

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

April 23, 2020

6:00 PM

Teleconference Meeting

Charter Review Commission

*Walter Barry (Member)
Richard Blount (Member)
Susan Bottcher (Member)
Jorge Campos (Member)
Cynthia Chestnut (Member)
Robert Cohen (Member)
Crystal Goodison (Vice-Chair)
Scherwin Henry (Member)
Mary Lou Hildreth (Chair)
Jeremiah Tattersall (Member)
Donna Waller (Member)*

If you have a disability and need an accommodation in order to participate in this meeting, please contact the Office of Equal Opportunity at (352)334-5051 at least two business days in advance. TTY (Text Telephone Telecommunication Device) users please call 711 (Florida Relay Service). For Speech to Speech (STS) relay, please call 1-877-955-5334. For STS Spanish relay, please call 1-877-955-8773. For STS French Creole relay, please call 1-877-955-8707.

CALL TO ORDER - 6:11 PM**ROLL CALL****ADOPTION OF THE AGENDA****APPROVAL OF MINUTES**191151.**Approval of Minutes from the April 15, 2020 Charter Review Commission Meeting (B)**RECOMMENDATION

The Charter Review Commission approve the April 15, 2020 minutes.

[119151_April 15, 2020 Minutes_20200423.pdf](#)

BUSINESS DISCUSSION ITEMS191050.**Proposed Charter Amendment to Require Appointment of a City Attorney (B)**

Explanation: This Charter amendment proposed by the City Charter Review Commission (the CCRC) would place the following ballot question on the November 3, 2020 general election ballot: "SHALL THE CITY CHARTER BE AMENDED TO EXPRESSLY STATE THAT THE CITY COMMISSION SHALL APPOINT A CHARTER OFFICER CITY ATTORNEY, AS PROPOSED BY ORDINANCE NO. _____?" The draft ordinance is attached as back-up to this agenda item.

In order to be placed on the ballot, per 5.01(2) of the City Charter, the CCRC shall hold at least three public hearings that are a minimum of seven calendar days apart, on any proposed charter amendment(s). No charter amendment shall be submitted to the city electorate for adoption unless favorably voted upon by a majority of the entire membership of the CCRC. No later than six months prior to the November general election (in this case, by May 3, 2020), the CCRC shall deliver its proposed charter amendments to the city commission. The city commission may veto a proposed charter amendment by a two-thirds vote of the membership of the city commission. For all proposed amendments that are not vetoed, the city commission shall adopt an ordinance requesting the county supervisor of elections place those proposed amendments on the next November general election ballot. The clerk of the commission shall deliver the ordinance to the county supervisor of elections no later than four months prior to the November general election (in this case, by July 3, 2020.)

Fiscal Note: None.

RECOMMENDATION

The City Charter Review Commission discuss the draft charter amendment ordinance and receive public comment

Legislative History

3/2/20 Charter Review Approved as Recommended
Commission

[191050_draft ordinance city attorney 20200302.pdf](#)

[191050_Analysis of Proposed City Charter Amendments for November 2020 ba](#)

[191051.](#)

Proposed Charter Amendment to Retitle the Clerk of the Commission to City Clerk and to Require Appointment of a City Clerk (B)

Explanation: This Charter amendment proposed by the City Charter Review Commission (the CCRC) would place the following ballot question on the November 3, 2020 general election ballot: "SHALL THE CITY CHARTER BE AMENDED TO CHANGE THE NAME OF THE CHARTER OFFICER "CLERK OF THE COMMISSION" TO "CITY CLERK", AND STATE THAT THE CITY COMMISSION "SHALL", RATHER THAN "MAY", APPOINT A CHARTER OFFICER CITY CLERK, AS PROPOSED BY ORDINANCE NO. _____?" The draft ordinance is attached as back-up to this agenda item.

In order to be placed on the ballot, per 5.01(2) of the City Charter, the CCRC shall hold at least three public hearings that are a minimum of seven calendar days apart, on any proposed charter amendment(s). No charter amendment shall be submitted to the city electorate for adoption unless favorably voted upon by a majority of the entire membership of the CCRC. No later than six months prior to the November general election (in this case, by May 3, 2020), the CCRC shall deliver its proposed charter amendments to the city commission. The city commission may veto a proposed charter amendment by a two-thirds vote of the membership of the city commission. For all proposed amendments that are not vetoed, the city commission shall adopt an ordinance requesting the county supervisor of elections place those proposed amendments on the next November general election ballot. The clerk of the commission shall deliver the ordinance to the county supervisor of elections no later than four months prior to the November general election (in this case, by July 3, 2020.)

Fiscal Note: None.

RECOMMENDATION

The City Charter Review Commission discuss the draft charter amendment ordinance and receive public comment

Legislative History

3/2/20 Charter Review Approved as Recommended
Commission

[191051B_Memo Analysis of Proposed City Charter Amendments for November](#)

[191051C_Letter from Omichele Gainey Clerk of Commission_20200318.pdf](#)

[191051_Charter Amendment Ordinance - City Clerk-0001_20200430.pdf](#)

[191051_Draft Letter to City Commission_20200430.pdf](#)

[191052.](#)

Proposed Charter Amendment to Require Appointment of a City Internal Auditor (B)

Explanation: This Charter amendment proposed by the City Charter Review Commission (the CCRC) would place the following ballot question on the November 3, 2020 general election ballot: "SHALL THE CITY CHARTER BE AMENDED TO STATE THAT THE CITY COMMISSION "SHALL", RATHER THAN "MAY", APPOINT A CHARTER OFFICER CITY INTERNAL AUDITOR, AS PROPOSED BY ORDINANCE NO.

_____?" The draft ordinance is attached as back-up to this agenda item.

In order to be placed on the ballot, per 5.01(2) of the City Charter, the CCRC shall hold at least three public hearings that are a minimum of seven calendar days apart, on any proposed charter amendment(s). No charter amendment shall be submitted to the city electorate for adoption unless favorably voted upon by a majority of the entire membership of the CCRC. No later than six months prior to the November general election (in this case, by May 3, 2020), the CCRC shall deliver its proposed charter amendments to the city commission. The city commission may veto a proposed charter amendment by a two-thirds vote of the membership of the city commission. For all proposed amendments that are not vetoed, the city commission shall adopt an ordinance requesting the county supervisor of elections place those proposed amendments on the next November general election ballot. The clerk of the commission shall deliver the ordinance to the county supervisor of elections no later than four months prior to the November general election (in this case, by July 3, 2020.)

Fiscal Note: None.

RECOMMENDATION

The City Charter Review Commission discuss the draft charter amendment ordinance and receive public comment.

Legislative History

3/2/20 Charter Review Approved as Recommended
Commission

[191052_draft ordinance city internal auditor_20200302.pdf](#)

[191052_Analysis of Proposed City Charter Amendments for November 2020 ba](#)

191053.**Proposed Charter Amendment to Extend the Term Limits of the Mayor and City Commissioners (B)**

Explanation: This Charter amendment proposed by the City Charter Review Commission (the CCRC) would place the following ballot question on the November 3, 2020 general election ballot: "SHALL THE CITY CHARTER BE AMENDED TO EXTEND THE CURRENT LIMITATION FROM SERVING NO MORE THAN 2 CONSECUTIVE FULL TERMS AS COMMISSIONER OR AS MAYOR TO SERVING NO MORE THAN 3 CONSECUTIVE FULL TERMS AS COMMISSIONER OR AS MAYOR, AS PROPOSED BY ORDINANCE NO. _____?" The draft ordinance is attached as back-up to this agenda item.

In order to be placed on the ballot, per 5.01(2) of the City Charter, the CCRC shall hold at least three public hearings that are a minimum of seven calendar days apart, on any proposed charter amendment(s). No charter amendment shall be submitted to the city electorate for adoption unless favorably voted upon by a majority of the entire membership of the CCRC. No later than six months prior to the November general election (in this case, by May 3, 2020), the CCRC shall deliver its proposed charter amendments to the city commission. The city commission may veto a proposed charter amendment by a two-thirds vote of the membership of the city commission. For all proposed amendments that are not vetoed, the city commission shall adopt an ordinance requesting the county supervisor of elections place those proposed amendments on the next November general election ballot. The clerk of the commission shall deliver the ordinance to the county supervisor of elections no later than four months prior to the November general election (in this case, by July 3, 2020.)

Fiscal Note: None.

RECOMMENDATION

The City Charter Review Commission discuss the draft charter amendment ordinance and receive public comment

Legislative History

3/2/20 Charter Review Approved as Recommended
 Commission

[191053_draft ordinance Extend Commission Term Limits_20200302.pdf](#)

[191053_Analysis of Proposed City Charter Amendments for November 2020 ba](#)

191054.**Proposed Charter Amendment to Delete the Charter Office of the General Manager for Utilities, thus Transferring Administrative Authority over the City's Utility System to the City Manager (B)**

Explanation: This Charter amendment proposed by the City Charter Review Commission (the CCRC) would place the following ballot question on the

November 3, 2020 general election ballot: "SHALL THE CITY CHARTER BE AMENDED TO ELIMINATE THE POSITION OF GENERAL MANAGER FOR UTILITIES FROM THE DESIGNATED CHARTER OFFICERS OF THE CITY, THUS TRANSFERRING ADMINISTRATIVE AUTHORITY OVER THE CITY'S UTILITY SYSTEM TO THE CITY MANAGER, AS PROPOSED BY ORDINANCE NO.

_____?" The draft ordinance is attached as back-up to this agenda item.

In order to be placed on the ballot, per 5.01(2) of the City Charter, the CCRC shall hold at least three public hearings that are a minimum of seven calendar days apart, on any proposed charter amendment(s). No charter amendment shall be submitted to the city electorate for adoption unless favorably voted upon by a majority of the entire membership of the CCRC. No later than six months prior to the November general election (in this case, by May 3, 2020), the CCRC shall deliver its proposed charter amendments to the city commission. The city commission may veto a proposed charter amendment by a two-thirds vote of the membership of the city commission. For all proposed amendments that are not vetoed, the city commission shall adopt an ordinance requesting the county supervisor of elections place those proposed amendments on the next November general election ballot. The clerk of the commission shall deliver the ordinance to the county supervisor of elections no later than four months prior to the November general election (in this case, by July 3, 2020.)

Fiscal Note: None.

RECOMMENDATION

The City Charter Review Commission discuss the draft charter amendment ordinance and receive public comment

Legislative History

| | | |
|--------|------------------------------|--------------------------|
| 3/2/20 | Charter Review Commission | Approved, as shown above |
|--------|------------------------------|--------------------------|

[191054_draft ordinance general manager for utilities_20200302.pdf](#)

[191054_Analysis of Proposed City Charter Amendments for November 2020 ba](#)

[191055.](#)

Proposed Charter Amendment to Increase Salaries for Members of the City Commission (B)

Explanation: At its meeting on February 3, 2020, the City Charter Review Commission (CCRC) discussed its 11 proposed charter amendments, received the written analysis prepared by the City Charter Officers and voted to direct the City Attorney to draft a Charter amendment ordinance to increase the annual salary for each member of the City Commission by using the formulas contained in Sections 145.031 and 145.19, Florida Statutes, with the Mayor receiving an additional \$10,000, and with such increases to be

implemented evenly over a five-year period beginning October 1, 2021.

At its meeting on March 2, 2020, the CCRC discussed this item and continued it to the March 18th meeting which was subsequently cancelled as a result of the Declared Emergency for the COVID-19 pandemic.

In order for this item to move forward to public hearing, the City Attorney's Office prepared this ordinance in accordance with the CCRC direction given during its discussions and in accordance with legal requirements (Section 101.161, Florida Statutes) that each ballot question and ordinance clearly inform the voters of the true effect of the proposal so that they will not be misled and may intelligently cast their vote

This Charter amendment proposed by the City Charter Review Commission (the CCRC) would place the following ballot question on the November 3, 2020 general election ballot: "SHALL THE CITY CHARTER BE AMENDED TO INCREASE THE ANNUAL SALARIES OF THE MAYOR FROM \$44,209.91 TO \$70,550.06 IN EQUAL INCREMENTS OVER FIVE YEARS FROM 2021 TO 2025 AND COMMISSIONERS FROM \$34,736.32 TO \$60,550.07 IN EQUAL INCREMENTS OVER FIVE YEARS FROM 2021 TO 2025, FOLLOWED WITH AUTOMATIC ANNUAL ADJUSTMENTS BASED ON THE CHANGE IN THE CONSUMER PRICE INDEX; AS PROPOSED BY ORDINANCE NO.

_____?" The draft ordinance is attached as back-up to this agenda item.

The ordinance establishes the desired base salary in 5 years (\$70,550.06 for the Mayor and \$60,550.07 for each Commissioner - calculated per the statutory formulas) then subtracts the current 2020 salaries (\$44,209.91 for the Mayor and \$34,736.32 for each Commissioner) and divides by 5 to establish the annual increase for the next 5 years in order to get to the desired base salary. The ordinance then establishes an annual increase for year 6 and each year thereafter based on the language in City Code Section 2-66 that currently establishes Commission salaries.

In order to be placed on the ballot, per 5.01(2) of the City Charter, the CCRC shall hold at least three public hearings that are a minimum of seven calendar days apart, on any proposed charter amendment(s). No charter amendment shall be submitted to the city electorate for adoption unless favorably voted upon by a majority of the entire membership of the CCRC. No later than six months prior to the November general election (in this case, by May 3, 2020), the CCRC shall deliver its proposed charter amendments to the city commission. The city commission may veto a proposed charter amendment by a two-thirds vote of the membership of the city commission. For all proposed amendments that are not vetoed, the city commission shall adopt an ordinance requesting the county supervisor of elections place those proposed amendments on the next November general election ballot. The clerk of the commission shall deliver the ordinance to the

county supervisor of elections no later than four months prior to the November general election (in this case, by July 3, 2020.)

Another alternative is for the CCRC to consider recommending to the City Commission that it adopt an ordinance amending City Code Section 2-66 that currently establishes Commission salaries. This approach retains budget flexibility, as the Code can easily be amended by ordinance by future City Commissions.

Fiscal Note: The cost of increased salaries for members of the City Commission is estimated to be \$181,222.73 per year.

RECOMMENDATION

The City Charter Review Commission discuss the draft charter amendment ordinance and receive public comment

Legislative History

3/2/20 Charter Review Approved, as shown above
Commission

[191055_190890_Memo - Anaylsis of Proposed City Charter Amendments for N](#)

[191055_Commissioner Salary_20200302.pdf](#)

[191055_Commissioners Salary_20200415.pdf](#)

[191115.](#)

Proposed Charter Amendment to Eliminate the Restrictions on Use of Funds for Construction of Paved Surfaces in Designated Areas (B)

Explanation: This Charter amendment proposed by the City Charter Review Commission (the CCRC) would place the following ballot question on the November 3, 2020 general election ballot: "SHALL THE CITY CHARTER BE AMENDED TO ELIMINATE THE RESTRICTION AGAINST THE USE OF CITY, COUNTY, STATE, PRIVATE, OR FEDERAL FUNDS FOR THE CONSTRUCTION OF PAVED SURFACES FOR TRAILS OR TRANSPORTATION CORRIDORS ON CITY-OWNED LAND DESIGNATED CONSERVATION AND LOCATED WITHIN THE HOGTOWN CREEK WATERSHED, AS PROPOSED BY ORDINANCE NO. _____?" The draft ordinance is attached as back-up to this agenda item.

In order to be placed on the ballot, per 5.01(2) of the City Charter, the CCRC shall hold at least three public hearings that are a minimum of seven calendar days apart, on any proposed charter amendment(s). No charter amendment shall be submitted to the city electorate for adoption unless favorably voted upon by a majority of the entire membership of the CCRC. No later than six months prior to the November general election (in this case, by May 3, 2020), the CCRC shall deliver its proposed charter amendments to the city commission. The city commission may veto a proposed charter amendment by a two-thirds vote of the membership of the city commission. For all proposed amendments that are not vetoed, the city commission shall adopt an ordinance requesting the county supervisor of elections place

those proposed amendments on the next November general election ballot. The clerk of the commission shall deliver the ordinance to the county supervisor of elections no later than four months prior to the November general election (in this case, by July 3, 2020.)

Fiscal Note: None.

RECOMMENDATION

The City Charter Review Commission discuss the draft charter amendment ordinance and receive public comment

[191115A_draft ordinance 20200318.pdf](#)

[191115B_Memo Analysis of Proposed City Charter Amendment for November 2](#)

[191120.](#)

Proposed Charter Amendment to Further Limit the Authority of the City Commission to Dispose of Certain Utility Facilities (B)

Explanation: This Charter amendment proposed by the City Charter Review Commission (the CCRC) would place the following ballot question on the November 3, 2020 general election ballot: "SHALL THE CITY CHARTER BE AMENDED TO LIMIT THE AUTHORITY OF THE CITY COMMISSION TO DISPOSE OF THE CITY'S NATURAL GAS, WASTEWATER, OR TELECOMMUNICATIONS UTILITY, IN A MANNER THAT MATERIALLY REDUCES THE CAPACITY OF THAT SYSTEM TO PRODUCE, DISTRIBUTE OR TREAT, WITHOUT PRIOR APPROVAL OF A MAJORITY OF THE QUALIFIED ELECTORS OF THE CITY, AS PROPOSED BY ORDINANCE NO. _____?" The draft ordinance is attached as back-up to this agenda item.

In order to be placed on the ballot, per 5.01(2) of the City Charter, the CCRC shall hold at least three public hearings that are a minimum of seven calendar days apart, on any proposed charter amendment(s). No charter amendment shall be submitted to the city electorate for adoption unless favorably voted upon by a majority of the entire membership of the CCRC. No later than six months prior to the November general election (in this case, by May 3, 2020), the CCRC shall deliver its proposed charter amendments to the city commission. The city commission may veto a proposed charter amendment by a two-thirds vote of the membership of the city commission. For all proposed amendments that are not vetoed, the city commission shall adopt an ordinance requesting the county supervisor of elections place those proposed amendments on the next November general election ballot. The clerk of the commission shall deliver the ordinance to the county supervisor of elections no later than four months prior to the November general election (in this case, by July 3, 2020.)

Fiscal Note: None.

RECOMMENDATION

The City Charter Review Commission discuss the draft charter amendment ordinance and receive

public comment

[191120B_Memo Analysis of Proposed City Charter Amendment for November 2](#)

[191120_Charter Amendment Ordinance - Disposal of Utility Facilities_20200423](#)

[191121.](#)

Proposed Charter Amendment to Create a Charter Preamble (B)

Explanation: This Charter amendment proposed by the City Charter Review Commission (the CCRC) would place the following ballot question on the November 3, 2020 general election ballot: "SHALL THE CITY CHARTER BE AMENDED TO INSERT A PREAMBLE STATEMENT THAT AFFIRMS THE CHARTER AND EXPRESSES THE VALUES OF THE PEOPLE, AS PROPOSED BY ORDINANCE NO. _____?" The draft ordinance is attached as back-up to this agenda item.

In order to be placed on the ballot, per 5.01(2) of the City Charter, the CCRC shall hold at least three public hearings that are a minimum of seven calendar days apart, on any proposed charter amendment(s). No charter amendment shall be submitted to the city electorate for adoption unless favorably voted upon by a majority of the entire membership of the CCRC. No later than six months prior to the November general election (in this case, by May 3, 2020), the CCRC shall deliver its proposed charter amendments to the city commission. The city commission may veto a proposed charter amendment by a two-thirds vote of the membership of the city commission. For all proposed amendments that are not vetoed, the city commission shall adopt an ordinance requesting the county supervisor of elections place those proposed amendments on the next November general election ballot. The clerk of the commission shall deliver the ordinance to the county supervisor of elections no later than four months prior to the November general election (in this case, by July 3, 2020.)

Fiscal Note: None.

RECOMMENDATION

The City Charter Review Commission discuss the draft charter amendment ordinance and receive public comment

[191121B_Memo Analysis of Proposed City Charter Amendment for November 2](#)

[191121_Charter Amendment Ordinance - Preamble_20200430.pdf](#)

[191193.](#)

Public Comments from the Charter Review Commission Meeting of April 23, 2020 (B)

[CRC Public Comments 4-23-20.pdf](#)

ADJOURNMENT - 7:58 PM

