ordinance No. 05-15 on March 12, 2015, creating sec. 2-2-10 of the City Code and establishing the Office of the City Council, pursuant to the Charter amendment. On August 14, 2016, Council adopted Ordinance 10-16, which created sec. 2-4-52 of the City Code, authorizing the creation of the position of Budget Analyst and providing the qualifications, salary range and duties and responsibilities for the position created.

With respect to the position of Budget Analyst, the Charter provides:

(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.

Sec. 4.02(a)(6)(a). Looking closely at this section, I will advise that the word "shall" is usually regarded as mandatory, but the phrase "is authorized" is not. At its workshop following the adoption of the Charter provision, Council was advised by staff at that time that the language was not clear as to whether the employment of a budget analyst was required or was discretionary. In its ordinances establishing the Office of City Council and the Budget Analyst position, Council utilized the phrase "is authorized" rather than any clearly mandatory or directory language.

August 19, 2016  
Page two

The decision to hire a Budget Analyst and to assign specific tasks to that person is uniquely and exclusively a City Council decision. To the extent that there is any perceived ambiguity within the language contained in the Charter pertaining to this position, it would be the prerogative of the Council to resolve that ambiguity by the exercise of its sound judgment. Only the Council can determine its budgetary requirements and the extent of assistance that it may require. Whether the position would be a full time or part time position is within the Council's complete discretion; however, the Charter does specify that if the position is filled, the position must be filled by an "employee" and not by a vendor or an independent contractor.

# ATTACHMENT # 7

# PENSACOLA

THE UPSIDE of FLORIDA

OFFICE of the MAYOR

MEMORANDUM

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

FROM: Ashton J. Hayward, III, Mayor AA

DATE: March 14, 2017

SUBJECT: Veto of Council Action on March 9, 2017

Mr. President and Members of the City Council,

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

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



OFFICE of the MAYOR

MEMORANDUM

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

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

cc: City Council

**From:** Eric Olson

**Sent:** Tuesday, March 14, 2017 4:55 PM

**To:** Andy Terhaar <[aterhaar@cityofpensacola.com](mailto:aterhaar@cityofpensacola.com)>; Brian Spencer <[bspencer@cityofpensacola.com](mailto:bspencer@cityofpensacola.com)>; Gerald Wingate <[gwingate@cityofpensacola.com](mailto:gwingate@cityofpensacola.com)>; Jewel Cannada-Wynn <[jcannada-wynn@cityofpensacola.com](mailto:jcannada-wynn@cityofpensacola.com)>; Larry B. Johnson <[ljohnson@cityofpensacola.com](mailto:ljohnson@cityofpensacola.com)>; P.C. Wu <[pcwu@cityofpensacola.com](mailto:pcwu@cityofpensacola.com)>; Sherri Myers <[smyers@cityofpensacola.com](mailto:smyers@cityofpensacola.com)>

**Cc:** Don Kraher <[DKraher@cityofpensacola.com](mailto:DKraher@cityofpensacola.com)>; Ericka Burnett <[EBurnett@cityofpensacola.com](mailto:EBurnett@cityofpensacola.com)>; Lysia Bowling <[lbowling@cityofpensacola.com](mailto:lbowling@cityofpensacola.com)>

**Subject:** Council Action: Budget Analyst - Mayor Veto

Council President Spencer and Members of City Council,

Please see the attached memos from Mayor Hayward.

Respectfully,

Eric Olson  
City Administrator  
City of Pensacola  
(850) 435-1696



For Non-Emergency Citizen Requests, Dial 311 or visit [Pensacola311.com](http://Pensacola311.com)

*Florida has a very broad public records law. As a result, any written communication created or received by City of Pensacola officials and employees will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.*

# ATTACHMENT # 8

## Mandy Bills

---

**From:** Lysia Bowling  
**Sent:** Wednesday, March 15, 2017 1:25 PM  
**To:** Janet Matteson  
**Subject:** FW: Veto of Budget Analyst

**From:** Lysia Bowling  
**Sent:** Wednesday, March 15, 2017 1:18 PM  
**To:** Don Kraher  
**Cc:** Brian Spencer ; Elaine Mager ; Sonja Gaines  
**Subject:** RE: Veto of Budget Analyst

Don:

With respect to your interpretation of Section 4.03 (d) of the Charter regarding the time period for City Council to vote to override the Mayor's veto, you are correct.

The Mayor's authority to exercise a veto power over City Council actions can be found in the Charter. The Charter specifies the categories of City Council actions that are not subject to a potential Mayor veto: (i) an emergency ordinance as defined in Florida Statutes; (ii) those ordinances adopted as a result of quasi-judicial proceedings when such proceedings are mandated by law; and (iii) ordinances proposing Charter amendments, which the Council is required by law or by this Charter to place on the ballot.

This item does not fall within one of the three categories of City Council actions excepted from mayoral veto in the Charter. It is therefore subject to the Mayor's veto.

Should you need anything further, please let me know and I will be glad to assist.

Thank you,

Lysia

Lysia H. Bowling  
City Attorney  
222 W. Main Street  
Pensacola, Florida 32502  
E-mail [lbowling@cityofpensacola.com](mailto:lbowling@cityofpensacola.com)  
(850) 435-1615

**From:** Don Kraher  
**Sent:** Wednesday, March 15, 2017 8:00 AM  
**To:** Lysia Bowling <[lbowling@cityofpensacola.com](mailto:lbowling@cityofpensacola.com)>  
**Cc:** Brian Spencer <[bspencer@cityofpensacola.com](mailto:bspencer@cityofpensacola.com)>; Elaine Mager <[EMager@cityofpensacola.com](mailto:EMager@cityofpensacola.com)>; Sonja Gaines <[SGaines@cityofpensacola.com](mailto:SGaines@cityofpensacola.com)>  
**Subject:** Veto of Budget Analyst

Lysia

I understand Mayor veto authority under the Charter and based on the Donmar case (plus others) that all actions taken by the City Council, not an ordinance, are considered a resolution; thereby giving the Mayor veto power over all City Council actions but for those explicitly denied within the Charter.

However, can you point me to the theory of law and/or relevant case whereby Mayoral veto power extends to powers granted to the City Council, whether mandatory or discretionary, obtained through referendum. Specifically, the City Council was granted authority via a referendum to create the Office of City Council and to have certain staff; whether the hiring of that staff is mandatory or permissive it would appear that the authority to do such still lies within the auspices of the City Council. I draw your attention to the legal opinion authored by you in reference to the City Council Budget Analyst wherein you state, "The decision to hire a Budget Analyst and to assign specific tasks to that person is uniquely and exclusively a City Council decision.....Only the Council can determine its budgetary requirements and the extent of assistance that it may require."

To that end, please point me in the right direction as I continue my research.

Secondarily, regarding a veto override, I am looking for clarification (your opinion) regarding the timing of such an override vote (should the City Council opt to do so); Section 4.03 of the City Charter (City Council Procedures) states: "The City Council may, by affirmative vote of at least a majority plus one (1) of the City Council Members, override the Mayor's veto of an ordinance or resolution at any time prior to midnight of the fifth (5<sup>th</sup>) business day after the day the Mayor exercises the veto "or" (*emphasis added*) prior to midnight on the day of the next City Council meeting after the exercise of the Mayoral veto, whichever last occurs." I read this to mean, at the very latest, the vote for a veto override must take place prior to midnight of the next City Council meeting after the veto power was exercised; so that, in this case a vote to override the veto must occur prior to midnight on April 13, 2017, the date of the next City Council meeting.

Thank you for your guidance in this matter.

Don

**Don Kraher**  
**Council Executive**  
Office of City Council  
City of Pensacola  
222 West Main St.  
Pensacola, FL 32502  
850-435-1686 / Cell: 850-384-6363  
[dkraher@cityofpensacola.com](mailto:dkraher@cityofpensacola.com)

# ATTACHMENT # 9



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

File #: 17-00261

City Council

4/13/2017

### LEGISLATIVE ACTION ITEM

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

**SUBJECT:**

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

**RECOMMENDATION:**

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

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

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

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

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

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

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

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

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

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

**PRIOR ACTION:**

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

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

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

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

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

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

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

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

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

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

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

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

None

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

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

**PRESENTATION:** No

PROPOSED  
ORDINANCE NO. 31-14

ORDINANCE NO. 28-14

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

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

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

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

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

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

QUESTION

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

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

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

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

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

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

**Section 4.02. City Council.**

(a) **Powers and Duties.** City Council Members shall exemplify good citizenship and exhibit a cooperative spirit. The City Council shall have the following powers and duties:

...

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

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

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

Passed: August 11, 2014

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

Attest:

*Trisha L. Bennett*  
City Clerk

PROPOSED  
ORDINANCE NO. 05-15

ORDINANCE NO. 05-15

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

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

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

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

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

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

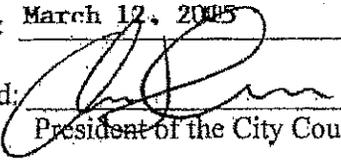
6. In the performance of their duties, the staff of the Office of City Council shall be directed by the Council President or by formal Council action.

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the Application thereof to any person or circumstance is held invalid, or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

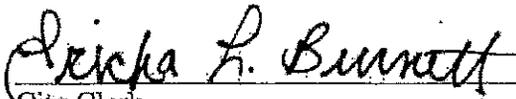
SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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

Adopted: March 12, 2005

Approved:   
President of the City Council

Attest:

  
City Clerk

PROPOSED  
ORDINANCE NO. 05-16

ORDINANCE NO. 10-16

AN ORDINANCE  
TO BE ENTITLED:

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

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

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

Sec. 2-4-52. -- Budget Analyst.

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

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

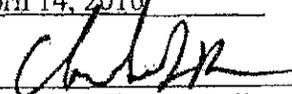
(f) *Appointment and Removal.* The City Council shall appoint and may remove the Budget Analyst from office by a majority vote of the members of the City Council at any time, with or without cause.

SECTION 3. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

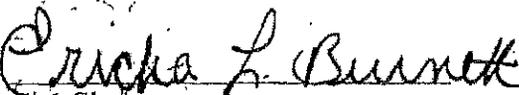
SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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

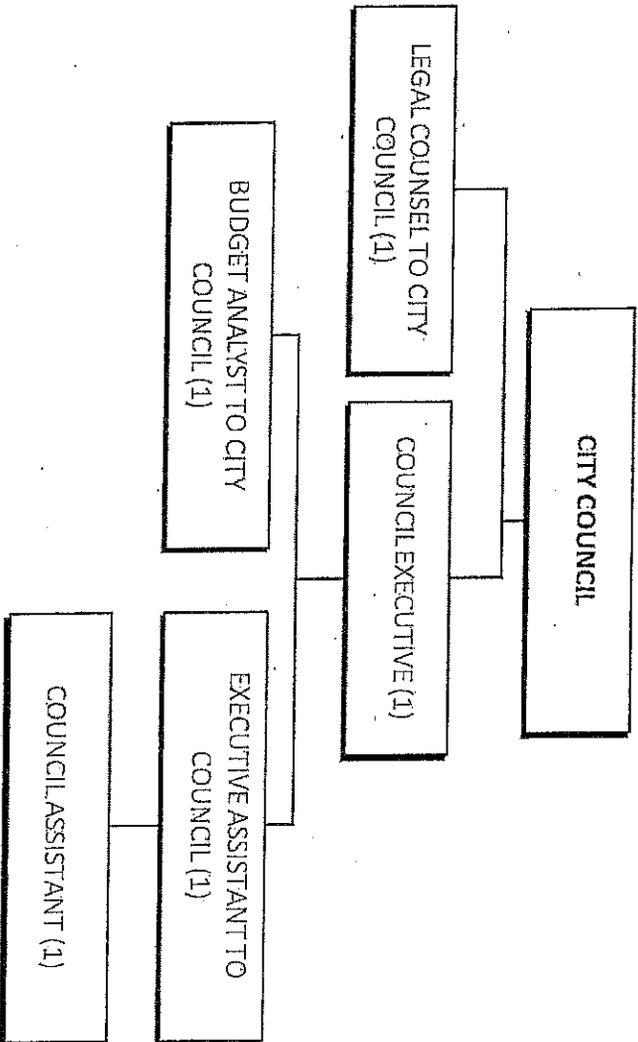
Adopted: April 14, 2016

Approved:   
President of City Council

Attest:

  
City Clerk

# CITY COUNCIL



Total Positions: 5

# Report of City Council Action Items – Special Meeting

September 14, 2016



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

**Absent:** P. C. Wu

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

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

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

*The motion passed unanimously.*

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

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

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

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

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

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

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

*The motion passed unanimously.*

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

Sponsors: Ashton J. Hayward, III, Brian Spencer

Indexes:

Attachments: Proposed Ordinance No. 09-17

Letter from John Peacock, DIB Chairman

DIB Panhandling Ordinance Boundary Map

postponed

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

Sponsors: Brian Spencer

Indexes:

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

approved

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

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

18. 17-00186 BUDGET ANALYST TO THE CITY COUNCIL

Sponsors: Jewel Cannada-Wynn

Indexes:

Attachments: Proposal--Budget Analyst Rev (002)

Job Description--Budget Analyst

City Attorney Opinion - Council Budget Analyst

EMAIL TRANSMITTAL MAYORAL VETO

approved

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

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



OFFICE of the MAYOR

MEMORANDUM

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

FROM: Ashton J. Hayward, III, Mayor AA

DATE: March 14, 2017

SUBJECT: Veto of Council Action on March 9, 2017

Mr. President and Members of the City Council,

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

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



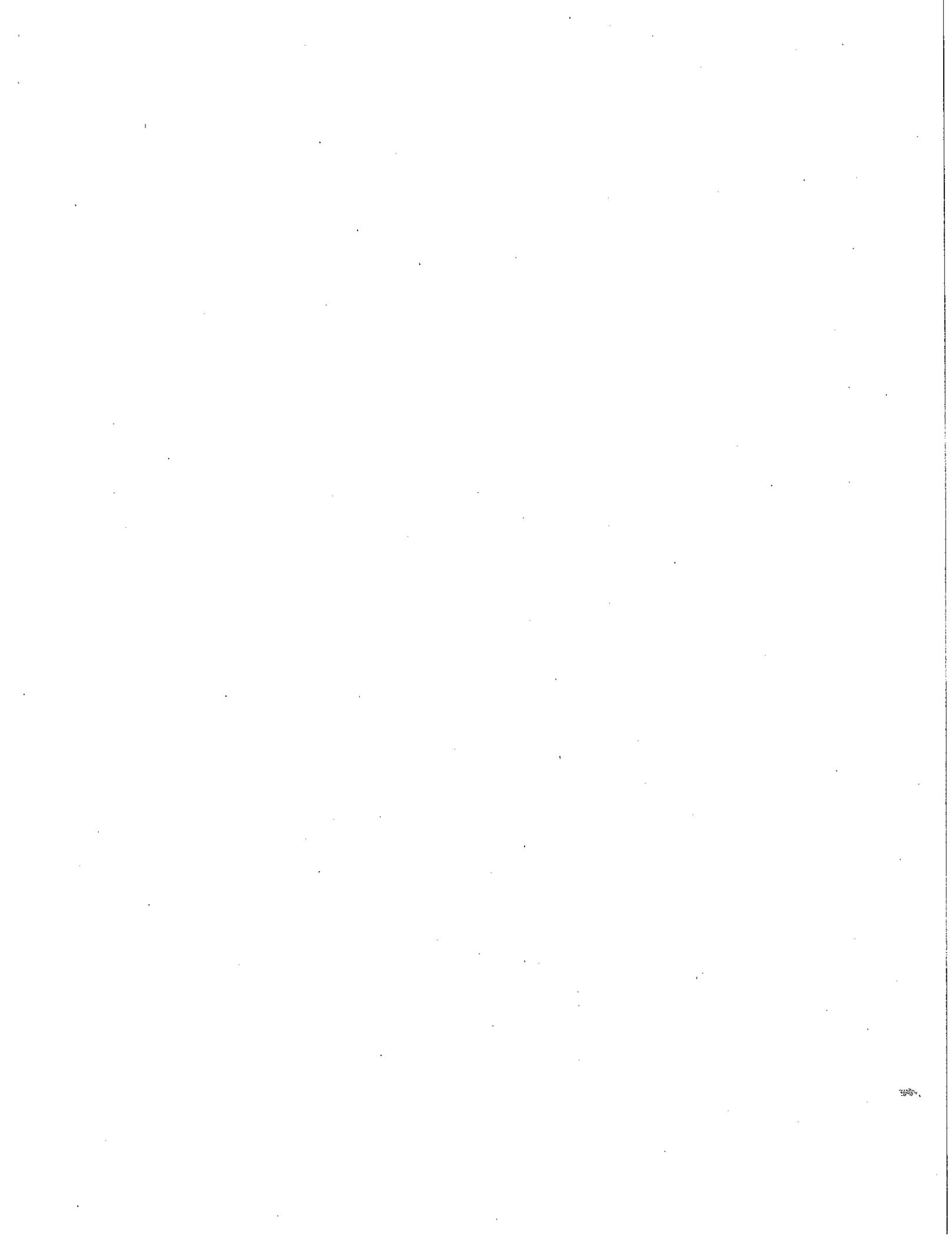
OFFICE of the MAYOR

MEMORANDUM

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

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

cc: City Council





# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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File #: 17-00260

City Council

4/13/2017

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### LEGISLATIVE ACTION ITEM

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

**SUBJECT:**

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

**RECOMMENDATION:**

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

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

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

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

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

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

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

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

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

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

**PRIOR ACTION:**

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

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

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

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

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

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

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

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

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

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

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

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

None

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

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

**PRESENTATION:** No

PROPOSED  
ORDINANCE NO. 31-14

ORDINANCE NO. 28-14

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

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

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

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

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

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

QUESTION

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

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

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

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

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

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

**Section 4.02. City Council.**

**(a) Powers and Duties.** City Council Members shall exemplify good citizenship and exhibit a cooperative spirit. The City Council shall have the following powers and duties:

...

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

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

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

Passed: August 11, 2014

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

Attest:

*Cynthia L. Burnett*  
City Clerk

PROPOSED  
ORDINANCE NO. 05-15

ORDINANCE NO. 05-15

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

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

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

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

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

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

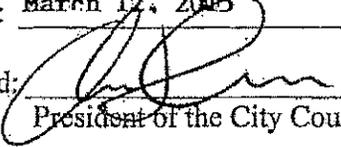
6. In the performance of their duties, the staff of the Office of City Council shall be directed by the Council President or by formal Council action.

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the Application thereof to any person or circumstance is held invalid, or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

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

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

Adopted: March 12, 2005

Approved:   
President of the City Council

Attest:

  
City Clerk

PROPOSED  
ORDINANCE NO. 05-16

ORDINANCE NO. 10-16

AN ORDINANCE  
TO BE ENTITLED:

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

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

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

Sec. 2-4-52. — Budget Analyst.

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

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

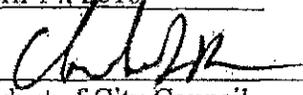
(f) *Appointment and Removal.* The City Council shall appoint and may remove the Budget Analyst from office by a majority vote of the members of the City Council at any time, with or without cause.

SECTION 3. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

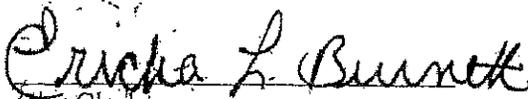
SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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

Adopted: April 14, 2016

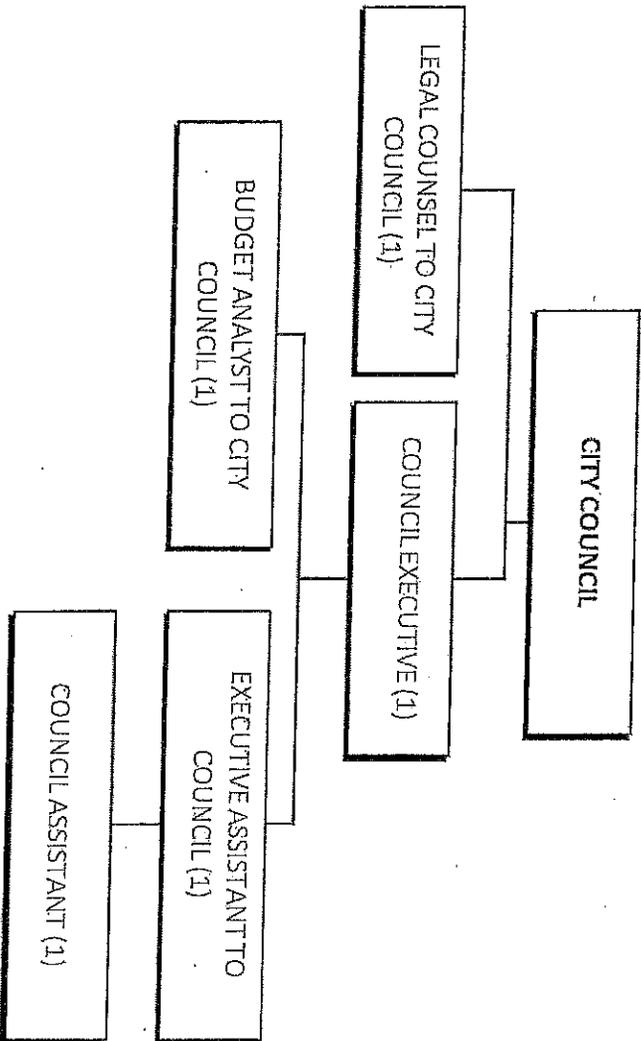
Approved:   
President of City Council

Attest:

  
City Clerk



# CITY COUNCIL



Total Positions: 5

# Report of City Council Action Items – Special Meeting

September 14, 2016



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

**Absent:** P. C. Wu

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

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

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

*The motion passed unanimously.*

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

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

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

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

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

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

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

*The motion passed unanimously.*

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

Sponsors: Ashton J. Hayward, III, Brian Spencer

Indexes:

Attachments: Proposed Ordinance No. 09-17

Letter from John Peacock, DIB Chairman

DIB Panhandling Ordinance Boundary Map

postponed

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

Sponsors: Brian Spencer

Indexes:

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

approved

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

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

18. 17-00186 BUDGET ANALYST TO THE CITY COUNCIL

Sponsors: Jewel Cannada-Wynn

Indexes:

Attachments: Proposal--Budget Analyst Rev (002)

Job Description--Budget Analyst

City Attorney Opinion - Council Budget Analyst

EMAIL TRANSMITTAL MAYORAL VETO

approved

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

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



OFFICE of the MAYOR

**MEMORANDUM**

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

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

DATE: March 14, 2017

SUBJECT: Veto of Council Action on March 9, 2017

Mr. President and Members of the City Council,

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

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



OFFICE of the MAYOR

MEMORANDUM

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

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

cc: City Council

