

MAYOR  
Hal J. Rose

DEPUTY MAYOR  
Pat Bentley

COUNCIL MEMBERS  
Daniel Batchelder  
John Dittmore  
Adam Gaffney  
Barbara A. Smith  
Andrea Young



CITY HALL  
2240 Minton Road  
West Melbourne, FL 32904  
Phone: (321) 837-7774  
Fax: (321) 768-2390  
[www.westmelbourne.org](http://www.westmelbourne.org)

## CHARTER REVIEW COMMITTEE

### AGENDA

November 11, 2019  
6:30 p.m.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF MINUTES**

The Committee is asked to approve the minutes of October 10, 2019.

5. **SUMMARY OF CHANGES**

As the Committee continues their review, any changes will be compiled into a continuing document. I have attached the changes approved at previous meetings to date. As future recommendations are made, they will be added to this document.

6. **REVIEW OF CHARTER**

Attached are Articles VI through XIII for review. It is expected that the Charter will be reviewing Article XI at this meeting. Police Chief Rick Wiley has provided the Charter with a memo on the proposed change, which is attached.

7. **PUBLIC COMMENTS**

8. **ADJOURNMENT**

All persons wishing to be heard should appear in person at these meetings or send written comments to the City Clerk. All persons and parties are hereby advised that if they should decide to appeal any decision made by the City with respect to any matter considered at the public meeting or hearing described in this notice, they will need a record of the proceedings, and for such purpose, said person or party 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 (Chapter 286, Florida Statutes). In compliance with American with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the City's ADA coordinator at 837-7774 at least 48 hours in advance of this meeting.

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## CHARTER REVIEW COMMITTEE

### MINUTES

October 10, 2019

#### 1. CALL TO ORDER

Vice-Chair Michele Rutledge called the meeting to order at 6:30 p.m.

#### 2. PLEDGE OF ALLEGIANCE

Vice-Chair Rutledge led the pledge of allegiance.

#### 3. ROLL CALL

Present: Vice-Chair Michele Rutledge, Committee Members Bill Mettrick, Chris Gibbs, Sandra Carbon, Matthew Brothers, and Sandra Michelson.

Absent: Chair Stephen Phrampus.

Also present: City Attorney Morris Richardson, City Clerk Cynthia Hanscom, and Mayor Hal Rose.

*Committee Member Carbon moved to excuse Chair Phrampus. Committee Member Brothers seconded the motion, which passed 6-0.*

#### 4. APPROVAL OF MINUTES

City Clerk Hanscom explained an issue with the wording of a motion by the Committee had been raised at the previous meeting for the minutes of July 11, 2019.

*Committee Member Mettrick moved to approve the corrected minutes of July 11, 2019. Committee Member Gibbs seconded the motion, which passed 6-0.*

*Committee Member Mettrick moved to approve the minutes of September 12, 2019. Committee Member Carbon seconded the motion, which passed 6-0.*

## **5. REMOTE PARTICIPATION**

City Clerk Hanscom stated a suggestion had been made at a previous meeting to amend Section 8, prohibitions for council members and the mayor, to limit remote participation to three times per year. With the help of the City Attorney, language had been drafted adding a section (c) to Section 8.

Committee Members reviewed the draft language. City Attorney Richardson stated remote participation was covered in the Sunshine law and allowed it for extraordinary circumstances. He believed this language was better suited for Council's Meeting Rules. He noted this type of language was not typically found in the charter.

Committee Member Mettrick stated the current language had worked for many years. Committee Member Michelson agreed, noting the issue had only been considered a problem one time. She noted the individual attending remotely over several months in the past had also been instrumental in making good changes for the City. Given what the individual brought to the table, she did not consider it to be abuse.

Committee Member Brothers reminded the Committee that a member of the public had felt rather passionate about this issue. City Attorney Richardson stated it could be communicated to Council that limiting remote participation should be included in the Meeting Rules. All agreed this should be communicated to Council.

*Committee Member Mettrick moved the change to include remote participation under prohibitions not be included in the recommendations to Council for charter amendments. Committee Member Gibbs seconded the motion, which passed 6-0.*

## **6. REVIEW OF CHARTER**

The Committee continued their review of the Charter, picking up with Article III, Section 10 – Vacancies. City Clerk Hanscom explained staff was proposing a change to this section to address how vacancies are filled on Council when it occurs mid-term. Because Council now has 4-year terms, a Council Member could resign within the first year and then Council would appoint a replacement for the remaining three years. The proposal was to have Council appoint a replacement, but the individual may not fill the entire term. She explained if the vacancy occurs 90 days prior to the City's general election, the 4<sup>th</sup> highest successful candidate would be selected for a 2-year term.

City Attorney Richardson explained this was being done to so voters will be heard. In some cities, there is the option to hold a special election, but there is a cost involved.

City Attorney Richardson also explained about the issue to resign to run. He provided the example that a Council Member could choose to run for another office and would be required to resign from their position on City Council. However, the resignation would need to be dated no later than the date the individual would take the seat if they were successful. Therefore, there is no opportunity to consider the seat for the City's general election because the resignation would take effect on Election Day. He would propose the resignation take effect when the resignation is submitted so the seat can be filled in the next general election. This may come back before the Committee.

City Clerk Hanscom provide two scenarios of a Council Member resigning and how the seat would be filled based on whether or not the effective date of the resignation occurred within the 90 days before a general election.

Committee Members discussed the process for filling a vacancy and the need to have qualified applicants for Council's selection.

Mayor Rose spoke on having a Council Member resignation to run for another elected office. He noted other cities have a similar position as suggested by the City Attorney so voters could select who fills the seat. He believed this was an important issue. He added there could be an issue if the vote is a tie to fill a vacancy, which would then require a special election to be held.

*Committee Member Mettrick moved to make the change to the vacancy section as proposed by staff. Committee Member Michelson seconded the motion, which passed 6-0.*

Committee Members then reviewed Article III, Sections 11-16, and had no suggestions for changes.

Next, the Committee reviewed Article IV, Section 1, which addressed qualifying of candidates for office. City Clerk Hanscom explained that the 75 signatures were required to come from registered voters from the last general election. However, since elections occur every two years rather than every year, this would mean voters would need to be a registered voter for almost two years before being eligible to sign a candidate's petition. The change would eliminate this requirement and allow for any voter in West Melbourne to sign the qualifying petition for Council or Mayor.

*Committee Member Mettrick moved to amend Article IV, Section 1, as proposed. Committee Member Brothers seconded the motion, which passed 6-0.*

Committee Members then discussed Section 3 of Article IV and discussed running at large versus by seat or district. No changes were proposed.

The Committee then reviewed Article V – City Manager. The Committee discussed whether the manager should be required to live in the City. Committee Member Brothers did not see a problem given the size of the City. If the City were larger geographically, residency should be required. Committee Member Mettrick noted a majority of the managers have bought houses in the City. Committee Members agreed it was important that the manager paid taxes to West Melbourne.

Mayor Rose commented it was important that the manager live in the City but did not believe this needed to be on the ballot. He believed living in the City allowed for the manager to be more involved in the community.

The Committee stated residency could be included in the negotiated contract.

Next, the Committee discussed the removal, the acting city manager, and the power and duties of the city manager.

City Attorney Richardson pointed out the last paragraph in the powers and duties of the city manager stated “the city council shall have the power to review any action of the city manager, and may direct the city manager in any of his actions.” He stated this last sentence could cause some issues, particularly when fixing the compensation of employees. Council could direct the manager to pay one employee more money. However, Council has the power to dismiss the manager at any time. As a rule, the Council hires the manager and then does not meddle in the administration. City Attorney Richardson stated he was not making any recommendation for change but wanted the Committee to understand the meaning of this language.

Committee Member Gibbs stated having the title without the authority could be problematic. Committee Member Brothers agreed the phrase could erode the manager’s ability to act.

Vice-Chair Rutledge asked when the last paragraph was added. City Clerk Hanscom stated there was an amendment to this section in 2006 but that portion did not change. Therefore, it was part of the original charter.

Committee Member Michelson asked if there had been problems. City Attorney Richardson commented there had been times where he has reminded Council Members that certain issues were within the manager’s purview.

Council Member Mettrick agreed it was difficult for the manager when one elected official wanted something. He would prefer the language not be included.

Mayor Rose stated when Council wants to do something and there are four Council Members in favor, it will be the direction given to the manager. He stated the manager knows how to count even though he may not agree.

Committee Member Michelson suggested this be discussed at a future meeting. Vice-Chair Rutledge agreed and suggested this be tabled for further discussion.

## **7. PUBLIC COMMENTS**

There were no comments from the public.

## **8. ADJOURNMENT**

Committee Members discussed the next meeting and agreed to meet on Monday, November 11, 2019, at 6:30 p.m.

*Committee Member Mettrick moved to adjourn the meeting at 7:55 p.m. Committee Member Carbon seconded the motion, which passed 6-0.*

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Chair Stephen Phrampus

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Cynthia S. Hanscom, City Clerk

# Summary of Changes Proposed by the Charter Review Committee

## ARTICLE III. CITY COUNCIL AND MAYOR

### Section 5. - Deputy mayor.

The city council shall at its ~~first meeting following the general election meeting in the third week of November~~ each ~~and every~~ year, elect from among its members a deputy mayor who shall serve at the pleasure of the city council. The deputy mayor shall act as mayor with all of the powers and responsibilities provided herein during the absence or disability of the mayor.

### Section 7. - Compensation for mayor and council members.

The ~~remuneration, including~~ salary plus necessary and ordinary expenses shall be ~~four~~ ~~six~~ hundred dollars (\$~~46~~00.00) per month for Council Members and ~~four~~ ~~six~~ hundred fifty dollars (\$~~46~~50.00) per month for the Mayor. The ~~remuneration salary~~ of the City Council and Mayor shall increase or decrease annually based on the change in the consumer price index (all urban consumers CPI.) from its value on January 1, 20~~21~~~~08~~. No increase in the ~~remuneration salary~~ of elected officials beyond that afforded by the CPI shall be effective unless such change is submitted and approved by a majority of the electors at a regular city election.

### Section 10. - Vacancies.

- (a) A vacancy of the mayor's office shall occur upon the death, resignation, removal from office as authorized by law, or forfeiture of office of the mayor. When such a vacancy occurs, the deputy mayor shall assume the office of the mayor, and shall serve as mayor until a mayor is appointed by the council from among its members. Appointment of a mayor in such circumstances shall be by the affirmative vote of four (4) council members, with each member having but one vote. A mayor so appointed shall serve for the remainder of the unexpired term for mayor. A mayor so appointed shall resign his or her council seat and shall serve the remainder of the unexpired term for mayor.
- (b) A vacancy in the office of any city council member other than the mayor shall occur upon death, resignation, removal from office as authorized by law, or forfeiture of office of ~~a~~ such a council member. ~~A vacancy on the city council shall be filled as follows: When such a vacancy occurs, the remaining council members shall appoint a person to fill the vacancy, except that no such appointment shall be made during~~

~~the period between any election and the time the newly elected council members are seated. Appointment of such a person shall be by the affirmative vote of four (4) council members, with each member having but one vote. Such a person shall meet the qualifications for council members specified in this Charter and shall serve the remainder of the unexpired term for the vacant seat.~~

(1) *Ninety (90) days or more prior to the next regularly scheduled city council election.* When a vacancy on the city council occurs **ninety (90) days or more prior the next generally scheduled city council election**, the council shall appoint a person to serve until the next regularly scheduled city council election, at which time a person shall be elected to serve the remainder of the unexpired term, if any. In the event the council is unable to fill such vacancy in this manner within sixty (60) days after it occurs, the city clerk shall immediately call a special election to fill the vacancy.

(2) *Within ninety (90) days of the next regularly scheduled city council election.* When a vacancy on the city council occurs within **ninety (90) days of the next generally scheduled city council election**, the council shall appoint a person to serve the remainder of the unexpired term for the vacant seat.

(3) *Any appointment of a person to serve as a council member shall be by the affirmative vote of at least four (4) council members, with each member having but one vote.* Such a person shall meet the qualifications for council members specified in this Charter.

~~(1)~~(4) *In an election in which seats for full and unexpired terms are to be filled, the three (3) candidates receiving the greatest number of votes shall be elected to the council seats having full terms. The candidate receiving the fourth greatest number of votes shall be determined elected to the council seat having the longest unexpired term, and those candidates successively receiving the next greatest numbers of votes shall be determined elected to the respective vacant seats having the next longest unexpired terms until all of the unexpired terms are so filled.*

~~(b)~~(c) *If the council shall fail to fill any vacancy within sixty (60) days after it occurs, the city clerk shall immediately call a special election to fill the vacancy. If vacancies should occur that would result in more than three (3) appointed council members (including the mayor) serving on the council, there shall be a special election called by the city clerk, pursuant to the election laws of the State of Florida, at the earliest possible date to fill such vacancies. These elective seat(s) shall serve the balance of the unexpired terms of the vacancies in question.*

~~(e)~~(d) *If, and in the event that, four (4) or more vacancies on the city council exist simultaneously for any reason, all such vacancies shall be filled by appointments of the governor of the State of Florida in the same manner that vacancies in state, district, or county offices are filled by such appointments, pursuant to F.S. § 114.04 (1977). In such event, the city clerk shall call and schedule a special election, pursuant to the election laws of the State of Florida, at the earliest possible date. All council members appointed by the governor pursuant to this paragraph shall serve only until their successors are elected and take office as a result of such*

special election. Council members elected in such special election shall serve for the duration of the unexpired terms of the vacancies in question. In such a special election, the candidate receiving the greatest number of votes shall be determined elected to the council seat having the longest unexpired term; and those candidates successively receiving the next greatest numbers of votes shall be determined elected to the respective vacant seats having the next longest unexpired terms.

## **ARTICLE IV. - ELECTIONS AND RECALL**

### **Section 1. - Qualifying of candidates for office of city council.**

Any elector of the City of West Melbourne, having the qualifications herein provided for city council members, and desiring to be a candidate for election as a city council member, shall file with the city clerk a qualifying statement in substantially the following form with the signatures of at least seventy-five (75) qualified voters, ~~as certified for the last general election.~~

"I am a candidate for a seat on the City Council in the election of \_\_\_\_\_ and I agree to serve if I am elected. I am a qualified voter in the State of Florida and I have resided in the City of West Melbourne, or in an area which has been annexed by the City of West Melbourne, for at least one (1) year immediately preceding my qualifications herein."

The city clerk shall have qualifying forms available for completion by any candidate who may request such a form. Such qualifying statements shall be filed during the qualifying period as established from time to time in the City Code of Ordinances.

(Ord. No. 01-22, § 1, 8-21-2001; Ord. No. 2006-29, Exh. A, 9-5-2006/11-7-2006; Ord. No. 2007-24, § 1, 7-24-2007; Ord. No. 2007-30, Exh. A, 9-4-2007/11-6-2007)

# **EXCERPT FROM CHARTER, Article VI-XIII**

## **ARTICLE VI. - FRANCHISES**

*Granting of franchises.* The city shall have power to grant a franchise to any private or public enterprise for the use of streets and other public places in the furnishing of any public utility or other service to the city and to its inhabitants. All franchises and any renewals, extensions and amendments thereto shall be granted only by ordinance.

## **ARTICLE VII. - CITY ATTORNEY; APPOINTMENT AND QUALIFICATIONS**

The city council shall both appoint and remove the city attorney with at least four (4) concurring votes. The city attorney shall act as the legal adviser to, and attorney, and counselor for, the city and all of its officers in matters relating to their official duties. The city attorney shall be responsible for the city's representation in all legal proceedings and shall perform any other duties prescribed by law, by this charter, or by the city council. The city attorney shall be a U.S. citizen and a member in good standing of the Florida Bar. Further, the city attorney shall be a lawyer admitted in and having authority to practice in all courts of the State of Florida and in the United States District Court for the Middle District of Florida.

(Ord. No. 2007-30, Exh. A, 9-4-2007/11-6-2007)

## **ARTICLE VIII. - CREATION OF NEW DEPARTMENTS OR OFFICES; CHANGE OF DUTIES**

The city council by ordinance may create, change and abolish offices, departments, boards or agencies, other than the offices, departments, boards and agencies established by this Charter. The city council may by ordinance assign additional functions or duties to the offices, departments or agencies established by this Charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.

## **ARTICLE IX. - INDEPENDENT ANNUAL AUDIT**

At the beginning of each fiscal year the council shall designate a certified public accountant or a firm of certified public accountants, who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the city government and shall submit a written report to the council and to the city manager. Such accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the city government or of any of its officers. They shall not maintain any accounts or records of the city business, but within specifications approved by the council shall post-audit all books and documents kept by any office, department or agency of the city government.

(Ord. No. 2006-29, Exh. A, 9-5-2006/11-7-2006)

**State Law reference**— Fiscal audit required, F.S. § 166.241.

## **ARTICLE X. - CITY CLERK**

### Section 1. - Duties.

The City Clerk shall give notice of the meetings of the city council and of the public meetings of all city boards and committees; shall be responsible for the keeping the minutes of these proceedings; shall be custodian of the city's seal; shall authenticate by the clerk's signature and shall record in full in books kept for that purpose all ordinances and resolutions passed by the city council; and shall perform such other duties as required by state law or as may be assigned by the city manager or council. The City Clerk shall have the power to administer oaths.

(Ord. No. 2007-30, Exh. A, 9-4-2007/11-6-2007)

### Section 2. - Appointment and removal.

The City Clerk shall be appointed and removed by the City Manager with at least four (4) concurring votes of the City Council. Once appointed, the City Clerk shall report to the City Manager.

(Ord. No. 88-24, Exh. A, 8-30-1988/11-8-1988; Ord. No. 2007-30, Exh. A, 9-4-2007/11-6-2007)

## **ARTICLE XI. - POLICE DEPARTMENT**

### Section 1. - Establishment.

There shall be a police department which shall consist of a chief of police and such personnel as may be determined by the city council. The chief of police shall be the head of the police department ~~and shall be appointed by the city council.~~

### Section 2. - Appointment and removal.

The chief of police shall be appointed and removed by the City Manager with at least four (4) concurring votes of the City Council. Once appointed, the chief of police shall report to the City Manager.

### Section ~~2~~<sup>3</sup>. - Chief of police; duties and authority.

The chief of police and his designees shall aid in the enforcement of order and enforce the city's ordinances; shall execute all papers and processes of the city or its authorities, and shall perform such other duties as may be lawfully required of him.

## **ARTICLE XII. - FIRE DEPARTMENT**

### **Section 1. - Establishment.**

The city may have a paid and/or volunteer fire department which shall consist of a fire chief and such number of paid firemen as the city council may determine. The fire chief shall be the head of the fire department.

### **Section 2. - Volunteer fire department.**

The city may support and assist a volunteer fire department. Such support and assistance may include, but shall not be limited to, the furnishing of city fire trucks, fire-fighting equipment and supplies for any use by the volunteer fire department; payments to volunteer firemen for attendance at volunteer fire department meetings or for answering fire alarms and calls; and the payment of premiums on life insurance and hospitalization insurance policies covering the volunteer firemen.

## **ARTICLE XIII. - FINANCIAL MANAGEMENT<sup>[3]</sup>**

### Footnotes:

--- (3) ---

**State Law reference**— Budget adoption procedure, F.S. ch. 500.

### **Section 1. - Fiscal year.**

The fiscal year for the city government shall be from October 1st through September 30th of the succeeding year.

### **Section 2. - Submission of budget and budget message.**

On or before the first day of August of each year, the city manager shall submit to the city council a budget for the ensuing fiscal year and an accompanying message. The message shall explain and justify the budget in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the city for the ensuing fiscal year; describe the important features of the budget; indicate all major changes from the current year in financial policies, expenditures, and revenues, together with the reason for such changes; summarize the city's debt position, including factors affecting the ability to raise resources through debt issues; and include such other material as the city manager deems necessary.

(Ord. No. 2006-29, Exh. A, 9-5-2006/11-7-2006)

### **Section 3. - Budget.**

The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the city manager deems necessary or the city council may require for effective management and an understanding of the relationship between the budget and the city's

strategic goals. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

1. The proposed goals and expenditures for current operations during the ensuing fiscal year, detailed for each fund by department or by other organization unit, and program, purpose, or activity; method of financing such expenditures; and methods to measure outcomes and performance related to the goals;
2. Proposed longer-term goals and capital expenditures during the ensuing fiscal year, detailed for each fund by department or by other organization unit when practicable, the proposed method of financing each such capital expenditure, and methods to measure outcomes and performance related to the goals; and
3. The proposed goals, anticipated income and expense, profit and loss for the ensuing year for each utility or other enterprise fund or internal service fund operated by the city, and methods to measure outcomes and performance related to the goals. For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance exclusive of reserves.

(Ord. No. 2006-29, Exh. A, 9-5-2006/11-7-2006)

#### Section 4. - Council action on budget.

- a) *Notice and hearing.* Upon receipt of the budget from the manager, the council shall cause to be published on the city bulletin board and in at least one local daily newspaper servicing the city, a general summary of the budget; the times and places where copies of the message and budget will be available for inspection by the public; and establish the time and place, not less than two (2) weeks after publication, for a public hearing on the budget.
- b) *Amendment before adoption.* After the public hearing, the council may adopt the budget by resolution with or without amendment. In amending the budget, it may add or increase programs or amount, and may delete or decrease any programs or amount, other than expenditures required for debt service, or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditure to an amount greater than the total of estimated income.
- c) *Adoption/failure to adopt.* The budget shall be finally adopted by resolution not later than the twenty-seventh day of September. Should the council take no final action on or prior to such day, the budget, as submitted, shall be deemed to have been finally adopted by the council.

(Ord. No. 01-23, Exh. A(II), 8-21-2001/11-6-2001)

## Section 5. - Appropriations.

- a) Appropriations for expenditures shall be established by the budget, and from the effective date of the budget the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes set forth in the budget.
- b) The city manager shall have the authority to transfer any unused and unencumbered appropriation or portion thereof between general classifications of expenditures within any office, department, or agency of the city, or may transfer any unused and unencumbered appropriation or portion thereof from one office, department or agency to another; provided however, that such transfer shall not authorize any increase in the total budget without prior approval of the city council.
- c) All appropriations shall lapse at the end of the budget year to the extent that such appropriations have not been expended or committed to expenditure, and any appropriation made in one budget year shall not be valid or effective during any subsequent budget year.

(Ord. No. 88-24, Exh. A, 8-30-1988/11-8-1988)

## Section 6. - Restrictions.

- a) *Contracts and expenditures prohibited.* No officer, department or agency shall, during any budget year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money for any purpose, in excess of the amounts appropriated for that general classification of expenditure pursuant to this Charter. Any contract, verbal or written, made in violation of this Charter shall be null and void. Nothing in this section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law.
- b) *Competitive bidding.* The council shall by ordinance adopt restrictions on the use of sole-source contracts and establish the procedures for competitive bidding.
- c) *No contract executed until bond resolution or ordinance effective.* No contract shall be executed for the acquisition of any property or the construction of any improvement or betterment to be financed by the issuance of bonds until the resolution or ordinance authorizing the issuance of such bonds shall have taken effect and any contract executed before such day shall be unenforceable in any court.

(Ord. No. 01-23, Exh. A(III), 8-21-2001/11-6-01; Ord. No. 2006-29, Exh. A, 9-5-2006/11-7-2006)

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TO: Charter Review Committee  
FROM: Richard Wiley, Chief of Police  
RE: City Charter – Police Chief Reporting  
DATE: November 5, 2019

A handwritten signature in black ink, appearing to read "Richard Wiley", is written over the "FROM:" line of the header.

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The Charter for the City of West Melbourne currently provides that the chief of police “shall be appointed by the city council.” Article XI., Section 1. The City Council, not the City Manager, has the authority to suspend or remove any City employee or officer that it appoints, such as the police chief. The police chief reports directly to the City Council.

West Melbourne is the only municipality in Brevard County in which the police chief reports directly to a political body. In the cities of Melbourne, Melbourne Beach, Palm Bay, Rockledge, Satellite Beach, Titusville, Cocoa, Cocoa Beach, Indialantic, and Indian Harbor Beach, the police chief reports to the professional manager. Cape Canaveral, Grant-Valkaria, and Malabar utilize the services of the Brevard County Sheriff’s Office. In virtually every municipality in Florida, the police chief is appointed by, and reports to, the municipality’s top administrator rather than to a political body.

I believe that it is time that our City Charter be amended to modernize the police chief reporting structure. I recommend that the Charter Review Commission propose that a Charter amendment be placed on the ballot providing that:

- the police chief be appointed and removed by the City Manager, with the concurring votes of at least four members of the City Council; and
- the police chief report directly to the City Manager in the same manner as other department heads.

It is important that the police chief be seen as an impartial servant of justice. I have had the privilege of serving under an exemplary mayor and council members, and have always enjoyed an outstanding rapport with the City Council. However, it is easy to envision different circumstances that would make it difficult for a police chief to answer to seven different elected officials. The impression that the position of police chief, and thus the police department itself, may be politicized is detrimental to the image of the City.

Thank you for your service and for your attention to this matter.