



**THE CITY OF MADEIRA BEACH, FLORIDA
PUBLIC NOTICE**

BOARD OF COMMISSIONERS MEETING

The Board of Commissioners of the City of Madeira Beach, Florida will meet at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida to discuss the agenda items of City Business listed at the time indicated below.

4:00 P.M.

Tuesday, November 5th, 2013

AUDITORIUM

A. CALL TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE: Vice Mayor Terry Lister

C. ROLL CALL

Members Present: Travis Palladeno, Mayor
Terry Lister, Vice-Mayor
Nancy Hodges, Commissioner District 2
Elaine Poe, Commissioner District 3
Pat Shontz, Commissioner District 4

Staff Present: Shane Crawford, City Manager (CM)
Bob Metz, City Attorney (CA)
Aimee Servedio, City Clerk (CC)

D. APPROVAL OF THE MINUTES

E. APPROVAL OF THE AGENDA

A motion was made by Commissioner Shontz and seconded by Commissioner Poe.

ROLL CALL:

Commissioner Hodges.....YES
Commissioner Poe..... YES
Commissioner Shontz.....YES

Vice-Mayor Lister.....YES
Mayor Palladeno.....YES

**F. PUBLIC COMMENT (limited to 3 minutes)
PRESENTATIONS**

1. **PRESENTATION BY FRANK EDMUNDS, CITY OF SEMINOLE CITY MANAGER AND CHUCK COWARD, RETIRED CITY MANAGER OF INDIAN ROCKS BEACH, CITY CLERK REPORTING RESPONSIBILITIES**

Mayor Palladeno: Thanked both Frank Edmunds and Chuck Coward for coming to make presentations.

Frank Edmunds: The CM made it aware that the Council is considering responsibility/reporting of the CC. In 2009, there was a trial review process in Seminole of the reporting responsibilities between the CM and CC. In more recent times, the council has been uncomfortable with supervision of the CC, especially towards legal responsibilities such as preparation of

minutes, coordinating elections, etc. Through this discussion the council then elected to sponsor an amendment to the charter directing the CC to have accountability to the CM. Copies of the position description were brought to this meeting. This reporting relationship has been in effect since 2010, and in his view, is functioning as intended. The position is still a Charter Officer, but the CM has the responsibility of hiring, disciplining, and supervising the CC position. On an annual evaluation, the City Council is still involved, but day-to-day is supervised by the CM. Minutes have been made available three days after meetings, print records are now all compliant with Florida law, and support services have been to the Council's satisfaction. Edmunds then opened for questions or comments.

CM: It's not whether the CC or CM is for or against this; it is a matter of what structure makes the most sense. Who is the boss? The CM is tasked with running City Hall – if the CC is part of City Hall, the CM would still have authority, but this is not how it is exactly worded in the Charter. The CM and CC meet often and daily, as far as the CM is concerned, the CC is not technically his employee. There is a difficult situation if the CM advises the CC with a question and the response is not what the Board wanted, who is then responsible?

Mayor Palladeno: Has talked to Mayor Waters and Mayor Johnson, and this system in Seminole seems to work. How can the five members of the Board get together to resolve an issue for the CC? This discussion is not reflective of current CC. Board members are not there every day. If the V-M has an issue with the CC, he can't call the Commissioners because it would be violating Florida Sunshine Laws. Can you explain a little more how this structure works?

Edmunds: "Co-supervision is no supervision." A system where both the Council and the CM try to supervise never works out in practice. The relationship of having the CC report to the CM has worked well thus far. The Board takes all responsibility or the CM does, a combination does not work.

Chuck Coward: Retired CM from Indian Rocks Beach and Treasure Island. The question is to whom does the CC report? There is more than one right answer or arrangement that could work successfully. Some of the basic options include: (1) have the CC appointed by and responsible to the CM, (2) CC appointed by and responsible to the City Commission, (3) CC appointed by the City Commission, and supervised by the CM, but ultimately responsible to the City Commission, and (4) CC appointed by the City Commission but responsible to/supervised by the CM. The best option is really the one that best fits your organization and the people that work within that organization. In making a decision, consider one important fact: historically, City Commissions are not good at supervising employees. The Commission doesn't regularly observe work hours, doesn't pay attention to vacation scheduling, task priorities, educational opportunities, verbal reprimands – usually the Commission only gets involved when a serious problem occurs which is not helpful for day-to-day issues or questions. Coward opined that option 3, isolates the CC – the manager is not anxious to give direction to an employee they have no real authority over. The best option in small cities on the beach is to have the CC work directly for the CM. There are nuances to consider: for example, the Board could appoint the CC but the responsibility goes to the CM, or the CM could both appoint and supervise. Coward strongly advises against a dual supervision system, even though it is currently working in Indian Rocks Beach, because there are many opportunities for difficulty in the future.

Commissioner Hodges: As an appointed position, the CC does answer to the CM now. She is not a secretary for the Board and already works with the CM on a day-to-day basis. If the structure is working well now, why would we need to change the Charter?

Coward: There is no requirement to change the Charter or the structure that is currently used – it's a question of whether you want to do that. Making structural changes could prevent future problems; there is not a real crisis now. This is just something the Board should consider and if they seem fit to pursue this as a preventive or proactive measure that is up to them.

CM: Opined that the way that City Hall currently operates is not in the City Charter. What does the Charter actually say, and what does authority does the CM have?

CA: Currently, the CC serves at the pleasure of the Board of Commissioners. In an attempt to clarify the issue, before it becomes an issue, these presentations are being discussed. This would be a proactive measure to remedy a problem before it occurs.

V-M Lister: Right now, the CM and CC work well. In the past there have been bad CMs and bad CCs, and Lister is not comfortable making this change right now. CMs in the past have wanted absolute power, and absolute power corrupts absolutely. There is so much to do in the city; this doesn't seem like the time to change this.

CM: A concern that CM had: When CC asks for direction and the Board doesn't agree, would that be a negative on the CM evaluation? To be judged or evaluated for a position the Board is responsible for as stated in the Charter, is a lot to ask of the CM.

Commissioner Shontz: A lot of the problems are caused by Sunshine Laws. The Board cannot address issues with the CC unless it's made in a public setting. Things in house should stay in house. Then public input could not be reflective of how City Hall actually operates because they don't have that in-house knowledge on day-to-day activities. Could we make a new policy decision to address how the Board wants the CC to report?

CA: The position and who is responsible is in the Charter. If a change is wanted to be made, it has to be amended in the Charter.

Commissioner Shontz: This needs to be addressed. Sometimes the CC is faced with disgruntled citizens; the Board is not there to legally stand behind/defend the CC because they aren't there on a daily basis. The CM is right down the hall, the CC can go to him if need be.

CM: Right now the Board is comfortable with CM and CC, and the CM and CC are comfortable with how the situation is now, but what happens when the Board changes or when the CM and CC are different? If the Board hires, fires, and evaluates the CC, what control does the CM really have over the CC?

Commissioner Shontz: Thinks it's a good idea to put this one section of the Charter change to vote.

Edmunds: Fundamentally, it is up to the Board. With the CM having no real authority over the CC, this could be problematic in the future. The success with the current structure is due to the employees' and elected officials' relationships. When those positions change and new members/employees come in, there could be issues in the future. The Mayor questioned how long Edmunds has been a CM and was answered for 30 years total, and for the last 19 years he has been CM for Seminole. The current CC has been there for 3 years, since their Charter change in 2010.

V-M Lister: Do you have any idea what the percentage was for the vote on the change for and against?

Edmunds: Does not have it, but could find that out and send the information to the Board.

CM: If the Board is going to make a change, they shouldn't wait until a major problem or crisis arises. As the CC and CM interact now is not in alignment with the Charter. Right now, the CC has an absentee boss and the CM who runs City Hall but she does not work for.

Steve Kochick: It is fortunate that the Madeira Beach City Charter reads very simply. The words that are used are very important in legal writing: all, shall, etc. Lawyers can argue anything. How is this change in the best interest of the city as a whole? When the wrong people make wrong decisions on the Board, it becomes a nightmare. What power does the Board think they have? The only power the Board has is to legislate. The Board can only make a decision as a whole, so there is no way the Board can supervise an employee. The Charter says that the CM runs City Hall, the CC works in City Hall so he has authority. Think long and hard about any Charter change. We are thankful that Aimee stepped up to the plate and said she'd help. Interpret the Charter how you want to but do it in the best interest of the City. The change should be dropped, read into the Charter that the CM already has authority. The CC duties in the Charter have to do with the elections and record keeping and those are the most important tasks. The matter of the City Charter should be dropped, have a meeting and figure the relationships/positions out. The Board does not have anything but legislative power.

CM: The Board should have no authority over employee supervision and should only legislate. However, in the Charter as it currently reads, the CC is responsible to the Board and they are the supervisors because they appoint her.

CA: Read the pertaining Articles and Sections verbatim that relate to the CC position and CM authority to clarify the position as it currently exists. Article 6 Section 1, there shall be a CC, CA, and City Treasurer who shall serve at the pleasure of the

Board of Commissioners, and said officers should be considered Chartered Officers. Section 5.4 powers and duties of the CM, the CM shall be the chief administrative officer of the city, responsible to the Board for the admin of all city affairs placed in his or her charge by and under this charter. The CC is not place under CM charge, according the articles of the Charter; the CC is responsible to and supervised by the Board of Commissioners.

Kochick: Does not agree with what the CA read and continues to argue.

Mayor Palladeno: This is not up to debate, Mr. Kochick cannot challenge what he CA has read word for word by the charter. Mr. Kochick disagrees with the Mayor and the CA then leaves.

CM: Apologizes to the visiting presenters and Board for the disturbance of Mr. Kochicks' leaving. There is ambiguity and confusion to what is being changed exactly as evidenced by Mr. Kochick's passionate reaction and debate. Whatever the Board decides, the CM and CC will follow. If the Charter is not changed, the CM will have to rearrange how he manages City Hall. The CC does not have a clear indication of who to report to. If the CC did ask the Board, the Board will most likely advise the CC to do what the CM says.

Mayor Palladeno: Understands the positions of V-M Lister and Commissioner Shontz. He does not know how the Board could actively manage and support the CC on a day-to-day basis. Again, he thanks the visiting CMs and their presentations.

G. CONSENT AGENDA

H. UNFINISHED BUSINESS

I. NEW BUSINESS

J. REPORTS/CORRESPONDENCE

- CITY COMMISSION
- CITY ATTORNEY
- CITY MANAGER

The CM evaluation is coming up that needs to be done. If you follow the Charter, the same will have to be done with the CC.

Mayor Palladeno: Does the CC like the current structure?

CC: It is easy to go the CM when a question arises since the Board is not present. However, both the CC and the CM are content to follow the structure that the Board decides.

CM: The CC and CM are going to work hard and do that job that needs to be done. Both just need to know which structure should be followed and if a change should made.

Commissioner Shontz: What is the next step?

CM: There is time to put this referendum on the March election. There is no real rush, but the time is now to make a change.

CA: Will work with the CC to make a schedule and timeline.

CM: The public does not understand all the issues. There should be some informational meetings to help the public understand what the change actually entails. Change is usually approached with apprehension but government evolution is necessary.

Coward: The Board has until December to take action to put this on the March election. The gentlemen in the audience spoke of Board powers, and he was correct that a Commission's powers are legislative. A good chain of

command should be clarified and established for the structure of how the government works. Make a single Charter amendment to change and clarify – which is a completely legislative power and only the Board can present. A proper chain of command is the reason for doing this.

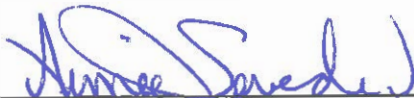
Mayor Palladeno: This will be brought up in the next Board Workshop meeting the date of which is still to be determined. Asked the CA what will need to be done and the CA responded that ballot language will have to be drafted; parameters will be discussed with CA Trask for all the details.

CM: The Board can hold a special workshop to address only this topic. The worst thing to do is to feel rushed, if the Board is comfortable with putting this out to public, now should be the time. CA Trask, CA Metz, and CC will work to present to the Board what is needed. There is a Special Election on January 14th for Congress, but the March election will be the target date for this referendum.

- CITY CLERK

K. ADJOURNMENT The meeting was adjourned at 5:02 p.m.

Date Approved: 11-19-13



Submitted by Aimee Servedio, City Clerk



Travis Palladeno, Mayor

Any person who decides to appeal any decision of the City Commission with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The law does not require the City Clerk to transcribe verbatim minutes; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with the Americans with Disability Act and F.S. 288.26; any person with a disability requiring reasonable accommodation in order to participate in this meeting should call 727-391-8951 or fax a written request to 727-399-1131. Posted: November 1, 2013 Televised live on Channel 815