

City of Gainesville

*City Hall
200 East University Avenue
Gainesville, Florida 32601*



Meeting Agenda

November 4, 2015

5:00 PM

Roberta Lisle Kline Conference Room (#16)

Legislative and Organizational Policy Committee

*Mayor Ed Braddy, Chair
Commissioner Todd Chase, Member*

Persons with disabilities who require assistance to participate in this meeting are requested to notify the Equal Opportunity Department at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.

CALL TO ORDER

ROLL CALL

ADOPTION OF THE AGENDA

APPROVAL OF MINUTES

[150426.](#)

Legislative and Organizational Policy Committee Meeting Minutes from September 9, 2015 (B)

RECOMMENDATION

The Legislative and Organizational Policy Committee approve the minutes from the September 9, 2015 meeting as submitted.

[150426_Minutes for 9-9-15 Mtg_20151104.pdf](#)

DISCUSSION OF PENDING REFERRALS

[140186.](#)

Residency Requirement for Candidates (B)

Explanation: On July 17, 2014 the City Commission referred a discussion of Residency Requirement for Candidates to the Audit, Finance and Legislative Committee. The referral was subsequently transferred to the Legislative and Organizational Policy Committee.

Article II, Section 2.03 of the City Charter outlines the eligibility requirements for each district and at-large candidate. Sec. 9-10(b). of the Code of Ordinances- Qualifications of candidates for city commission further states eligibility requirements in a case where redistricting has occurred.

Committee members asked legal staff to conduct additional research to include legal precedent or case law, what entity or agency would receive complaints, hear the case, and who has ultimate authority. At the May 4, 2015 committee meeting, City Attorney staff presented case law where a judge ruled that subjective intent to be in a place supported by the facts, such as car registration, where one sleeps, school children are zoned to, among others could constitute residence. In the particular case sited, the residency in question was a place of business. The Judge ruled that there was no evidence that the person lived anywhere else, hence their intent to be in a place constituted residence.

Florida law puts the responsibility on the candidate (not the Supervisor

of Elections or the City) to ensure that he/she complies with all state and local elections laws. It appears from staff research that challenges to candidacy can come from another candidate or a voter. Staff has not found legal precedent for the City itself to bring suit against a candidate. There are several resources available to candidates and others who are concerned about a potential violation of election laws, including but not limited to:

The Florida Division of Elections: Provides information about state election laws and issues advisory opinions. <<http://www.fec.state.fl.us>>

*The Florida Elections Commission: Investigates sworn complaints alleging violations of state election laws.
<<http://election.dos.state.fl.us/index.shtml>>*

The Court system: Hears legal challenges brought by persons who have standing to challenge a violation of either local or state election laws.

On August 12, 2015, the Committee further discussed this item with Commissioner Warren in attendance. In an effort to more define residency and avoid/prevent issues in future elections, Committee members, and Commissioner Warren discussed a list of criteria to prove residency including drivers' license, utility bills, homestead exemption, credit card bills, school records. Commissioner Warren volunteered to contact other communities to determine their residency qualifications for candidates and bring back to the Committee for future discussion.

Commissioner Warren has submitted House Bill 571 Residency of Candidates and Public Officers which was introduced to the legislature in 2014. While the bill was not passed, it did set forth a list of factors that could be used for determining if a candidate meets the residency requirement. The bill explains that there are two alternative interpretations of the term "resident" (page four of the attached bill).

Fiscal Note: None

RECOMMENDATION

The Committee 1) discuss the residency requirement for candidates, 2) take any action deemed appropriate and 3) remove from the referral list.

Legislative History

7/17/14	City Commission	Referred to the Audit, Finance and Legislative Committee
11/18/14	Audit and Finance Committee	Retained in Committee
4/14/15	Legislative and Organizational Policy Committee	Continued

8/12/15	Legislative and Organizational Policy Committee	No Action Taken
9/9/15	Legislative and Organizational Policy Committee	No Action Taken

[140186A_ARTICLE II CITY COMMISSION_20150414.pdf](#)

[140186B_Qualifications of Candidates for City Commission_20150414.pdf](#)

[140186A_ARTICLE II CITY COMMISSION_20150504.pdf](#)

[140186B_Qualifications of Candidates for City Commission_20150504.pdf](#)

[140186_Charter Laws Article II_20150812.pdf](#)

[140186_FL Bills Residency Requirements_20151104.pdf](#)

[140929.](#)

Hiring and Recruiting Efforts (NB)

A follow-up discussion of the City's hiring and recruiting efforts.

Explanation: The City Commission referred a discussion of the City's Hiring and Recruiting Efforts on April 16, 2015 to the Legislative and Organizational Policy Committee. This item was discussed at the September 9, 2015 committee meeting. The committee members directed staff to bring back additional information, including: 1) Suggested timelines for the steps in the Hiring Process; 2) Policy recommendations to improve the efficiency of the Hiring Process; 3) A method for reporting hiring metrics; and 4) A recommendation for allowing internal advertising rather than requiring external advertising for positions that do not have Affirmative Action goals.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

The Legislative and Organizational Policy Committee members: 1) Hear an update on the City's Hiring and Recruiting Efforts; 2) Take any action deemed appropriate; and 3) Remove the item from the referral list.

Legislative History

4/16/15	City Commission	Referred to the Legislative and Organizational Policy Committee
9/9/15	Legislative and Organizational Policy Committee	Retained in Committee

[140929_Employment Data_20150909.pdf](#)

[150044.](#)

Recruiting and Hiring Process (NB)

A follow up discussion of the City's Recruiting and Hiring Process.

Explanation: The City Commission referred a discussion of the City's Recruiting and Hiring Process to the Legislative and Organizational Policy Committee on May 21, 2015. This item was discussed at the committee's September 9, 2015 meeting. The members directed staff to bring back additional information, including: 1) Suggested timelines for the steps in the Hiring Process; 2) Policy recommendations to improve the efficiency of the Hiring Process; 3) A method for reporting hiring metrics; and 4) A recommendation for allowing internal advertising rather than requiring external advertising for positions that do not have Affirmative Action goals.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

The Legislative and Organizational Policy Committee members: 1) Hear an update on the City's Recruiting and Hiring Process; 2) Take any action deemed appropriate; and 3) Remove the item from the referral list.

Legislative History

5/21/15	City Commission	Referred to the Legislative and Organizational Policy Committee
5/28/15	City Commission	Referred to the Legislative and Organizational Policy Committee
9/9/15	Legislative and Organizational Policy Committee	Retained in Committee

[150044_Employment Data_20150909.pdf](#)

[150103.](#)

Removal of the Criminal Conviction History Checkbox from the Employment Application (B)

Discuss the of removal of the employment application checkbox that identifies whether the applicant has a criminal arrest history.

Explanation: The City Commission referred a discussion regarding the removal of the employment application checkbox identifying whether the applicant has a criminal arrest history to the Legislative and Organizational Policy Committee on June 10, 2015.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

The Legislative and Organizational Policy Committee members: 1) Discuss removing the Criminal Conviction History Checkbox from the City's Employment Application; 2) Take any action deemed appropriate; and 3) Remove this item

from the referral list.

Legislative History

6/10/15 City Commission Referred to the Legislative and Organizational Policy
Committee

[150103_Application Process_20151104.pdf](#)

MEMBER COMMENT

CITIZEN COMMENT

NEXT MEETING DATE

December 8, 2015 at 5:00PM in the Roberta Lisle Kline Conference Room (#16)

ADJOURNMENT