



**AGENDA  
CITY OF HAINES CITY, FLORIDA  
CITY COMMISSION WORKSHOP**

**November 16, 2017**

**6:00 PM**

**Mayor H.L. Roy Tyler**

**Vice-Mayor Morris West**

**Commissioner Horace West**

**Commissioner Don Mason**

**Commissioner Anne Huffman**

**COMMISSION CHAMBERS**

**620 E. Main Street, Haines City, FL 33844**

**Phone: 863-421-9921**

**Web: [hainescity.com](http://hainescity.com)**

**1. CALL TO ORDER**

**2. WORKSHOP ITEMS**

**2.1. HAINES CITY ECONOMIC DEVELOPMENT COUNCIL**

*Staff Contact: Linda Bourgeois, City Clerk (863) 421-9921*

**2.2. DIRECTIVES TO CITY COMMISSION EMPLOYEES AND  
DEPARTMENT DIRECTORS**

*Staff Contact: Fred Reilly, City Attorney (863) 421-3650*

**2.3. DISCUSSION ON RENAMING OF 8-ACRE PARK**

*Staff Contact: Deric Feacher, City Manager*

**3. AGENDA REVIEW**

**4. ADJOURNMENT**

**NOTICE** – Pursuant to Section 286.0105 of the Florida Statutes, if any person decides to appeal any decision made by the City Commission with respect to any matter considered at this public meeting, such person will need a record of the proceedings and for such purpose, such person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.



For special accommodations, please notify the City Clerk's Office at least 72 hours in advance.  
Phone: 863-421-9921



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# HAINES CITY

WWW.HAINESCITY.COM

## **CITY ATTORNEY MEMORANDUM**

**To:** The Honorable Mayor and City Commissioners  
**From:** Fred Reilly, City Attorney  
**Date:** November 16, 2017  
**Subject:** Directives to City Commission Employees and Department Directors

### **Introduction**

The purpose of this workshop item is for the City Commission to (i) discuss the City Commission's role in providing direction to the City staff (including City Manager, City Attorney, City Clerk, and Directors), and (ii) clarify how the City Commission should provide direction to the City staff in the future.

The City Manager, City Attorney, and City Clerk shall be collectively referred to as the "Charter Officers."

### **Background**

#### **A. Charter Provisions.**

The City of Haines City utilizes the "commission-manager plan" as its form of government. Section 3.01 of the City Charter defines the form of government. In addition, there are five (5) City Charter provisions which define the roles of the City Commission and Charter Officers, and establishes the separation of powers between the municipal government officials.

#### **Sec. 3.01. - Form of government.**

The form of government of the City of Haines City, provided for under this Charter, shall be that known as the "commission-manager plan" and the city commission shall consist of five (5) citizens who shall be elected at large in the manner hereinafter provided. The city commission shall constitute the governing body with powers as hereinafter provided to pass ordinances, adopt regulations and appoint a chief administrative officer, to be known as the "city manager," and to exercise all other powers hereinafter provided.

#### **Sec. 4.05. - Mayor and vice-mayor.**

The city commission shall elect from among its members a mayor and vice-mayor. The seating of the newly elected city commissioners and the election of the mayor and vice-mayor shall be done annually at the first regular city commission meeting in the month following the regular

election, to be known as the "organization meeting." The mayor shall preside at meetings of the city commission, shall be recognized as head of city government for all ceremonial purposes, by the governor for purposes of military law, for services of process, execution of contracts, deeds and other documents, and as the city official designated to represent the city in all agreements with other governmental entities of certifications to other governmental entities, but shall have no administrative duties nor administrative authority except as required to carry out the responsibilities herein, nor shall individual city commissioners have any administrative duties or authority. This shall not be considered as conferring upon the mayor the administrative or judicial functions of a mayor under the general laws of the state. The vice-mayor shall act as mayor during the absence or disability of the mayor.

**Sec. 8.01. - City manager.**

The city commission shall appoint a city manager, who shall be the administrative head of the municipal government under the direction and supervision of the city commission, and he shall hold office at the pleasure of the city commission. He shall be chosen solely on the basis of his executive and administrative qualifications. During the absence or disability of the city manager, the city commission may designate some properly qualified person to temporarily execute the functions of the office. The removal or resignation of the city manager shall be entered on the minutes of the city commission as a matter of public record.

**Sec. 8.02. - Powers and duties of the city manager.**

The city manager shall:

- (a) Appoint and, when he deems it necessary for the good of the city, suspend, or remove, or discipline all subordinate city employees and department heads provided for by or under this Charter, except as otherwise provided by law, this Charter, or personnel rules adopted by the city commission. He may authorize any person who is subject to his direction and supervision to exercise these powers with respect to subordinates in that person's department, office or agency.
- (b) Except as otherwise provided in this Charter or by general law, the city manager will be responsible for the supervision and direction of all subordinate departments, agencies or offices of the city. All subordinate departments, offices and agencies under the direction and supervision of the city manager shall be administered by an officer appointed by and subject to the direction and supervision of the city manager. With the consent of the city commission, the city manager may serve as the head of one or more such departments, offices or agencies or may appoint one person as the head of two (2) or more of them.
- (c) Attend all of the city commission meetings and have the right to take part in the discussion but he may not vote.
- (d) To see that all the laws, ordinances, resolutions and acts of the city commission are enforced.
- (e) Prepare and submit the annual budget for consideration and approval of the city commission.
- (f) Submit to the city commission and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year, and at such other times as may be necessary.
- (g) Make such other reports as the city commission may require concerning the

operations of city departments, offices and agencies subject to his direction and supervision.

(h) Keep the city commission fully advised as to the financial condition and future needs of the city and make such recommendations to the city commission concerning the affairs of the city as he deems necessary.

(i) Sign contracts on behalf of the city pursuant to the provisions of appropriations or as otherwise directed by the city commission.

(j) Perform such other duties as are specified in this Charter or as may be directed by the city commission.

### **Sec. 8.03. - City attorney.**

The city commission shall appoint a city attorney who shall not be an elective officer of the city, who shall hold office at the pleasure of the city commission, and who shall act as the legal adviser to, and attorney and counselor for the municipality and all its officers in matters relating to their official duties. He shall prepare all contracts, bonds and other instruments in writing in which the municipality is concerned, and shall endorse on each his approval or disapproval of the form and correctness thereof. When required to do so by resolution of the city commission he shall prosecute and defend, for and in behalf of the city, all complaints, suits and controversies in which the city is a party. He shall furnish the city commission, the city manager, the head of any department, or any officer or board not included in any department, his opinion on any question of law relating to their respective powers and duties. The city attorney may appoint an assistant or assistants subject to confirmation by the city commission.

In addition to the duties especially imposed under the preceding section [paragraph], he shall perform such other professional duties as may be required of him by ordinance or resolution of the city commission or as are prescribed for the city attorneys under the general laws of the state, which are not inconsistent with this Charter, or with any ordinance or resolution which may be passed by the city commission.

### **Sec. 8.04. - City clerk.**

The City Commission shall appoint a city clerk who shall be the custodian of the seal of the city, and of all records and papers of a general character pertaining to the affairs of the municipality. The city clerk shall attend all meetings of the city commission, and shall keep a journal of its proceedings, the correctness of which proceedings, as entered in such journal, shall be certified to after each meeting by the clerk's signature, and by the signature of the presiding officer of the city commission. The city clerk shall have power to administer oaths and to certify, under seal of the city, true copies of all minutes, journal entries and other records of the city. In addition to the powers and duties especially imposed under this Charter, the city clerk shall perform such other duties as may be required by the general laws of the State of Florida, by ordinance or resolution of the city commission, or by direction of the city manager not inconsistent with the Charter or with any ordinance or resolution passed by the city commission.

## **B. Issues to be addressed by the City Commission**

1. How should the City Commission direct the Charter Officers?
2. Can one City Commissioner direct the Charter Officers or should the City

- Commission as a whole provide consensus and direction to the Charter Officers after discussing the issue in an open forum (i.e., workshop or regular meeting)?
3. Can the City Commission - as a whole - direct a Department Director?
  4. Can one City Commissioner direct a Department Director?
  5. Any other relevant issues related to the City Commission providing direction to City staff.

**Organizational Goal(s)**

**Quality of Life:** Create a community environment that enhances the quality of life and benefits the citizens, employees, and business interests of the City.

**Budget Impact**

There is no budget impact related to this workshop item.

**Recommendation**

The City Attorney respectfully recommends that the City Commission (i) fully discuss how the City Commission should direct City staff, and (ii) provide clarity about how direction will be provided to City staff.