

Fort Pierce City Commission – Discussion Packet

Document 1: Discussion Briefing – Charter Roles, Authority Structure, and Process Alignment

Purpose

To reaffirm the governance structure established by the Fort Pierce City Charter, ensure alignment in the roles of Charter Officers, and identify areas where process and interpretation may require clarification to protect the City and its citizens.

Background (Recent Scenarios)

Scenario 1 – RFQ/RFP Matter and Citizen Access to Services

A citizen raised concerns regarding an RFQ/RFP process and related code compliance issues. The citizen expressed that unresolved issues could lead to legal action, but no formal legal filing existed.

In my opinion, the expression of concern about potential litigation does not constitute a legal action, and citizens retain the right to question City processes.

Access to City services and processes was subsequently restricted. In my opinion, denying access to standard governmental processes, absent a formal legal action or clear legal basis, raises concerns regarding access and due process.

Scenario 2 – Public Records Request (Code Enforcement Files)

A public records request was submitted seeking to inspect code enforcement files. Copies were offered, but in-person inspection was denied, and communications were directed through the City Attorney's Office.

In my opinion, this raises questions under Chapter 119, Florida Statutes regarding the right to inspect public records and the role of the City Clerk as custodian of records.

Scenario 3 – Wage Garnishment / Employment Matter

A wage garnishment matter involving a City employee was presented, and legal advice was provided recommending termination. Subsequent review raised concerns regarding federal consumer protection law.

Under the Consumer Credit Protection Act (15 U.S.C. § 1674), an employer may not discharge an employee because their earnings have been subjected to garnishment for any one indebtedness.

In my opinion, this federal protection raises important questions regarding whether termination would be legally supportable, and it highlights the need for careful review.

The City Manager sought a supplemental legal opinion from outside counsel. In my opinion, this was a prudent and appropriate administrative action to ensure informed decision-making and reduce legal risk.

Scenario 4 – Restriction on Access to Outside Counsel

Following the request for additional legal input, communication with outside counsel was restricted.

In my opinion, this raises concerns regarding the City Manager's ability to carry out administrative responsibilities and the distinction between legal advice and operational authority.

Charter-Based Governance Structure (In My Opinion)

City Commission – Policy Authority

Establishes policy and direction for the City.

City Manager – Administrative Authority

Serves as Chief Administrative Officer and is responsible for operations, staff, and implementation of policy.

In my opinion, this includes decision-making authority and coordination with outside professionals necessary to carry out City functions.

City Clerk – Custodian of Records

Responsible for maintaining official records and ensuring compliance with statutory requirements.

In my opinion, this is a defined functional role tied to records and compliance.

City Attorney – Legal Advisor

Provides legal advice to the Commission, City Manager, and staff.

In my opinion, this role is advisory and does not include independent administrative or operational authority.

Key Governance Principle

Policy → Commission

Operations → City Manager

Records → City Clerk

Legal Advice → City Attorney

Maintaining this separation is essential for effective governance and reducing risk.

Conclusion

In my opinion, maintaining the integrity of the Charter is essential to effective governance, organizational clarity, and public trust. Each Charter Officer plays a vital role, but those roles must remain distinct and aligned with the structure established by the Charter.

Document 2: Position Statement – Charter Authority and Governance

In my opinion, the Fort Pierce City Charter clearly establishes the framework for governance. The Commission sets policy, the City Manager executes and makes operational decisions, the City Clerk maintains records, and the City Attorney provides legal advice.

Maintaining this structure is essential to ensure clarity, consistency, and lawful operation of the City.

In my opinion, any action that limits administrative authority or expands advisory roles into operational control is difficult to reconcile with the Charter.

Document 3: Commissioner Reasoning and Perspective

My intent in raising these matters is not to assign fault, but to ensure that the City operates within the framework established by the Charter.

The scenarios outlined demonstrate a pattern where legal interpretation may be influencing administrative access and decision-making.

In my opinion, reaffirming the roles of Charter Officers and maintaining a clear separation of responsibilities will protect the City from unnecessary legal risk, improve operational efficiency, and strengthen public trust.

I remain committed to working collaboratively to ensure that our processes are clear, consistent, and aligned with both the Charter and applicable law.

FORT PIERCE CITY COMMISSION – DISCUSSION BRIEFING
Subject: Charter Roles, Authority Structure, and Process Alignment
Presented by: Commissioner Chris Dzadovsky (In My Opinion)

Purpose

The purpose of this discussion is to ensure alignment with the Fort Pierce City Charter regarding the roles and responsibilities of Charter Officers, and to promote clarity, consistency, and effective governance moving forward.

Background (Brief Synopsis)

In recent weeks, several matters have highlighted the need for clarification regarding roles and authority within the City structure, including:

- A public records request involving access to code enforcement files
- Questions regarding the appropriate process for handling public records and staff interaction
- Coordination and communication involving outside legal counsel
- Statements and actions suggesting differing interpretations of authority among Charter Officers

These issues, while operational in nature, raise broader questions about how the City is functioning within the framework established by the Charter.

Charter-Based Governance Structure (In My Opinion)

Based on my reading of the Fort Pierce City Charter:

1. City Commission (Mayor and Commissioners) – Policy Authority

- The Commission is the governing body of the City
 - Responsible for establishing policy and setting direction
 - Does not engage in day-to-day administration
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2. City Manager – Administrative Authority

- Serves as the Chief Administrative Officer
- Responsible for the day-to-day operations of the City
- Supervises departments and staff
- Exercises decision-making authority necessary to implement Commission policy

👉 In my opinion, this includes operational decisions such as:

- Staff coordination
 - Administrative processes
 - Engagement with outside professionals supporting City operations
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3. City Clerk – Custodian of Records

- Serves as the official custodian of public records
- Responsible for maintaining records and ensuring compliance with statutory requirements

- Provides administrative support functions tied to records and official documentation

👉 In my opinion:

- This is a critical but **function-specific role**, not a policy or operational authority position
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4. City Attorney – Legal Advisor

- Provides legal advice and counsel to:
 - The Commission
 - The City Manager
 - Staff
- Supports the City in legal matters and risk management

👉 In my opinion:

- This role is **advisory in nature**
 - Does not carry independent authority over administrative or operational decisions
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Key Governance Principle

In my opinion, the effective operation of the City depends on maintaining a clear separation of roles:

- **Policy → Commission**
- **Execution/Operations → City Manager**
- **Records Custodianship → City Clerk**
- **Legal Advice → City Attorney**

Any blurring of these roles can lead to:

- Confusion in decision-making
 - Inefficiencies in operations
 - Increased legal and organizational risk
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Current Area of Concern (In My Opinion)

Recent actions and communications suggest potential overlap or conflict in the following areas:

- Direction or restriction of administrative communication
- Control or routing of operational processes
- Engagement with outside counsel in support of City functions

In my opinion, actions that:

- Direct or limit the City Manager's operational authority, or
- Extend advisory roles into decision-making functions

may be difficult to reconcile with the structure established by the Charter.

Moving Forward – Constructive Approach

My goal in raising this discussion is not to assign fault, but to ensure:

- We are operating within the Charter
- Roles are clearly understood and respected
- Processes are consistent and defensible

I am supportive of:

- Clarifying processes where needed (e.g., public records handling)
- Developing policies that improve consistency and protect staff
- Seeking outside legal guidance where appropriate

However, in my opinion:

- Any ordinance or policy must remain consistent with the Charter
- It should not expand or alter the authority of Charter Officers

Conclusion

In my opinion, maintaining the integrity of the Charter is essential to:

- Effective governance
- Organizational stability
- Public trust

Clarity in roles allows each Charter Officer to perform their duties effectively while ensuring that the City operates as intended.

I look forward to continued collaboration to ensure that our processes reflect both the letter and the spirit of the Charter.

FORT PIERCE CITY COMMISSION

Ordinance Authority & Charter Alignment

Commissioner Chris Dzadovsky (In My Opinion)

Purpose of Comment

To ensure the Commission is fully aware of how ordinances may define duties and whether those definitions align with the Fort Pierce City Charter.

Charter as Governing Authority

The Fort Pierce City Charter establishes the framework of authority:

- City Commission – Policy Authority (Charter §2.01 – verify)
- City Manager – Chief Administrative Officer (Charter §3.01 – verify)
- City Clerk – Custodian of Records (Charter §4.01 – verify)
- City Attorney – Legal Advisor (Charter §45 – appointment authority only)

In my opinion, this structure defines separation of roles and limits authority accordingly.

Role of Ordinances Under Home Rule

Under F.S. §166.021 (Home Rule), municipalities may adopt ordinances to implement functions. However, ordinances must remain consistent with the Charter and cannot expand or alter Charter-defined authority.

Area of Governance Concern

A line in a recent email of developing ordinances to define Charter Officer roles raises the question of whether such ordinances could unintentionally expand or reinterpret authority beyond what is established in the Charter.

Why This Matters

If not carefully reviewed, ordinance language could:

- **Shift practical authority**
- **Introduce changes in administrative control**
- **Do so without full Commission awareness of implications**

In my opinion, this is a matter of transparency and governance clarity.

Request for Commission Awareness

I respectfully request that any proposed ordinance:

- 1. Clearly identify what authority is being described or modified**
- 2. Cite the Charter provision it aligns with**
- 3. Explain whether it changes practical authority**
- 4. Provide the Commission with adequate time to review and understand implications**

Closing Statement

My intent is to ensure the Charter remains the controlling document and that the Commission fully understands any changes before adoption. This is about clarity, transparency, and protecting the structure of governance.