



City of Tampa

Jane Castor, Mayor

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MEMORANDUM

DATE: September 12, 2023
TO: The Honorable Chair and Members of Tampa City Council
FROM: Andrea Zelman, City Attorney *AZ*
SUBJECT: Budget-Officer and Employee Positions and Compensation

In preparation for your upcoming budget workshop, we thought it would be helpful to remind the members of city council of certain charter provisions that govern its actions regarding City of Tampa officers and employees. For example, Section 4.01 of the City of Tampa Charter expressly states that "the mayor's powers and duties shall include:

.....

(4) except as herein otherwise expressly provided, the appointment and removal and the fixing of the compensation of all officers and employees of the city, the employment and compensation of whom are not otherwise provided for herein..."

Therefore, the city council may not, in the amendment of the budget, hire or remove officers and employees, or reduce their compensation. This is similar to the question addressed by an appellate court in West Palm Beach Golf Commission v. Callaway, 604 So.2d 880(Fla. 4th DCA 1992), where the court held that because the city charter gave the city manager the exclusive authority to hire and fire employees, a commission could not fire an employee - even though in that case a city ordinance stated otherwise. Similarly, in Burbier v. Crane, 299 So.2d 98(Fla.4th DCA 1974), the court held that a city commission could not effectively abolish a city department established in accordance with the charter by failing to fund that department during the budget approval process.

The exceptions to the general rule regarding the mayor's authority over City of Tampa officer and employee salaries (i.e., the "except as herein otherwise expressly provided") are the following:

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- Charter Section 6.06 provides that the salaries of officers of the city (i.e. those listed in Charter Section 6.01- the mayor, city council, city clerk, city attorney, director of finance [also known as the Chief Financial Officer], internal auditor, chief of police, and chief of the fire department) “may be increased or decreased at any time by the concurrence of the mayor and a majority of no fewer than four votes of the entire city council”, and
- Charter Section 2.04, which provides that the city council shall set the compensation of the city council attorney and the council budget analyst, subject to certain parameters for each position.

Please note also that even absent these Charter provisions, the compensation for most City of Tampa employees is provided for within the three collective bargaining agreements (ATU, PBA and IAFF) that were approved by council in 2022. Specifically, approximately 3,592 employees are subject to a collective bargaining agreement, while only 997 employees are not protected by such agreements. In prior years, the mayor has attempted to modify compensation for the non-union employees, with recruitment and retention in mind, so as to prevent any significant inequities or compression of salaries.

Please feel free to contact me should you have any questions.

cc: John Bennett, Chief of Staff
Martin Shelby, City Council Attorney
Shirley Foxx-Knowles, City Clerk
Suling Lucas, Deputy City Clerk