

On Feb 8, 2024, at 2:41 PM, Amber Slayton <aslayton@northportfl.gov> wrote:

Good afternoon, Commissioner McDowell. I will defer to the City Manager regarding this particular item and its timing.

However, as you included me on the communication and addressed the Commission policy, I thought it might be helpful to provide you my legal analysis of the policy.

City Commission Policy No. 2021-05 does not clearly address this scenario. You are correct, the policy does not specifically state that the City Manager may deny or reschedule a Commissioner-submitted item; it also does not specifically state that a Commissioner-submitted item must be placed on an agenda or on the requested date.

In my opinion, the applicable provisions below (Section II.C.1.a regarding inclusion of items on the agenda) indicate that the City Manager has discretion in building the agenda:

1. The City Manager is responsible for preparing the agenda (subsection 1)
2. Commissioners may “submit” items for the agenda (subsection 2)
3. The City Manager advises the City Clerk which items will be included on the agenda (subsection 4)

Therefore, as currently written, I believe the policy provides the City Manager authority to determine which meeting an item should go on.

If a Commissioner disagrees with the City Manager’s determination, as always, the Commissioner can ask the body at a public meeting to have a specific item placed on a specific future agenda.

If there is disagreement about the interpretation of this policy, it is the City Commission’s purview to interpret its policy; this should occur as part of a properly-noticed agenda item at a public meeting. If the Commission as a body were to interpret this policy to mean that a Commissioner’s submitted agenda item must be included on an agenda (or on the requested date), I would recommend that the Commission amend the policy to specifically state that.

Please feel free to call me on my cell if you would like to discuss.

Thanks,
Amber