

**Legislative #  
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**Final Report**  
**City of Gainesville 2005**  
**Charter Review Committee**

**October 10, 2005**

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## Introduction

During late Spring 2004, Mayor Hanrahan, several Gainesville City Commissioners, City staff and members of the public attended the Norfolk, Virginia-New Haven, Connecticut “inter city” trip. As a result, six committees were formed to follow-up on experiences and observations. Two subcommittees - the Economic Development and City Government Subcommittees – each recommended a change in City Commission terms of office and election cycles.

The City Commission Economic Development/University Community Committee (Commissioner Warren Nielsen, Chair; Mayor Hanrahan and Commissioner Braddy, members) received these recommendations, and referred them to the full Commission for discussion.

During its December 13, 2004 meeting, the City Commission approved a motion to: “convene a Charter Review Committee to look into this issue (Commission terms and elections), and bring back to the Commission.” On February 14, 2005, the Commission appointed Committee members and directed that the Committee “consider the length of terms of City Commissioners; term limits (number of consecutive terms) of commissioners; and election dates and cycles (i.e., every year; every other year).”

The Committee, which shall sunset on or before June 30, 2006, consists of one member appointed by the Mayor and each Commissioner. Commissioner Donovan, elected to the City Commission after February 14, 2005, did not appoint a Committee member. Members are:

- Mathew Cole, Vice-Chair;
- Bruce Delaney;
- Charles Grapski (appointed June 13, 2005 to serve for former member Odetta MacLeish-White, who resigned);
- Beverly Hill;
- Horace N. Moore, Sr.;
- Larry Vettel;
- Penny Wheat, Chair

To date, the Committee has held eight 'regular' (afternoon) meetings and one evening meeting to consider public ideas and suggestions, deliberate and formulate recommendations.

### **Charter Review Committee Recommendation**

Recommend to the City Commission as a package: 4 year terms of office, retain 2-term limits, implementation of Model 1, and a consistent date for standalone fall elections in consecutively odd years. In addition, the Committee has been introduced to the concept of 'choice voting', and would like to have the Commission's permission to explore it.

### **City of Gainesville Charter**

#### **Home Rule Authority**

The City of Gainesville is vested with municipal "home rule" authority. This power of a local government to conduct its own affairs specifically includes the power to determine its own organization. Currently, the City Commission is comprised of:

- Mayor – separately elected "at-large" (elected by entire City voting population); and
- Six Commissioners – four district commissioners (each elected by registered voters within a single-member district) and two "at-large" commissioners.

The separately elected mayor has the same authority and voting rights as other commissioners. The mayor is recognized as the official "head" of City government, presides at Commission meetings, and receives \$7,254 more compensation per year than commissioners.

Gainesville operates with a council-manager form of government: all power is concentrated in the elected commission (governing body), and the commission hires a professionally trained public administrator to manage the delivery of general public services. This combines the political leadership of elected officials and the managerial experience of an appointed local government professional.

The Commission also hires five other Charter Officers (Attorney; Auditor; Clerk; Equal Opportunity Director; General Manager of Utilities) to manage the operation of other City government functions.

### **Length of Mayor and City Commission terms of office; term limits**

The City Charter states "Except as provided in Subsection (1)(c) herein, each commissioner shall be elected for a term of 3 years." Sec. 2.04(1)(b), City Charter. A previous attempt to change the length of terms in the City Charter resulted in defeat (March 10, 1992). Terms of office are staggered (3-2-2) so that the terms of the mayor and commissioners do not all expire in the same year.

In addition the Charter states, "A commissioner may not serve on the commission for more than two (2) consecutive three year terms," Sec. 2.03, City Charter. "The mayor may not serve as mayor for more than two (2) consecutive three year terms," Sec. 2.03, City Charter.

### **Election Cycles; Dates**

The regular Gainesville election is held annually in the spring on the date prescribed in an ordinance adopted each year by the City Commission. Subsection 2.04(1)(d) of the Charter provides that municipal elections shall be held on dates prescribed by ordinance, while subsection 2.04(3) deals with the dates of commencement (May) of term of office following election. For 2006, the Commission has scheduled the election on March 7, 2006; if a runoff is necessary, it will be held March 28, 2006.

Section 166.021, F.S., as amended in 1995 by Chapter 95-178, Laws of Florida, provides in subsection (4) thereof that changes in municipal charters which affect the terms of elected officers and the manner of their election, except for the selection of election dates and qualifying periods for candidates and for changes in terms of offices necessitated by such changes in election dates, may not be made without approval by referendum of the electors. (emphasis added)

For example, to change the commencement of terms of office from May to November, the Commission could adopt an ordinance to change election dates (from March to November). At the same time, the City Commission could also, by ordinance, amend subsection 2.04(3) of the City of Gainesville Charter. In the year of implementation, incumbents' terms would be lengthened so that each would expire in November on the same

date that the new terms commence. Thereafter, terms of office would run from November to November.

Other municipalities in Alachua County hold their elections throughout the year. According to the Alachua County Supervisor of Elections, all municipalities other than the City of Gainesville conduct their own elections; however, the Alachua County Supervisor of Elections prints their ballots, trains their poll workers, and provides the (County Commission-owned) election and related equipment.

The Supervisor apportions costs (municipality, County or School Board) incurred in the conduct of an election.

### **Charter Review Committee Charge**

The City Commission directed that the Committee “consider the length of terms of City Commissioners; term limits (number of consecutive terms) of commissioners; and election dates and cycles (i.e., every year; every other year).” During its May 23, 2005 meeting, the City Commission expanded the charge to include “election related items and any other matter the Charter Review Committee seeks to add to its charge, with such to be returned to the City Commission for authorization.”

### **Charter Review Committee Recommendation**

On September 29, the Committee approved the following:

- Recommend to the City Commission as a package: 4 year terms of office, retain 2-term limits, implementation of Model 1, and a consistent date for standalone fall elections in consecutively odd years. (7-0)
- In addition, the Committee has been introduced to the concept of ‘choice voting’, and would like to have the Commission’s permission to explore it. (consensus request)

This ‘package’ recommendation was reached after the following motions were considered:

- recommend to the City Commission 4 year terms, retaining 2 term limits, and that they use implementation model 1. (5-2)
- that the Committee support a consistent date for fall elections in consecutively odd-years. (4-3)

## Public Engagement

Because elections are the essential feature of democratic representation, a proposed change to an elected representative's term of office or the frequency of elections must involve the voters and elected representatives.

In order to engage the public, the Charter Review Committee created an outreach and participation program that included:

- Media releases: the City's Marketing and Communications Office distributed information about the CRC, its responsibilities and meeting dates and times.
- Local government TV channel: Since mid-May, Committee information (where/when to attend meetings and how to provide comments) has been listed.
- Committee letter to the editor: published in the Gainesville Sun (June 1, 2005). General public and former Gainesville mayors (1970-present) invited by letter and e-mail to attend meetings and to provide written thoughts and suggestions.
- June 7<sup>th</sup> public hearing, broadcast live on the local government TV channel: City Attorney Marion Radson explained the City's form of government and legal aspects of the City Charter. The remaining time was committed to public comment. Mr. Radson's 8-minute presentation has aired approximately 60 times, since June 20, 2005, and is scheduled to continue airing until October 15, 2005, at 3:30 or 8:30 p.m.
- One email address [charterreview@citizencomment.org](mailto:charterreview@citizencomment.org) was created so that comments, ideas and suggestions could be emailed directly to the Committee (and City Commission.) In addition, letters can be sent by US Mail to the Committee, c/o Office of the City Attorney, at P.O. Box 1110, Gainesville, Florida 32602.
- Though all documents have yet to be uploaded to the Committee website, each agenda and corresponding meeting minutes are available at: <http://www.cityofgainesville.org/crc>.

Prior to each Committee meeting, the agenda and supporting documents are available in the offices of the City Commission; Clerk of the City Commission; and City Attorney. During the May 23, 2005 meeting, the



City Commission agreed to request that Committee agenda and supporting documents be placed in the Alachua County Public Library.

### **Review Methodology**

#### **Peer government comparisons**

For purposes of comparison with peer Florida (FL) cities, the Committee used: (1), a group of 18 cities, nine with a population higher than Gainesville, and 9 with a population below that of Gainesville; and (2), a list of 16 “economic development” (ED) peer cities nationwide, utilized by the City Commission.

This information was compiled for the purpose of reviewing various issues related to the election of City Commissioners and Mayors. Term limits, term lengths, election cycles, mayoral powers, and location of colleges and universities were captured in tables previously reviewed by the Charter Review Committee.

#### **Florida Peer Cities**

In summary, 19 Florida Peer Cities (including Gainesville) were reviewed. Of the 19 cities, 11 FL cities have no colleges or universities within their city limits. Of these FL cities:

- **Length of term of office:** Two (2) FL cities have 2-year terms, three (3) cities have 3-year terms, and 14 cities have 4-year terms.
- **Term limits:** Nine (9) FL cities impose term limits. Seven (7) FL cities limit commissioners to 2 consecutive terms, while two (2) FL cities, Ft. Lauderdale and Hialeah, permit commissioners to serve 3 consecutive terms.
- **Time of election:** Eight (8) of these FL cities hold their elections in the fall, while 11 conduct elections in the spring.

Mayoral powers were reviewed utilizing three criteria: the authority to vote; veto power; and the ability to hire and/or fire key municipal personnel.

- None of the FL cities authorize their mayors to exercise all three functions.
- Only 5 of the 19 cities authorize the mayor to exercise two (2) of the three functions. The mayor of the remaining 14 cities can

exercise one (1) of the three functions. Therefore, it appears that the majority of the FL cities have what would be termed a “weak” mayor form of municipal government.

### **Economic Development (ED) Peer Cities**

In summary, 17 Economic Development Peer Cities (including Gainesville) were reviewed. Each of the ED peer cities boasts a 4-year university. Of these ED cities:

- **Length of term of office:** Three (3) of these ED cities have 2-year terms; two (2) cities have 3-year terms; and 12 cities have 4-year terms.
- **Term limits:** Five (5) of the 17 ED cities reviewed impose term limits. Of those, four (4) cities limit commissioners to 2 consecutive terms. One (1) city, Baton Rouge, limits its commissioners to 3 consecutive terms.
- **Time of election:** Ten (10) of these ED cities hold their elections in the fall, while 7 conduct elections in the spring.

Again, mayoral powers were reviewed utilizing three criteria: the authority to vote; veto power; and the ability to hire and/or fire key municipal personnel.

- Only two (2) of the 17 ED cities (Ann Arbor, Michigan and Athens-Clarke County, Georgia) authorize the mayor to perform all three functions.
- Ten (10) cities limit their mayor’s authority to one of the three functions, with five (5) cities authorizing two of the three functions. Therefore, it appears that the majority of the ED cities, like the FL cities, have what would be termed a “weak” mayor form of municipal government.

### **Relevant and Competing Public Policies: Public Perception**

Local elected bodies vary considerably in their capacity for governance. This capacity is developed through “social capital”, a community resource created over a long tradition of civic engagement. The nature of

representation, the impact of electoral initiatives, and the relationship of legislators to constituents all affect existing social capital.

All proposals (to change the length of mayor and commissioners' terms of office, term limits and/or election cycles) contain relevant and competing public policies. Any ballot issue will require an investment of both social capital and scarce government resources. Thus, the City Commission may want to consider different public policy perspectives, as expressed by the public and Committee members.

Listed within the categories below are a number of those relevant and competing public policy perspectives, expressed by the public during the Committee's June 7<sup>th</sup> public hearing and Committee meetings:

Should the incumbent mayor and commissioners be held to current Charter restrictions for term length and term limits?

**Yes.** In order for any ballot initiative to have a higher possibility of passage, public perception of incumbents' "self-interest" should be removed. The incumbent mayor and commissioners should be restricted to the term length and term limits in the current Charter.

**No.** The incumbent mayor and commissioners should be able to (if elected by the voters) spend up to 10 or 12 years in office; public perception of "self-interest" should not matter to voters.

Consider length of City Commission terms of office.

**In support of longer terms:**

-There is a perceived "ineffectiveness" of a three-year term: the first year is spent in a "learning curve"; the second year, the member is doing the job; the third year, the member is trying to get re-elected. A fourth year could benefit the member and the public by allowing an additional year in which a member can remain more solidly focused on municipal business.

-The mayor and commissioners should have more time to do their jobs. With two-year budgeting, a newly elected mayor or commissioner may or may not be able to affect the budget until their third year of office.

-Longer terms=enhanced ability of municipalities to plan and implement their agenda in a similar fashion as county government has.

-Is there a projected cost savings from conducting fewer municipal elections? Would "Instant Runoff Voting" (or some other electoral reform) affect this?

**Opposed to longer terms:**

-Elected officials with a shorter term of public office may be more sensitive to local issues and concerns of the electors they represent, since they are required to face the electorate on a more frequent basis; a "check and balance" mechanism.

-With elections every three years, voters are able to maintain closer control over their municipal representatives. An ineffective mayor or commissioners can be voted out of office sooner. The current (3 year) term of office is more democratic and more responsive to the local electorate.

-The suggestion that elected city officials cannot master their jobs quickly enough to maximize their effectiveness over six years is ridiculous. If city commissioners cannot master their jobs in two years, they should not be reelected to even one more term.

**Additional points to consider:**

-Length of terms should be two years (like Congress) with no term limits.

-What mechanisms (for example, a civic education series) could the City initiate to engage the public – and potential future candidates for office – in substantive, informational conversations about City government?

-Whatever the length of term, a mechanism should be established so that, on every ballot, each elected official (when not up for election) can receive feedback on how s/he is doing.

Consider term limits.

**In support of term limits:**

-Term limits (historically referred to as the "rotary system") are one method of increasing the rotation of political power. When a politician's term is over, the election for the open seat is more competitive than it would be if an incumbent were running.

-Term limits may encourage new people with fresh ideas to enter politics.

-Term limits may encourage representatives to fashion public policy on the basis of principle rather than to ensure reelection. Term limits reduce barriers to entry (that discourage challengers and thus limit ballot options.) Term limits make democratic choice far freer.

--We limit the President of the United States to two four-year terms. Is the President's job so much less demanding and less complex that we can limit his tenure to eight years, but the Gainesville Mayor and Commissioners need more time?

-Term limits require incumbent City Commission leadership to seek new ways to improve operations and to orient new members to a quickly changing environment. Working together is more important than ever.

-Term limits remove the professional politician from government and brings back the superior "citizen-statesman" and the "citizen commission."

-Support for term limits represents dissatisfaction with current politicians.

#### **Opposed to term limits:**

-Term limits hamper legislative efficiency through the loss of experienced leadership and institutional memory.

- Some initiatives (like construction projects or transportation items) require a longer period of time to implement, and having the same elected officials for a longer period of time would ensure their completion.

-With term limits, elected officials depend more on long-time professional City staff and lobbyists, who may wield more influence in the legislative process than shorter-term commissioners.

-We don't need term limits because we already have them -- they are called 'elections'.

Consider dates of election cycles (time of year) and other election-related matters.

-Spring election date.

-Fall date for higher voter turnout.

-Ask all municipalities and the County to hold a spring election cycle for local issues.

-Hold Gainesville elections in the Fall in “off years” so they do not coincide with Florida gubernatorial or Presidential elections.

-Consider “Instant Runoff Voting” or some other method of apportioning representation.

#### Other public comments

-Return to a City Commission with a total of 5 commissioners; rotate the office of mayor each year by election of the members; and pay them more.

-Return to partisan elections, whenever they are held.

### **Acknowledgement**

The Charter Review Committee extends its appreciation to:

-members of the public, who attended Committee meetings and/or sent written comments and suggestions;

-Charlie Hauck (Assistant City Attorney) and Marion Radson (City Attorney), for their legal counsel;

-Natalie Duguid (Paralegal); Angelique Knox (Intern); and SuAnn Williams (Legal Assistant/Staff Liaison), for their assistance in gathering and compiling information; and

- Les Auerbach (Information Systems Director) and Bob Woods (Interim Director of Communications and Marketing), and their staff, for support provided to the Charter Review Committee.