Charter Review Commission

March 8, 2021, at 10:00 A.M.
Council Chambers, 175 5th Street North

I. Call meeting to order and roll call

II. Approval of February 22, 2021 Minutes

III. Public Comment and Correspondence

IV. Council Vice Chair Gina Driscoll

V. Subcommittee Report

VI. City Attorney’s Office; Pipeline for CRC items

VII. New Business

VIII. Next regular meeting: March 22, 2021 at 10:00 A.M

IX. Adjourn

ALSO: Councilmember Ed Montanari, Policy & Public Engagement Chief Kevin King, Assistant City Attorney Heather Judd, Assistant City Attorney Brett Pettigrew, City Clerk Chan Srinivasa, Deputy City Clerk Patricia Beliveau, Executive Assistant to the Mayor Veronika Slep

ABSENT: None.

The meeting was called to order by Commission Chair Hafner who then undertook a roll call to establish the presence of a quorum. The following members were present: Ed Carlson, Vicki Shuman, Chris Burke, Tami Simms, Terri Lipsey-Scott, Roxanne Fixsen, J.C. Pritchett, Meiko Seymour and Lars Hafner. Absent: None.

Chair Hafner asked if there were any corrections needed regarding the February 8, 2021 Commission minutes. Ms. Fixsen commented that the minutes reflected that Mr. King recommended creating a sub-committee solely dedicated to policy creation. Ms. Fixsen stated she could not remember the recommendation and did not know if more detail was needed in the minutes regarding the matter. Mr. King responded that it is an option of the Commission to create such a sub-committee for non-charter items that may go to City Council. Ms. Fixsen asked that the term “policy” be clarified as the Commission continues to conduct its work. Commission member Lipsey-Scott then motioned for approval of the February 8, 2021 minutes. Commission member Simms seconded the motion. All Commission members voted in favor of the motion. No Commission members were absent.

Commission member Carlson asked for a point of privilege. He spoke regarding audio levels in the video recordings of the Commission meetings and in the Chambers. He asked that it be required for staff, Commission members and the public to speak into the microphone and either remove their mask or lift their mask. Chair Hafner asked Commission member Carlson if he wanted to make his requirement regarding the masks be made into a motion. Commission member Carlson responded in the affirmative to Chair Hafner’s inquiry. Mr. Pettigrew explained to the Commission that Council Chambers rules require masks be worn at all times, even when speaking into the microphone. No action was taken.

The Commission then took up Item III on the agenda- Communication practices that adhere to Sunshine Laws. Mr. Pettigrew spoke to the Commission regarding the item. Mr. Pettigrew begin by stating that the Sunshine Law promotes transparency and not efficiency. He recommended that the Commission use a similar process to the one used by City Council to adopt new business items. The process would involve Commission members sending their information to a single point of contact within City staff who then distributes the information on a regular basis or as needed to the body in advance of the meeting. Mr. Pettigrew further stated that they purposefully did not
send Commission members all other Commission members email addresses. He stated that it is not a Sunshine Law violation regarding one-way communication, but it is strongly discouraged because it is so easy to hit “Reply to all”. Chair Hafner then asked all other Commission members if they wanted to submit everything to Mr. King until a process is put into place. Mr. Pettigrew said that Commission members are welcome to reach out to City staff or reach out to Mr. King; and further stated that it is his recommendation to submit everything to Mr. King. Commission member Carlson commented on his understanding of the Sunshine Law. Commission member Pritchett voiced his concerns regarding intentionally violating the Sunshine Law. Commission member Seymour stated that he shares Commission member Pritchett’s concerns. Chair Hafner suggested that for clarification purposes that a motion be made regarding the rules of the Commission and the Sunshine Law. Commission member Seymour motioned that the Charter Review Commission adhere to the Sunshine Law in its entirety and submit any communication through City staff or Legal. Commission member Lipsey-Scott seconded the motion. Commission members Schuman, Burke, Simms, Lipsey-Scott, Fixsen, Pritchett, Seymour and Hafner voted in the affirmative. Commission member Carlson voted no. The motion passed 8 to 1 with no Commission members being absent.

The Commission then moved to Item IV on the agenda: update from Administration on virtual attendance. Chair Hafner asked Mr. Pettigrew and Mr. King if there was any update regarding the item. Mr. King stated that there is no substantive update but for their consideration he would like to combine Agenda Items IV and VII. Chair Hafner asked the Commission if there was any objection to Mr. King’s request. Seeing there were no objections, Chair Hafner moved to the next order of business.

Council Chair Ed Montanari spoke to the Commission regarding Agenda Item V- Councilmember Recommendations. Chair Montanari gave opening remarks and thanked the Commission for their service to the City. He stated that there are four items that he wanted to speak to regarding his recommendations. The first item discussed was Article IV of the City Charter which outlines the Mayor’s role in City government. He then stated that there is no equal article for the legislative branch of City government. He further explained that matters related to City Council are scattered throughout the Charter and that it might be time to organize them and used the Tampa City Charter as an example. The second item Chair Montanari spoke to the Commission was regarding the appointment and removal of City Council staff. He would like to make changes to one paragraph to avoid any conflicts of interest between the Mayor and City Council; and ensure City Council staff is reporting directly to City Council and the Mayor is taken out of any role of hiring and firing City Council staff. The third item Chair Montanari spoke to was regarding the City Clerk. He explained that the City Clerk is appointed by the Mayor and approved by City Council, but there is a prohibition to direct the City Clerk to do something by City Council. He would like for this to be changed. The fourth item Chair Montanari spoke to was regarding the ability to hire a budget analyst. He referenced the City of Tampa’s Charter and would like to add language to the City’s Charter to recommend or have the ability to hire a budget analyst.

Commission member Seymour asked why the Council does not have the ability to hire an analyst since Council controls the budget; and asked Chair Montanari how the separation of powers functions. Chair Montanari explained that how the Charter is setup that all positions are under the
Mayor and when it comes to separation of powers it makes sense to him for certain positions to report to City Council. Chair Montanari further explained that the City Council can hire a budget analyst, but they would report to the Mayor; and that this same logic applies to City Council legislative aides. Chair Hafner asked Chair Montanari what he foresaw the hiring process be for legislative aides. Chair Montanari said he still wants to work with Administration and Human Resources, but City Council would ultimately hire someone by majority vote. Commission Vice-Chair Lipsey-Scott voiced her concerns in regard to the roles and responsibilities of the Mayor’s Office and City Council understanding their roles; and asked Chair Montanari to explain the responsibility of City Council. Chair Montanari responded that the Mayor is Chief Executive of the City and City Council is the legislative branch of the government; and that Council’s main responsibility is to enact laws and ordinances and control the City’s budget. Commission Vice-Chair Lipsey-Scott asked who is defining their responsibilities regarding the City Council’s responsibilities and what responsibilities the Council is now undertaking. Chair Montanari has explained that the responsibilities are in the Charter. Commission Vice-Chair Lipsey-Scott said it is critically important that there is a level of understanding with regards to what the responsibilities of Council are and how they are being carried out. Chair Montanari commented that Council knows their responsibilities and the responsibilities of Administration. Commission member Pritchett asked questions regarding the enactment of the strong mayor form of government in 1993. Chair Montanari explained that there was a referendum to enact a strong mayor form of government in 1993. Chair Montanari explained that the strong mayor form of government came into existence due to the firing of Police Chief Curtsinger and an outcry by the community to change the accountability from a City Manager to an elected official. Commission member Pritchett expressed his view that it is very important to be familiar with history when changes are made and discussed. Chair Hafner requested that Chair Montanari submit his recommendations to Mr. King or the City Attorney’s Office.

Chair Hafner gave opening remarks regarding virtual meetings and asked Chair Montanari’s for his view regarding the matter. Chair Montanari explained that there were quite a few discussions on this topic; and that City legal drafted a resolution to allow Councilmembers to participate if they are quarantined. He further explained that Administration studied it and that they said it would be difficult to implement; and that is where the discussion ended. Chair Montanari stated that it is more efficient for people to meet in person. Mr. King provided input regarding the matter and stated that members will continue to meet in person. Commission member Burke asked Chair Montanari if he was considering moving away from a strong mayor form of government. Chair Montanari replied that he was not. Commission member Burke also requested clarification from Chair Montanari regarding his recommendations. Chair Montanari provided clarification regarding his recommendations.

Chair Hafner moved to the next item on the agenda which was the Commission subcommittee’s report. He requested that the subcommittee Chair provide an update to the Commission regarding their meeting. Subcommittee Chair Fixsen gave a report to the Commission regarding the Race Equity Subcommittee’s meeting; and spoke of the subject areas that they want to target for further discussion.

Chair Hafner moved to the next agenda item, Commission members ideas for Charter Review to address, and provided opening remarks. Commission member Seymour wants to examine how
City Council is elected and voiced his concerns how Council represents the citizenry. Specifically, he spoke about adding one or two new Council-at-large members. Commission member Pritchett would like to address the protections of the City Clerk. Commission member Carlson spoke about adding three Council-at-large members, rebalancing the power in the City, lake and wetlands management and roadside memorials. Commission member Burke was not clear on policy versus charter issues and would like to have more clarity about this at the next meeting.

Commission member Fixsen left the meeting at 11:23 a.m.

Mr. King spoke to the Committee regarding the update on Mayor and Councilmember attendance. He explained that Vice-Chair Driscoll will attend the next Commission meeting; Councilmember Figgs-Sanders has requested to appear at a Commission meeting in April; and Mayor Rick Kriseman will appear at a future Commission meeting.

Chair Hafner moved to the next agenda item- public comment. Seeing no requests to speak, Chair Hafner closed the public comment portion of the meeting.

Chair Hafner then moved to the next agenda item- new business. Commission member Simms motioned to change the time of public comment with set time to speak at the beginning and end of the agenda. Commission member Carlson seconded the motion. Commission members Schuman, Burke, Carlson, Simms, Lipsey-Scott, Fixsen, Pritchett, Seymour and Hafner voted in the affirmative. The motion passed unanimously with Commission member Fixsen being absent. Commission member Carlson would like to see the Charter Review Commission website updated. Specifically, he mentioned Charter issues and the email addresses of Commission members be placed on the website. Commission member Burke would like to see the 2050 platform regarding the solicitation of public input. Mr. King stated that Mr. Derek Kilborn, Urban Design and Historic Preservation Manager will be working with staff so that the Commission may use the 2050 platform.

There being no further business, Chair Hafner adjourned the meeting at 11:43 a.m.