



City of Pensacola

CHARTER REVIEW COMMISSION

Meeting Minutes

May 18, 2022

5:30 P.M.

Hagler/Mason Conference Room

CALL TO ORDER AND WELCOME

CRC Chairperson Horton called the meeting to order at 5:33 P.M.

ROLL CALL AND DETERMINATION OF QUORUM

CRC Members Present: Samuel A. Horton, Clorissi Shoemo, David Alexander III, Antonio Bruni, Lester Smith, Michael Wiggins, Jack Zoesch

CRC Members Absent: Chris Schwier, John Trawick

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

The meeting can also be watched live stream at: [cityofpensacola.com/428/Live-Meeting-Video](https://www.cityofpensacola.com/428/Live-Meeting-Video).

Members of the public may also attend and participate via live stream and/or phone.

To watch the meeting live visit: [cityofpensacola.com/428/Live-Meeting-Video](https://www.cityofpensacola.com/428/Live-Meeting-Video).

To provide input:

- Citizens may submit an online form available on the City's website <https://www.cityofpensacola.com/CRC> **beginning at 3:00 P.M., on the day of the meeting until that agenda item has been voted upon** to indicate they wish to speak to a specific item on the agenda **and include a phone number. Staff will call the person** at the appropriate time so the citizen can directly address the Districting Commission using a telephone held up to a microphone. **Any form received after an agenda item has been voted upon will not be considered.**
- Open Forum, for items not on the agenda: citizens may submit an online form here <https://www.cityofpensacola.com/CRC> **beginning at 3:00 P.M., on the day of the meeting until 5:30 P.M. only** to indicate they wish to speak during Open Forum **and include a phone number. Staff will call the person** at the appropriate time so the citizen can directly address the Districting Commission using a telephone.

APPROVAL OF MINUTES

1. [22-00478](#) APPROVAL OF MINUTES: CHARTER REVIEW COMMISSION MEETING DATED MAY 4, 2022

A motion to approve was made by CRC Member Smith and seconded by CRC Member Wiggins.

The motion carried by the following vote:

Yes: 7	Samuel A. Horton, Clorissti Shoemo, David Alexander III, Antonio Bruni, Lester Smith, Michael Wiggins, Jack Zoesch
No: 0	None

PRESENTATIONS

None

ACTION ITEMS

DISCUSSION ITEMS

2. [22-00470](#) DISCUSSION - REVIEW OF CHARTER

Moving forward with the review, Chairperson Horton directed the CRC to where they left off from the last meeting (using the proposed draft Charter document compiled by CRC Member Bruni based on input received so far as a starting point for recommended amendments):

Discussion took place and **a motion was made by CRC Member Shoemo and seconded by CRC Member Wiggins that the CRC recommends Section 5.01 City Clerk (adding language) and read as follows:** There shall be a City Clerk who shall be appointed by the Mayor with the consent of the City Council by an affirmative vote of a majority of Council Members, and whose duties and responsibilities are as provided for by this Charter. Although an appointee of the Mayor, the Clerk shall serve the entire City government. The Clerk shall keep and have the care and custody of the books, records, papers, legal documents and journals of proceedings of the City Council and shall carry out such additional duties as may be required by the Council or the Mayor. The City Clerk and their staff may be removed from office with the concurrence of the Mayor and a majority of the City Council (as explained in footnote 32 of the proposed draft - - on file with background materials). Since this proposed amendment was based on Council Executive Kraher's memorandum (previously provided and on file as indicated in the footnote) he responded accordingly to questions regarding the intent of adding such language (to Section 5.01 City Clerk, as well as Section 5.03 City Attorney). City Attorney Peppler also provided input. **Based on discussion, CRC Member Shoemo withdrew the motion and Council Executive Kraher indicated he will revise language for a proposed amendment to clarify employment authority for the City Clerk's staff.**

DISCUSSION ITEM (CONT'D.)

Section 5.02 Mayor City Administrator – *no amendments were offered.*

Discussion took place regarding proposed amendment adding language to Section 5.03 City Attorney to read as follows: The City Attorney shall serve as the chief legal adviser to, and shall represent, elected or appointed officials, boards and commissions, and employees in the course and scope of their official duties or employment, respectively. The City Attorney shall represent the City in legal proceedings and shall perform any other duties prescribed by State law, by this Charter, or by ordinance or resolution. The Mayor shall appoint the City Attorney, with the consent of the City Council by an affirmative vote of a majority of City Council Members. The City Attorney and their staff may be removed from office with the concurrence of the Mayor and a majority of the City Council (as explained in footnote 33 of the proposed draft - - on file with background materials). City Attorney Peppler responded accordingly to questions. **As was suggested (above) related to Section 5.01 City Clerk, staff will bring back revised language for a proposed amendment to Section 5.03 City Attorney to clarify employment authority for the City Attorney's staff.**

Discussion ensued regarding Section 5.04 Departments and reference to discussion during the April 20th CRC meeting regarding Section 4.01 Mayor (a) Powers and Duties (15). CRC Member Bruni referred to draft language proposing an amendment adding language to Section 4.01 Mayor (a) Powers and Duties (15) based which reads as follows: To determine, consistent with this Charter, the organization of the City government and the power and duties assigned to the various departments. Such organizational structure shall be codified by ordinance. Any change to the organizational structure shall require consent of the City Council by an affirmative vote of a majority of City Council Members (as explained in footnote 1 of a previously distributed proposed draft of that section - - on file with background materials). Discussion took place regarding the additional language with CRC Member Bruni explaining its intent. **A motion was made by CRC Member Bruni and seconded by CRC Member Shoemo that the CRC recommends the additional language (as stated above) as a proposed amendment to Section 4.01 Mayor (a) Powers and Duties (15).**

The motion failed by the following vote:

Yes: 4	Clorissti Shoemo, David Alexander III, Antonio Bruni, Lester Smith
No: 3	Samuel A. Horton, Michael Wiggins, Jack Zoesch

It was initially announced that the above vote passed, therefore CRC Member Bruni made a motion to strike in its entirety Section 5.04 Departments and CRC Member Smith seconded, but Council Executive Kraher and City Attorney Peppler clarified voting is based on the existing membership of the body, not number of members present; therefore, any motion requires an affirmative vote of five members. CRC Member Bruni withdrew the motion.

DISCUSSION ITEM (CONT'D.)

Discussion ensued regarding Article VI Elections pertaining to Section 6.02 Nonpartisan Elections; and Section 6.03 Qualifications, Eligibility, and Filing Fee. **Consensus among CRC Members was for staff to review Article VI in its entirety based on discussion, previously provided memorandum from former City Attorney Susan Woolf (dated 7/29/21 - - on file), and input from Supervisor of Elections David Stafford, as well as state election laws. The CRC will readdress Article VI upon review and comment from Council Executive Kraher and City Attorney Peppler.**

Discussion ensued regarding Article VII Recall, Initiative, and Referendum with pertaining to Section 7.03 Power of Referendum; Section 7.04 Commencement of Proceedings; and Section 7.05. **Consensus among CRC Members was for staff to review Article VII in its entirety based on discussion, previously provided memorandum from former City Attorney Susan Woolf (dated 7/29/21 - - on file), and input from Supervisor of Elections David Stafford, as well as state election laws. The CRC will readdress Article VII upon review and comment from Council Executive Kraher and City Attorney Peppler.**

Discussion ensued regarding Section 8.01 Charter Review Commission. **A motion was made by Vice Chair Shoemo, seconded by CRC Member Smith, that the CRC recommends Section 8.01 Charter Review Commission (a) Charter Review Commission Established be amended and read as follows: During the month of January ~~2022~~ 2031... and Section 8.01 (c) Procedures be amended and read as follows: The CRC shall meet prior to the third week in January ~~2022~~ 2031... (as explained in footnotes 36 & 39 of the proposed draft - - on file with background materials).**

The motion carried by the following vote:

Yes: 7	Samuel A. Horton, Clorissti Shoemo, David Alexander III, Antonio Bruni, Lester Smith, Michael Wiggins, Jack Zoesch
No: 0	None

Discussion continued. **A motion was made by CRC Member Smith, seconded by Vice Chair Shoemo, that the CRC recommends Section 8.01 Charter Review Commission (b) Composition be amended and read as follows: Every ten (10) years, the Mayor and City Council shall appoint nine members to the CRC. ADDING: The Mayor shall appoint two members and each Council Member shall appoint one member residing in their Council District. The CRC shall be composed of nine members, with at least one (1) member from each of the seven (7) Council districts of the City and no more than 2 members from any one Council District. **ENDING** No members of the CRC shall be elected officials. Each member of the CRC shall be a City resident and elector. Vacancies shall be filled within 30 days in the same manner as the original appointments (as explained in footnotes 37 & 38 of the proposed draft - - on file with background materials).**

DISCUSSION ITEM (CONT'D.)

The motion (to recommend proposed amendments to Section 8.01 Charter Review Commission (b) Composition) carried by the following vote:

Yes: 7 Samuel A. Horton, Clorissti Shoemo, David Alexander III, Antonio
 Bruni, Lester Smith, Michael Wiggins, Jack Zoesch
No: 0 None

CRC Member Wiggins referenced comments from former City Attorney Susan Woolf's memorandum (dated 7/29/21 - - on file) related to Section 8.02 Charter Amendments (b) Initiation by Petition. **CRC Chairperson Horton asked for review and comment from Council Executive Kraher and City Attorney Peppler be provided and CRC will readdress.**

Brief discussion took place regarding Section 9.01 Code of Ethics with input from Council Executive Kraher – *no amendments were offered.*

Brief discussion took place regarding Section 10.01 Effective Date – *no amendments were offered.*

Section(s) 10.02 through 10.05 – *no discussion.*

A motion was made by Vice Chair Shoemo, seconded by CRC Member Alexander, that the CRC recommends Section 10.06 Existing Rights, Obligations, Duties and Relationships (d) Commencement of Terms for Year 2010 Election and Section 10.07 Transition both be stricken in their entirety of the proposed draft - - on file with background materials).

The motion carried by the following vote:

Yes: 7 Samuel A. Horton, Clorissti Shoemo, David Alexander III, Antonio
 Bruni, Lester Smith, Michael Wiggins, Jack Zoesch
No: 0 None

Section 10.08 – *no discussion.*

OPEN FORUM

None

NEXT MEETING

Wednesday, June 1, 2022, beginning at 5:30 P.M.

The CRC will readdress matters previously referred to staff for more information and/or further review.

ADJOURNMENT

7:26 P.M.

Approved:_____