

100545 Gabriel Hill
Citizen Comment

To the Mayor, City Commission and Charter Officers:

11/18/2010

On May 20, 2010, this Commission had its last known public discussion about the next steps to be taken to promote Gainesville as the first Butterfly City, in the nation, if not the world. The session was the first under Mayor Craig Lowe. Under the previous Mayor Pegeen Hanrahan, the Butterfly City concept appeared to be supported by the entire Commission, including then Commissioner Craig Lowe. Mayor Hanrahan made reference to Gainesville as Butterfly City in a state of the municipality address in 2009.

But under Mayor Lowe, this Butterfly Education Project seemed to stall. Sufficient funds had been collected privately and placed at the discretion of the City to place visible signs at a dozen or so entry points to Gainesville. Several other signs were to go up at key points in selected City parks. But the fiscal year ended, and the current budget year began on October 1. The Project still was invisible. This year's Tropical Butterfly Fest came and went at the end of the month, without any evidence of support for Butterfly City.

I certainly believed and stated from the outset that the Butterfly City concept had little if any support from the City Manager or any of the other charter officers. Staffers generally did seem enthusiastic when they met with me and my colleague Peter Johnson. Yet when we stepped away, interest in the Project seemed to droop.

Now many if not all of the signs are up. Yet there appears to be little interest in promotion of Butterfly City, through press releases, photos, or any other media. Mayor Hanrahan's reference to Butterfly City in her 2009 address is the only mention to be found on a search at the City website.

Then for the first time, I noticed that there was something else missing from the City website. There was no evidence of the City Charter. A search on the web finally produced the Charter laws. Rather than a sparse document, the Charter first promulgated in 1927 was extensive and detailed. Indeed, when I wanted to find out what could be done about promoting Butterfly City in the community, I found myself looking at 40 detailed pages on the subject of signs alone. I would welcome ideas for use of a sign of 30 inches by 40 inches such as the Butterfly City sign I have here, either at a business or a residence.

Finally, I found the clauses which explain why the City Manager and other charter officers, and the 2,000 plus employees under them, are free from criticism. The answer remains difficult for me to digest. Apparently it does not matter who is elected to office. The Tea Party supported candidate for mayor could have won and there would have been no difference.

In the brief description of the Office of the Mayor, at Section 2.08, of Article II, the office holder seems to have power, until the following sentence:

“The mayor shall be the official head of the city for receipt of service of legal processes, the purposes of military law, and all ceremonial purposes, but shall have no administrative duties.” But that did not appear to preclude him or her from criticizing or questioning charter officers or city staff. But Section 2.10 updated in 1995, when this City Attorney already had been in office for nearly a decade, explains why and how elected officials must remain silent about charter officers and city staffers. The provision entitled “Interference with charter officers” reads in full: “Neither the commission nor any commissioner, including the mayor, may dictate the appointment of any person to office or employment by the charter officers nor in any manner, interfere with the independence of charter officers in the performance of their duties. Except for the purposes of an inquiry, the commission and its members, including the mayor, must deal with employees of the city solely through their respective charter officers, and neither the commission nor any commissioner, including the mayor, may give orders to any subordinates of the charter officers, either publicly or privately. Any commissioner, including the mayor, who violates this section is guilty of a misdemeanor of the second degree, punishable as provided in section 775.082 or section 775.083, Florida Statutes.”

In light of the foregoing, please provide me with opportunity to inspect the City Charter and any information concerning its development and modification.

I also would urge you to place the Charter on the website so that the people can know who's City this really is. I shall be returning to this point as often as possible between now and the 2011 municipal election.