



NOTICE

CHARTER REVIEW COMMITTEE MEETING - THURS, JAN 20, 2022 - 3:30 P.M. AT THE GARDEN CLUB, 307 OHIO AVE, LYNN HAVEN

THE PUBLIC IS INVITED TO ATTEND

AGENDA

Item #1. Call to Order.

Rules for Public Participation:

All individual presentations during the Audience Participation portion of the agenda for items not on the agenda and all agenda items will be limited to two (2) minutes per presentation. Also, we will use the one:two rule – that is, one person can speak again after two others have had a chance to speak.

Item #2. Approval of minutes for the November 18th meeting.

Item #3. Discuss following Articles.

Article II Sec. 14A - Tabled from November 18th Meeting.

Sec 14-A: Background check for City Manager, and all candidates running for office

The City of Lynn Haven reserves the right to conduct a background check, including but not limited to sex offender registry checks, and criminal background checks, on all applicants for employment. This includes all employees, board members, key personnel, mayor-commissioner, city manager, commissioners, Police Chief, Fire Marshall, anyone running for office in this city, and every department head or supervisor of anyone who may work for the city of Lynn Haven. The following convictions are not acceptable for employment with the City of Lynn Haven: violent crimes, drug sales, sex offence charges, and/or crimes of moral turpitude – theft, embezzlement, etc.

Article III. Officers and Employees (Continued)

Sec. 29: Same Qualifications

Sec. 30: City Treasurer and Collector

Article IV: Elections

Sec 31: Qualification and Elections of City Commission Candidates

Sec 32: Canvas of Returns

Item #4. Public Commentary

Item #5. Adjourn

**THURSDAY, NOVEMBER 18, 2021
CHARTER REVIEW COMMITTEE MEETING – 3:30 P.M.**

Present: George Hines, Chair
Gerri Parker, Deputy Chair
Linda Mishler [until 4.05pm]
Jim Frishkorn
Joanne Cox [from 3.38pm]
Vickie Gainer, City Manager
Kevin Obos, City Attorney

Item #1. Call to Order. The Chairman called the meeting to order at 3:35 P.M.

Item #2. Approval of minutes for the October 18th meeting.

The Chair asked if there were any queries regarding the previous minutes.

Motion by Mr. Frishkorn:	To approve the previous minutes.
Second to the motion	Ms. Parker

On Vote:

Mishler	aye	
Frishkorn	aye	
Parker	aye	
Cox	aye	
Hines	aye	Motion passed: 5-0

Item #3. Charter Review Article II (Sec 14A) and Article III (Sec 22 - Sec 27)

Article II Sec. 14A

Sec 14A: Background checks for City Manager, and Department Heads.

Ms. Mishler referred to the Statute and said she is not sure that it applies. Mr. Obos agreed saying that the statute is only a guideline. Mr. Walker added comments. City Manager advised that they do background checks on all new employees. Ms. Mishler feels it should be required to have level 2 background checks for Dept Heads and the City Manager. Ms. Mishler thinks the public are of the opinion that the background check will be financial as well, which level 2 will not do. Mr. Walker added comments. Attorney said it wouldn't be discovered unless there was a financial crime. Ms. Cox said the military looks into financial backgrounds. Ms. Mishler queried if the background check will be public knowledge. Mr. Walker added comments. Ms. Mishler said they may need to specify in the Charter that it be excluded from the public records. Ms. Mishler asked who the Police Chief gives the background check to. The attorney advised these are all handed over to the Supervisor of Elections, as the neutral party. The attorney will talk to the Supervisor of Elections to ensure it is legal to require it. Ms. Mishler asked who will view the results and decide? City manager said it has to come back to the Police Chief who will review it and decide if any of the crimes listed on the Charter are in the background check or not, then he will notify the Supervisor of Elections accordingly. Ms. Parker stated that then the original background check is given to the individual and not kept on file anywhere. Mr. Walker started adding comments. Ms. Mishler left the meeting. City Manager suggested the attorney sits with the Supervisor of Elections to confirm the process if someone does not qualify due to background check.

The City of Lynn Haven shall conduct a Level 2 background check, including but not limited to sex offender registry checks, and criminal background checks, on the City Manager, and every

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Department Head. The following convictions are not acceptable for employment with the City of Lynn Haven: violent crimes, drug sales, sex offence charges, and/or crimes of moral turpitude including - theft, embezzlement, rape, forgery, solicitation of prostitutes, pornography.

The attorney recommended that the Committee enumerate in detail what crimes would exclude a candidate in order to eliminate any room for interpretation.

Motion by Ms. Parker: To table Sec. 14A to the January 20, 2022 meeting.
Second to the motion Mr. Frishkorn

On Vote:

Frishkorn	aye	
Parker	aye	
Cox	aye	
Hines	aye	Motion passed: 4-0

Article III Sec. 22-27

Sec 22: Compensation.

Mr. Frishkorn - Capitalize the word Boards.

Motion by Mr. Frishkorn: Changes as requested to sec. 22.
Second to the motion Ms. Parker

On Vote:

Cox	aye	
Frishkorn	aye	
Parker	aye	
Hines	aye	Motion passed: 4-0

Sec 23: Civil Service System.

Ms. Parker - What is the civil service board? Attorney answered that a civil service board is a board set up to hear employee discipline cases or grievances and hear appeals of demotions or terminations.

Motion by Mr. Frishkorn: No changes to Sec. 23.
Second to the motion Ms. Parker

On Vote:

Cox	aye	
Frishkorn	aye	
Parker	aye	
Hines	aye	Motion passed: 4-0

Sec 24: City Manager - Appointment, Qualifications, Substitute.

He and his should be they and theirs. Also add toward the end “the City Manager” instead of “he”.

The last sentence should be changed to read “In the absence of a deputy during the absence or disability of the City Manager, the City Commission may designate a properly qualified person, by resolution, to temporarily execute the functions of the office.”

Motion by Ms. Parker: To approve the recommended changes to Sec. 24.
Second to the motion Ms. Cox

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On Vote:

Cox	aye	
Frishkorn	aye	
Parker	aye	
Hines	aye	Motion passed: 4-0

Sec 25: Same - Removal.

Ms. Parker mentioned that in Lake Wells (with a population similar to CLH) they had added procedures and stating reason for removal with a timeline, giving a preliminary resolution and allowing the City Manager to request a meeting and provide a written reply before the Commission provides a final resolution. With the final line of the decision not being reviewed. Attorney said that Callaway has something similar. City Manager explained how the employment agreement affects the resolution for removal. City Manager said the City Manager has their protections in their employment agreement.

Ms. Cox asked if there are appendices able to be used to be referred to from the Charter. Attorney said yes it would be by an ordinance.

Motion by Mr. Frishkorn:	No changes to Sec. 25.
Second to the motion	Ms. Cox

On Vote:

Cox	aye	
Frishkorn	aye	
Parker	nay	
Hines	aye	Motion passed: 3-1

Sec 26: Same - Powers and Duties.

Mr. Frishkorn - Capitalize titles and duties throughout the text. Change gender to they and theirs throughout the section.

Ms. Cox - the title previously used was Functions and Duties so feels this title should also be Functions (not powers) and Responsibilities (not duties).

To amend the first sentence to read "The City Manager shall be responsible to the City Commission for the proper administration of all affairs of the City and to that end, their responsibilities are and shall include:"

Motion by Mr. Frishkorn:	To approve the recommended changes to Sec. 26.
Second to the motion	Ms. Parker

On Vote:

Cox	aye	
Frishkorn	aye	
Parker	aye	
Hines	aye	Motion passed: 4-0

Sec 27: City Attorney - Appointment, Duties.

Capitalize word Attorney. Change gender related words to they and theirs. Remove the first sentence of Section 28 and then combine Sec 27 & 28.

Motion by Mr. Frishkorn:	To approve the recommended changes to Sec. 27.
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Second to the motion

Ms. Parker

On Vote:

Cox

aye

Frishkorn

aye

Parker

aye

Hines

aye

Motion passed: 4-0

Item #4. Next Meeting.

Chair stated they will be reconvening meetings on January 20th, 2022.

Chair thanked the input of everyone and the public.

Item #5. Public Commentary.

There was none.

The Chair asked if there was anything else for the good of the order:

There was not.

Item #6. Adjourn.

There being no further business the meeting adjourned at 4.42 P.M.

APPROVED THIS 20th DAY OF January 2022.

Mr. Hines, Chairman

ATTEST:

Vickie Gainer, City Manager

prepared by Cicelia J Holliday