

Memorandum

To: **Members of the City Commission**

From: **Ed Bielarski, General Manager for Utilities**
Lee Feldman, City Manager
Teneeshia Marshall, Equal Opportunity Director
Omichele Gainey, Clerk of the Commission
Ginger Bigbie, City Auditor
Nicolle Shalley, City Attorney

Date: **May 4, 2020**

Re: **Analysis of Proposed City Charter Amendments for November 2020 ballot**

This Memorandum updates and replaces the prior written analysis prepared by the City Charter Officers dated January 30, 2020 to include only those Charter amendments that the City Charter Review Commission (CCRC) voted at their third and final public hearing on April 30, 2020 to recommend to the City Commission for placement on the November 3, 2020 general election ballot.

This written analysis is required by Section 5.01(2)(e) of the City Charter. As the Charter Officers are, individually (within their respective areas of authority) and collectively (in areas that cross/affect the entire City organization), the management team for the City, the Charter Officers analyzed only those proposed amendments that we believe would have an operational or fiscal impact on the management functions of the City.

(1) **Amend 3.04 to retitle the Clerk of the Commission to City Clerk** as follows: “The commission may employ a city clerk ~~clerk of the commission~~ who shall keep records and perform such other duties as are prescribed by this act or the commission. The city clerk ~~clerk of the commission~~ shall serve at the will of the commission.”

The Charter Officers note this amendment was requested by the Clerk of the Commission in a letter dated February 5, 2020 to the CCRC, in which the Clerk wrote “This change in effect, has no other impacts other than simplicity and conforming the title with the others -i.e. City Manager, City Attorney and a more standard title used throughout the government sector.” No analysis is provided by the Charter Officers, as we did not identify an operational or fiscal impact on the management functions of the City.

(2) **Delete 5.06. Funds for construction of paved surfaces in designated areas** as follows: “~~The City of Gainesville, Florida shall not expend, use, seek, permit or allow the use of any city, county, state, private or federal funds for the construction of any paved surfaces for trails or~~

~~transportation corridors on City owned land designated as Conservation, as shown on the map dated May 1998 and on file in the Office of the Clerk of the Commission, within the Hogtown Creek Watershed. This provision is not intended to restrict paving for parking or recreational facilities constructed on land designated as Recreation on the aforementioned map."~~

The Charter Officers note that 5.06 was added to the Charter via a citizen initiative approved by the voters at the city regular election on March 17, 1998 and was subsequently amended (to its current version) by Commission initiative approved by the voters at the City regular election on March 7, 2006. Deletion of 5.06 would allow the City to use public and private funding to construct paved surfaces within the Conservation Land Use areas shown on the May 1998 map.

(3) **Amend 5.04 Disposal of utilities** as follows: ~~"The commission may not, in any manner, dispose of or agree to dispose of the city's electrical or water production or distribution facilities following city utility systems, or any part thereof, so as to materially reduce the capacity of the city that system to produce, or distribute or treat electrical energy or water, unless the commission does so by ordinance with the prior approval of a majority vote of the qualified electors of the city voting at an election for the purpose of approving the ordinance.:~~

- ~~(1) electric system;~~
- ~~(2) water system;~~
- ~~(3) natural gas system;~~
- ~~(4) wastewater system; or~~
- ~~(5) telecommunications system.~~

~~Unless the commission first adopts an ordinance approving of the disposition and submits that ordinance to referendum vote and such referendum is approved by a majority of the qualified electors of the city.~~

The Charter Officers note the effect of this amendment is to limit the City Commission's authority to dispose of the natural gas, wastewater and telecommunications systems, in any way that materially reduces the capacity of those systems.

(4) **Create a Charter Preamble** as follows: "We, the people of the City of Gainesville, under the constitution and laws of the State of Florida, value the benefits of local self-government and an honest and accountable commission-management government, and hereby affirm this charter. By this action, we increase citizen participation and promote equal opportunity of broad cultural diversity of the city and inclusiveness that focuses on justice and equality. Further, we affirm the values of representative democracy, professional management, and environmental stewardship."

No analysis is provided by the Charter Officers, as we did not identify an operational or fiscal impact on the management functions of the City.