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Ordinance passed two years after the fact for Fanning Springs mayor's salary



Fanning Springs City Council Chairman Paul Chase (left) and City Councilman Ron Queen are two of the five who voted to adopt the new ordinance.

Story and Photos By Jeff M. Hardison © Oct. 14, 2016 @ 10:57 a.m.

FANNING SPRINGS -- A unanimous 5-0 vote Tuesday night (Oct. 11) by the Fanning Springs City Council repaired human error that caused a May 27, 2014 action to not be followed through until two years later, according to what was said at the open public meeting that night.



City Council members (from left) Barabra Locke, Jane Nogaki and Tommy Darus voted in favor of the ordinance. Locke said she was on the City Council when this mayoral raise issue was discussed and it was the intent of the City Council then, she said, to give the mayor an annual salary of \$14,000.

Fanning Springs Mayor Howell E. "Trip" Lancaster III started at an annual salary of \$14,000 because his predecessor Cheryl Nekola had successfully lobbied for the increase in pay from \$12,000 a year.

The \$14,000 a year annual pay started in 2015 as best as can be determined from the conversation at the meeting Tuesday night.

After the haggling over the budget in the summer of 2014, that pay was agreed upon, but both City Clerk Sheila Watson and former City Attorney Conrad Bishop Jr. fell short of courteously reminding the City Council members of the matter of having an ordinance approved, as is required in the city charter, for that raise.

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So not only did the City Council members forget, but no one reminded them of that requirement of the city charter until more than 18 months after the new pay rate began. Shortly before leaving as the city attorney, Bishop told the City Council that the charter needs to be revised, and that will take workshops before it is put on a ballot for the voters to choose if they want to revise it.

As for the mayor's salary, a couple of annual budgets later, it dawned upon the City Council that it had overlooked the requirement of having an ordinance to provide for this pay increase, if the city was going to follow its charter.

City Attorney Jamie Lynn White of the Dell Graham Gainesville Law Office told the current City Council that not only is it permissible to create this local law after the fact (ex post facto), but since the legislative intent was clear from when the raise was first enacted, the mayor would have cause to sue the city if his \$14,000 annual salary was dropped back to \$12,000 a year.

White said she reviewed the charter and performed additional research before drafting the ordinance for the mayor's increase in pay, retroactive to two years ago and carrying forward to today.

"The only purpose of this ordinance now," White said, "is to set the record straight."

The raise happened before Lancaster was elected, she said, as is required in the charter.

"Now we have a mayor who has been elected," she continued, "and he has a legally enforceable expectation (of this salary) at this point. He has been working for the city for two years or longer at this salary. And you may have an audit issue if you choose to not pass the ordinance."

Helping the current City Council members see a potential threat of a lawsuit from a man who may feel shortchanged, and the probability of auditing problems, and understanding that the alleged intent of the previous City Council was to increase the pay rate for whoever serves Fanning Springs residents and visitors as mayor of the city, White added impetus for the passage of the ordinance.

Taxpayer James Morrell shared his input on the matter. He questioned why, if it was the intent of the City Council to increase the mayor's salary, that an ordinance reflecting this fact was not created and adopted.

Morrell said the previous increase for the mayor's salary, back in 2010 was by ordinance as the charter requires. The only answer given for the problem that came to light is that it was the result of human error.