



City of Pensacola

CHARTER REVIEW COMMISSION

Meeting Minutes

June 15, 2022

5:30 P.M.

Hagler/Mason Conference Room

CALL TO ORDER AND WELCOME

CRC Chairperson Horton called the meeting to order at 5:32 P.M.

ROLL CALL AND DETERMINATION OF QUORUM

CRC Members Present: Samuel A. Horton, Clorissi Shoemo (arrived 5:34), David Alexander III, Antonio Bruni, Chris Schwier, Lester Smith (left 5:30), John Trawick, Michael Wiggins

CRC Members Absent: Jack Zoesch

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. [22-00683](#) APPROVAL OF MINUTES: CHARTER REVIEW COMMISSION MEETING DATED JUNE 1, 2022

A motion to approve was made by CRC Vice Chair Shoemo and seconded by CRC Member Alexander.

The motion carried by the following vote (with CRC Member Smith not yet in attendance):

Yes: 7	Samuel A. Horton, Clorissti Shoemo, David Alexander III, Antonio Bruni, Chris Schwier, John Trawick, Michael Wiggins
No: 0	None

PRESENTATIONS

None

ACTION ITEMS

DISCUSSION ITEMS

2. [22-00659](#) DISCUSSION - REVIEW OF CHARTER

Chairperson Horton referenced remaining Charter sections which were postponed for action during previous meetings to provide opportunities for further reflection and receipt of information from staff (as listed in 5/25/22 email from Council Executive Kraher - - on file with background materials). He then opened discussion.

Brief discussion took place regarding Section 4.02 City Council (a) Powers and Duties (6) (b) Legal Aide with input from City Attorney Peppler. ***There was not an amendment offered to accept any additional proposed amendments.***

Brief discussion took place regarding Section 4.02 City Council (c) Compensation (explained in footnote 3 of the starting point proposed draft and reference to prior discussion - - on file with background materials) with input from with input from Council Executive Kraher and Special Assistant to Council Executive McLellan. ***There was not an amendment offered to accept adding the proposed language.***

DISCUSSION ITEM (CONT'D.)

Discussion took place regarding Section 4.04 Prohibitions (b) Interference with Administration. **A motion was made by CRC Member Wiggins and seconded by Vice Chair Shoemo that the CRC recommends Section 4.04 Prohibitions (b) Interference with Administration be amended and read as follows:** Except for the purpose of inquiries, notifications and investigations made in good faith, the City Council or Council Members shall deal with the City officers and employees, who are subject to the direction and supervision of the Mayor, solely through the Mayor. Neither the City Council nor Council Members shall give orders to any such officer or employee, either publicly or privately. It is the express intent of this Charter that ~~recommendations~~ orders for improvement of municipal governmental operations by individual Council Members be made solely to and through the Mayor (as explained in footnote 29 of the starting point proposed draft - - on file with background materials and based on discussion which motion deviates from proposed language in draft).

The motion carried by the following vote:

Yes: 8	Samuel A. Horton, Clorissti Shoemo, David Alexander III, Antonio Bruni, Chris Schwier, Lester Smith, John Trawick, Michael Wiggins
No: 0	None

Council Executive Kraher and City Attorney Peppler explained the proposed language for a proposed amendment to Section 5.01 City Clerk (see redline version as of 6/1/2022 - - on file). **A motion was made by CRC Member Smith and seconded by CRC Member Alexander that the CRC recommends Section 5.01 City Clerk be amended (keeping all language in Section 5.01 as originally written, but adding verbiage to the end of existing language) and read as follows:** Nothing in this Charter shall authorize or permit the Mayor or City Council to suspend, discharge, remove or otherwise discipline any Deputy City Clerk, Assistant City Clerk or administrative staff hired and supervised by the City Clerk. It is the intent of this section that the Deputy City Clerk, all Assistant City Clerks, and all administrative personnel under the supervision of the City Clerk perform their duties and serve at his or her pleasure without interference from the Mayor or City Council (as proposed in redline version dated 6-1-2022 - - on file).

The motion carried by the following vote:

Yes: 8	Samuel A. Horton, Clorissti Shoemo, David Alexander III, Antonio Bruni, Chris Schwier, Lester Smith, John Trawick, Michael Wiggins
No: 0	None

DISCUSSION ITEM (CONT'D.)

Council Executive Kraher and City Attorney Peppler explained the proposed language for a proposed amendment to Section 5.03 City Attorney (see redline version as of 6/1/2022 - - on file). **A motion was made by CRC Member Alexander and seconded by CRC Member Smith that the CRC recommends Section 5.03 City Attorney be amended (keeping all language in Section 5.03 as originally written, but adding verbiage to the end of existing language) and read as follows: Nothing in this Charter shall authorize or permit the Mayor or City Council to suspend, discharge, remove or otherwise discipline any Deputy City Attorney, Assistant City Attorney or administrative staff hired and supervised by the City Attorney. It is the intent of this section that the Deputy City Attorney, all Assistant City Attorneys, and all administrative personnel under the supervision of the City Attorney perform their duties and serve at his or her pleasure without interference from the Mayor or City Council** (as proposed in redline version dated 6-1-2022 - - on file).

The motion carried by the following vote:

Yes: 8 Samuel A. Horton, Clorissti Shoemo, David Alexander III, Antonio
 Bruni, Chris Schwier, Lester Smith, John Trawick, Michael Wiggins
No: 0 None

Discussion ensued regarding Section 5.05 City Boards, Commissions and Authorities (b) Membership and Removal with Council Executive Kraher and City Attorney Peppler responding accordingly to comments and questions. **A motion was made by CRC Member Smith and seconded by CRC Member Bruni that the CRC recommends Section 5.05 City Boards, Commissions and Authorities be amended (keeping all language in subsection (b) as originally written, but adding verbiage to the end of existing language) and read as follows: To every extent possible, when considering the availability of persons nominated to serve from each Council District; Board, Commissions and Authority membership should be distributed equally among City Council Districts** (as explained in footnote 34 of the starting point proposed draft - - on file with background materials, based on discussion, and not including the final proposed sentence related to missing meetings).

The motion carried by the following vote:

Yes: 8 Samuel A. Horton, Clorissti Shoemo, David Alexander III, Antonio
 Bruni, Chris Schwier, Lester Smith, John Trawick, Michael Wiggins
No: 0 None

Discussion ensued regarding Article VI Elections with CRC Member Wiggins raising concerns regarding filing fees and petition requirements with input from City Attorney Peppler and Council Executive Kraher.

Public input was heard from Alex Smith. Mayor Robinson also provided input.

DISCUSSION ITEM (CONT'D.)

Council Executive Kraher indicated he will have a spreadsheet prepared regarding Article VI Elections reflecting decreases in filing fees and petition requirements for CRC's review. *At this time discussion moved forward.*

City Attorney Peppler referenced and explained proposed language for proposed amendments to Article VII Recall, Initiative, and Referendum (see redline version as of 6/1/2022 - - on file). **A motion was made by Vice Chair Shoemo and seconded by CRC Member Smith that the CRC recommends Article VII Recall, Initiative, and Referendum be amended as follows:** Section 7.02 Power of Initiative (adding language at the end of the last sentence) ", expending LOST funds, or compelling government speech in a particular manner." Section 7.03 Power of Referendum (first sentence) "~~Within~~ **No later than...**", (second sentence after first comma) "...the electors shall have the power to ~~approve~~ **adopt** or reject the reconsidered measure by petition as specified in Section 7.05 following. at a City election." , and (the last sentence amended to read) "The electors are not empowered to reconsider measures that extend to providing an annual budget, levying taxes, ~~or~~ setting salaries of City officers or employees, the expenditure of LOST funds, or government speech." Section 7.04 Commencement of Proceedings (adding at the beginning of the first sentence) "**Within sixty (60) days of a measure passed by City Council either adopting or rejecting the proposed ordinance or adopting or rejecting the proposed repeal of a measure,...**" Section 7.06 Verification of Petitions (amending the first sentence) "The petitioner's committee shall submit "~~the completed petitions to the Escambia County Supervisor of Elections for verification as to the number of registered electors whose valid signatures appear thereon, along~~" with the petitions any fee required by general law." (as proposed in redline version dated 6-1-2022 - - on file, based on a memo from former City Attorney Susan Woolf dated 7/29/21 previously discussed and on file.)

The motion carried by the following vote:

Yes: 8	Samuel A. Horton, Clorissi Shoemo, David Alexander III, Antonio Bruni, Chris Schwier, Lester Smith, John Trawick, Michael Wiggins
No: 0	None

Discussion took place regarding Section 6.08 Council Districts (e) Effect of Enactment with City Attorney Peppler and Council Executive Kraher responding accordingly to comments and questions. Mayor Robinson also provided input. ***There was not an amendment offered.***

DISCUSSION ITEM (CONT'D.)

City Attorney Peppler referenced and explained proposed language for a proposed amendment to Section 8.02 Charter Amendments (b) Initiation by Petition (see redline version as of 6/1/2022 - - on file). **A motion was made by Vice Chair Shoemo and seconded by CRC Member Smith that CRC recommends Section 8.02 Charter Amendments (b) Initiation by Petition be amended as follows (keeping all language in subsection (b) as originally written, but adding verbiage to the end of existing language): "The City Council shall place the proposed amendment contained in the ordinance or petition to a vote of the electors at the next general election held within the City or at a special election called for such purpose"** (as proposed in redline version dated 6-1-2022, based on a memo from former City Attorney Susan Woolf dated 7/29/21 previously discussed and on file).

The motion carried by the following vote:

Yes: 8	Samuel A. Horton, Clorissti Shoemo, David Alexander III, Antonio Bruni, Chris Schwier, Lester Smith, John Trawick, Michael Wiggins
No: 0	None

Discussion returned to Article VI Elections. Council Executive Kraher provided hardcopies of a spreadsheet prepared by Special Assistant to Council Executive McLellan of a comparison of percentages of filing fees and petition requirements, based on three percent (3%), two percent (2%), and one percent (1%) (on file). He responded accordingly to comments and questions.

A motion was made by CRC Member Wiggins and seconded by CRC Member Smith that CRC recommends amendments to Article VI Elections as follows: Section 6.03. Qualifications, Eligibility, and Filing Fee (b) Filing Fee, (first part of first sentence) "Each candidate shall pay to the qualifying officer a filing fee in the amount of ~~three percent (3%)~~ one and one-half percent 1.5% of the annual salary of the office of Mayor..." and Section 6.06 Alternative to Qualifying Fee (c) Valid Signatures (third sentence) "Candidates for the office of Mayor under this petition process shall obtain the signatures of a number of qualified electors equal to at least ~~five percent (5%)~~ two and one-half percent (2.5 %) of the total number of registered electors in the City,..." and (i) "Candidates for the office of Mayor under this petition process shall obtain the signatures of a number of registered voters of the City equal to at least ~~two and one-half percent (2.5%)~~ one and one-quarter percent 1.25% of the population of the City according to the most recent decennial census." (based on discussion with this motion pertaining to office of the Mayor).

The motion carried by the following vote:

Yes: 7	Samuel A. Horton, David Alexander III, Antonio Bruni, Chris Schwier, Lester Smith, John Trawick, Michael Wiggins
No: 1	Clorissti Shoemo

DISCUSSION ITEM (CONT'D.)

A motion was made by CRC Member Wiggins and seconded by CRC Member Smith that CRC recommends amendments to Article VI Elections as follows:

Section 6.03. Qualifications, Eligibility, and Filing Fee (b) Filing Fee. “Each candidate shall pay to the qualifying officer a filing fee in the amount of ~~three percent (3%)~~ **one and one-half percent 1.5%** of the annual salary of...office of Member of City Council,... and **Section 6.06 Alternative to Qualifying Fee (c) Valid Signatures** (fourth sentence) “A candidate for a single-member district position shall obtain the signatures of a number of qualified electors residing in the district for which the candidate seeks election equal to at least ~~five percent (5%)~~ **two and one-half percent (2.5 %)** of the total number of registered electors in the district,...” and (ii) (first sentence) “A candidate for the office of a district City Council Member under this petition process shall obtain the signatures of a number of registered voters residing in the district for which the candidate seeks election equal to at least ~~two and one-half percent (2.5%)~~ **one and one-quarter percent 1.25%** of the ideal district population according to the most recent decennial census”. (Based on discussion with this motion pertaining to office of Member of City Council).

The motion carried by the following vote:

Yes: 7	Samuel A. Horton, David Alexander III, Antonio Bruni, Chris Schwier, Lester Smith, John Trawick, Michael Wiggins
No: 1	Clorissti Shoemo

This concluded the review of the Charter Review Commission. Discussion took place whether to schedule an additional meeting or to recess this meeting to allow staff to finalize the CRC’s final report to City Council of recommendations for proposed amendments to the City Charter. Consensus among CRC Members was to recess at this time and reconvene after preparation of the final report for CRC’s review.

Meeting was recessed at 7:24 P.M. and reconvened at 7:44 P.M.

Chairperson Horton reconvened the meeting upon completion, distribution, and (individual) review of the draft CRC final report to City Council of recommendations for proposed amendments to the City Charter. CRC Member Bruni offered a correction to Section 4.02 City Council (a) (sic should be (b)) Vacancies that the word “business” should be stricken.

A motion was made by Vice Chair Shoemo and seconded by CRC Smith that the CRC recommends proposed amendments to the City Charter as presented in the draft report (on file).

The motion carried by the following vote:

Yes: 8	Samuel A. Horton, Clorissti Shoemo, David Alexander III, Antonio Bruni, Chris Schwier, Lester Smith, John Trawick, Michael Wiggins
No: 0	None

DISCUSSION ITEM (CONT'D.)

Some follow-up discussion took place regarding City Council's receipt of the CRC's final report of recommendations for proposed amendments to the City Charter, the process of Council's consideration of the CRC's recommendations plus any other proposed amendments as decided by Council, and the timeline for ballot language to be approved via ordinance(s) for referendum during the November General Election.

Chairperson Horton thanked CRC Members and staff for their work over the last several months. Council Executive Kraher and City Attorney Peppler advised that CRC Members are still under Sunshine Law requirements until the City Council officially sunsets the 2022 Charter Review Commission.

OPEN FORUM

None

NEXT MEETING

None scheduled.

ADJOURNMENT

7:51 P.M.

Prepared: June 29, 2022