

**PALMETTO CITY COMMISSION
WORKSHOP MEETING
JUNE 7, 2010 – 4:30 PM**

Elected Officials Present:

Shirley Groover Bryant, Mayor
Tamara Cornwell, Vice Mayor and Commissioner-at-Large 2
Alan Zirkelbach, Commissioner-at-Large 1 (entered at 4:50 pm)
Mary Lancaster, Commissioner, Ward 1
Tambra Varnadore, Commissioner, Ward 2
Brian Williams, Commissioner, Ward 3

Staff Present:

Mark Barnebey, City Attorney
Jim Freeman, City Clerk
Garry Lowe, Chief of Police
Allen Tusing, Public Works Director
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 4:35 pm, followed by a Moment of Silence and Pledge of Allegiance.

1. REPRESENTATIVE BILL GALVANO – LEGISLATIVE UPDATE

Representative Galvano highlighted issues the legislature addressed during its recent session:

- Manatee County received \$190 million in various revenue items
- Seminole Gaming Compact finalized; revenue \$435 million this year for the State
- Golf cart bill has passed; gives more authority to local governments re golf cart traffic
- Red light camera bill; deterrent as well as revenue source

In response to Commission questions, Representative Galvano commented on the following topics:

- The crisis is the Gulf of Mexico; since the oil spill, there has been a “chilling effect” on moving forward with offshore drilling
- Funding per student has again increased this year
- Local job creation from alternative energy sources; how the State will use a “javelin point” approach to attracting particular types of industry
- Legislation similar to Arizona’s re illegal immigration may be issue in the next session
- Amendment 4

2. PROPOSED ORDINANCE: CHARTER REVIEW

Distributed an updated proposed ordinance, based on comments from the Charter Review Committee’s review. He stated that generally the Charter Review Committee liked the Charter that was brought forward to Commission.

Attorney Barnebey reviewed the changes made to the ordinance in the updated version:

- Minor changes made to the definitions
- Section 10: Clarification that the vice mayor, while serving as interim mayor, does not have veto authority
- Section 11: The organizational meeting shall be held the first Commission meeting in January rather than in November
- Section 14: Clarification of the Mayor’s actions when exercising veto power

- Section 17: Amended to reflect that the Mayor shall appoint and Commission shall confirm all appointed officials of the City. The section was amended to allow for an appointment and confirmation of an appointed official for less than one year. Language was also added to allow for the appointment of another person within 60 days should there not be enough votes to confirm the first appointment. The amendment is based on conversation with an Ethics Commission official relating to the ethics complaint filed against Commissioner Lancaster regarding her vote on an appointment of a relative.
- Section 21: Clarification of Oath of Office language
- Section 27: Amended to reflect that the Charter shall take effect the day after the General Election of November 2010

It is anticipated the public hearing will be held the first meeting in July. Mr. Freeman will confirm when the Supervisor of Elections needs the referendum language for the November ballot.

Commissioner Lancaster requested that a workshop on the nepotism law be scheduled.

Discussing the organizational meeting being held in January, Attorney Barnebey confirmed that in all cases appointments will expire the first meeting in January after a Mayor is elected. He stated the Mayor can appoint in November, but confirmation must be made by Commission at the organizational meeting. An amendment will be made to reflect that terms for appointed officials can only be extended to the organizational meeting in January.

Discussion ensued on the City Commission removing appointed officials. Attorney Barnebey confirmed that there could possibly be an issue with a sitting Commissioner's vote in removing an appointed official who is a relative, which he will research. Removal of an appointed position takes four votes; therefore, if one Commissioner abstained, the removal vote would have to be a unanimous vote of the remaining members of the Commission. Attorney Barnebey cautioned that a Commissioner attending by telephone does not count toward a quorum, but does count toward a vote. Attorney Barnebey will amend Section 17 to add/and or revise language regarding the required vote should a Commissioner be absent.

Attorney Barnebey stated the proposed ordinance does not address the issue of a candidate for an appointed position that was voted down continually holding office while the appointment is repeatedly brought forward, but there is language stating that the Mayor shall appoint another person within sixty days of the prior appointment. Attorney Barnebey will strengthen the language to prohibit the same person being appointed by the same Mayor after a failed vote, for a specific time period, except as entertained by the Commission.

Commissioner Lancaster suggested that Attorney Barnebey secure the tape regarding the ethics complaint, because there was not a voting a conflict. Commission concurred with Mayor Bryant's request that a letter is sent to the Ethics Commission regarding its voting conflict form.

Attorney Barnebey explained the difference between majority vote and majority vote of the Commission.

Attorney Barnebey confirmed that the current ordinances of the City do not recognize the CRA director as a position appointed by the Mayor; none of the appointed officials are listed in the Charter. He stated that as currently proposed, the CRA director position will be an employee of the City and will report directly to the Mayor. He also confirmed that a CRA Board is required by Florida Statutes. Discussion ensued on how the CRA director can be hired.

Attorney Barnebey explained that Commission must first confirm that a Mayor can no longer perform duties of the position, and must then wait ten calendar days to appoint a permanent new Mayor.

Attorney Barnebey explained that a special election would be called if there were 180 days left in the term of the new permanent Mayor after confirmation that the current Mayor is no longer able

to perform duties of the position. Attorney Barnebey stated that a reference to when the 180 days begins can be added to the language.

Discussion ensued on Commission's belief that they had requested that the Charter Review Committee look at their suggestion that the Vice Mayor would become interim Mayor until such time an election was held, and the Vice Mayor could then decide whether or not to return to the Commission seat or run for the Mayor's seat. Attorney Barnebey stated the Charter Review Committee considered the suggestion, but felt the language in the current proposed Charter was a better solution.

Commissioners Cornwell and Williams agreed that a change should be made to allow the interim Vice Mayor to become Mayor for a specific time period, hold an election, and then return to the Commission seat or run for the Mayor's seat. Attorney Barnebey stated that if the suggested scenario happens, he will have to look at whether or not the interim Mayor will have veto power. Commissioner Varnadore also suggested that language to clarify the powers of a Commissioner when elected Vice Mayor and acting as interim Mayor should be stated in the proposed Charter. Commissioner Lancaster also agreed that the public should be given the opportunity to elect their Mayor.

Mr. Freeman was asked to speak with the Supervisor of Elections office to determine how much time would be needed to prepare for a special election. The length of time may have an impact on the amount of time the interim Mayor's position would be applicable.

Commissioner Varnadore stated that she supports the language as proposed, because of the election contingency included in each annual budget. She suggested it has to be determined how much time will be necessary to allow the Commission to appoint a resident of the City to fill the Mayor's seat should none of the sitting Commissioners wish to act as Mayor.

The topic was moved to the next workshop agenda in its current form.

3. PROPOSED ORDINANCE: ALCOHOL SALES

The topic is the proposed ordinance and options pertaining to alcohol sales on Sunday. Because of the absence of time, it was consensus of the majority of the Commission to move the item to the 7:00 meeting.

4. PERSONNEL POLICY

A special meeting will be developed for review of the Personnel Policy.

Meeting adjourned at 6:06 pm.

James R. Freeman

James R. Freeman
City Clerk