

# City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



## **Meeting Agenda - Final**

**March 2, 2020**

**4:00 PM**

**Gainesville Regional Utilities Multi-Purpose Room**

## **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****ROLL CALL****ADOPTION OF THE AGENDA****APPROVAL OF MINUTES**[191009.](#)**Approval of Minutes from the February 3, 2020 Charter Review Commission Meeting (B)**

**RECOMMENDATION**      *The Charter Review Commission approve the February 3, 2020 minutes.*

[191009 February 3, 2020 Minutes 20200302.pdf](#)

**BUSINESS DISCUSSION ITEMS**[190102.](#)**Workplan - Article I (B)**

*Explanation: Discuss draft language for a proposed preamble to the City Charter*

**RECOMMENDATION**      *The Charter Review Commission discuss and take action deemed necessary.*

**Legislative History**

7/1/19	Charter Review Commission	Discussed
2/3/20	Charter Review Commission	Approved, as shown above

[190102 Draft Preamble 20200302.pdf](#)

[190177.](#)**Workplan - Article III (B)**

**RECOMMENDATION**      *The Charter Review Commission discuss and take action deemed necessary.*

**Legislative History**

9/16/19	Charter Review Commission	Approved, as shown above
10/7/19	Charter Review Commission	Heard
11/4/19	Charter Review Commission	Discussed

[190177 Letter from Omichele Gainey - Charter Amendment Request 2020030](#);

[190890.](#)

### Charter Officer Analysis (B)

**RECOMMENDATION**            *The Charter Review Commission receive analysis from the City's Charter Officers on the proposed charter amendments.*

**Legislative History**

2/3/20	Charter Review Commission	Discussed
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[190890 Memo - Analysis of Proposed Charter Amendments for November 2021](#)

[191050.](#)

### Proposed Charter Amendment to Require Appointment of a City Attorney (B)

*Explanation: At its meeting on February 3, 2020, the City Charter Review Commission 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 amend 3.03 "City attorney" to require the City Commission to appoint a City Attorney.*

*The next step in the process is for the City Charter Review Commission to determine whether it desires to move this draft charter amendment ordinance forward to public hearing.*

*Fiscal Note: None.*

**RECOMMENDATION**            *The City Charter Review Commission discuss the draft charter amendment ordinance and determine whether to move it forward to public hearing.*

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

[191051.](#)

### Proposed Charter Amendment to Require Appointment of a Clerk of the Commission (B)

*Explanation: At its meeting on February 3, 2020, the City Charter Review Commission 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 amend 3.04 "Clerk of the Commission" to state the City Commission shall, rather than may, appoint a Clerk of the Commission.*

*The next step in the process is for the City Charter Review Commission to determine whether it desires to move this draft charter amendment*

ordinance forward to public hearing.

*Fiscal Note: None.*

**RECOMMENDATION**

The City Charter Review Commission discuss the draft charter amendment ordinance and determine whether to move it forward to public hearing.

[191051\\_draft ordinance clerk of commission\\_20200302.pdf](#)

[191052.](#)

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

*Explanation: At its meeting on February 3, 2020, the City Charter Review Commission 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 amend 3.05 "City internal auditor" to state the City Commission shall, rather than may, appoint a City Internal Auditor.*

*The next step in the process is for the City Charter Review Commission to determine whether it desires to move this draft charter amendment ordinance forward to public hearing.*

*Fiscal Note: None.*

**RECOMMENDATION**

The City Charter Review Commission discuss the draft charter amendment ordinance and determine whether to move it forward to public hearing.

[191052\\_draft ordinance city internal auditor\\_20200302.pdf](#)

[191053.](#)

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

*Explanation: At its meeting on February 3, 2020, the City Charter Review Commission 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 amend 2.03 "Eligibility" to extend the term limits of the Mayor and City Commissioners from two consecutive full terms to three consecutive full terms.*

*The next step in the process is for the City Charter Review Commission to determine whether it desires to move this draft charter amendment ordinance forward to public hearing.*

*Fiscal Note: None.*

**RECOMMENDATION**

The City Charter Review Commission discuss the

*draft charter amendment ordinance and determine whether to move it forward to public hearing.*

[191053\\_draft ordinance Extend Commission Term Limits\\_20200302.pdf](#)

[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: At its meeting on February 3, 2020, the City Charter Review Commission 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 amend the Charter by deleting the charter office of the General Manager for Utilities, thus transferring administrative authority over the City's utility system to the City Manager.*

*This amendment, if approved by the electorate, will require the City Commission to terminate the Employment Agreement that exists between the City and the General Manager for Utilities and it will be left to the administrative authority of the City Manager to determine how to staff the City's utility system.*

*The next step in the process is for the City Charter Review Commission to determine whether it desires to move this draft charter amendment ordinance forward to public hearing.*

*Fiscal Note: None.*

**RECOMMENDATION**

*The City Charter Review Commission discuss the draft charter amendment ordinance and determine whether to move it forward to public hearing.*

[191054\\_draft ordinance general manager for utilities\\_20200302.pdf](#)

[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.*

*When the City Attorney's Office began to draft an ordinance, several issues arose that necessitate further discussion with the CCRC,*

including: The statutes referenced by the CCRC do not apply to the City and may be changed by the Legislature at any time. As such, it is best practice to not merely cite to those statutes, but rather to copy the text of the statutes into the Charter amendment. In reviewing the text of the statutes, we realized they date from 1973 and require multi-step calculations and reference to other sources of information to calculate a current salary. And then an additional step would be adding \$10,000 to the Mayor's salary. It became even less clear when we attempted to explain how this would be implemented over a five year period. The City Attorney's Office is concerned that this approach is needlessly complex and will be confusing to the electorate, either in the ballot question or in the text of the amendment, and to the City staff administering this on an annual basis.

If the CCRC desires to move forward with a Charter amendment increasing City Commission salaries, the City Attorney's Office recommends that the CCRC simplify the approach, such as by establishing a base salary in dollars (one for the Mayor and one for City Commissioners) and an annual increase (such as, a fixed dollar amount, a fixed percentage, or a variable percentage tied to something like the percentage increases budgeted for City employees or a recognized consumer price index).

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 based on the statutory formula is estimated to be \$181,222.73 per year.

**RECOMMENDATION**

The City Charter Review Commission hear a presentation from the City Attorney's Office and (1) provide further guidance so that a Charter amendment ordinance may drafted; or (2) determine not to move forward with this proposed amendment and possibly make an alternative recommendation to the City Commission.

[191055\\_Commissioner Salary\\_20200302.pdf](#)

## WORKPLAN REVIEW

[190358.](#)

### Workplan Review (B)

**RECOMMENDATION**

The Charter Review Commission discuss and take action deemed necessary.

*Note:* Review letter from Mayor Poe regarding proposed charter amendments.

*Review final schedule for public hearings to be held on proposed charter amendment(s): Monday, April 6, 6:00 - 8:00 pm; Wednesday, April 15, 6:00 - 8:00 pm; and Thursday, April 23, 6:00 - 8:00 pm.*

Legislative History

9/16/19	Charter Review Commission	Discussed
10/7/19	Charter Review Commission	No Action Taken
11/4/19	Charter Review Commission	Discussed
12/2/19	Charter Review Commission	Discussed
1/6/20	Charter Review Commission	Discussed
2/3/20	Charter Review Commission	Discussed

[190358\\_CCRC Updated Timeline 12.19.19\\_City Attorney\\_20200203.pdf](#)

[190358 Charter Review Workplan updated 02.10.2020 20200302.pdf](#)

[190358\\_CCRC Work Plan Detailed Status\\_02.05.20\\_20200302.pdf](#)

[190358 Letter from Mayor Poe to the CRC 20200302.pdf](#)

**MEMBER COMMENT**

**PUBLIC COMMENT**

**NEXT MEETING DATE**

**March 18, 2020**

**ADJOURNMENT**