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Subject: Proposal to shift chain of command
Date: Saturday, October 7, 2023 12:23:12 PM
Attachments: [ITEM-Attachment-001-8d58fb8a7f024ad3ba43bfa8dcc5f002.pdf](#)

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Mayor and Council Members –

This pertains to the agenda item requested by Councilor Lannaman for the October 9 meeting. Councilor Lannaman's email is attached. There are two points the Town Council may want to consider.

I have sent this email to each Town Council member as a "blind" copy. That will avoid, hopefully, a "Reply All" response by a Council member that might run afoul of the Government in the Sunshine Law. If you reply to this email from me, *please do not copy the other Council members.*

First, I suspect all Town Council members are aware that the Council itself does not have the power to shift the oversight and management of the Police Chief from the Town Manager to the Town Council. That change will require a charter amendment approved by the Town voters. Article 2, subsection 8(c) of the Charter now says, in part, the following:

(c) Powers and duties of the Town Manager.

* * *

... The Town Manager's authority and duties include the following:

- (i)(i) To ensure the implementation, administration, and enforcement of all town ordinances and resolutions, as well as all laws the town is charged to enforce.
- (ii)(ii) **To hire and fire all town officers and employees** except the Town attorney. The employment of each town officer shall take effect only upon confirmation by Town Council.
- (iii)(iii) **To oversee, manage, and control all town departments, employees,** agents, and contractors.

Further, subsection 8(j) says in part this:

(j) **Police Department.** The Town shall have a police department. One officer will have the title of Chief of Police. **The Chief will report directly to the Town Manager** [All emphasis added.])

The Town Council has the power, of course, to enact an ordinance proposing a charter change, but the change does not take effect unless approved by Town voters at referendum.

Second, this charter arrangement was proposed in 2020 by your charter committee. I would guess the committee proposed the arrangement because it is so prevalent. The vast majority of towns and cities in Florida – perhaps the majority in the nation – with council-manager forms of municipal government place the city manager, not the city council, over the police department and its chief of police. In the strong-mayor forms of government (e.g., Apopka and Orlando) the police chief is appointed by the mayor and reports to the mayor, not to the city council.

True, the police chief in Astatula (a client of our firm) reports to his Town Council, but Astatula has neither a council-manager nor a strong-mayor form of government. It is one of the few municipalities with a pure “council” form of government – no strong mayor and no town manager.

In my years of local-government legal work I cannot recall a city with a council-manager or strong-mayor form of government where the police chief reported to the city council, not to the city manager or strong mayor. Perhaps it occurs in other states, but in my experience not in Florida.

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