

# City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



## **Minutes - Draft**

August 5, 2019

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 - 4:05 PM****ROLL CALL**

*Bryan Eastman and Nick Gonzalez (alternates) were present.*

**Present** 10 - Member Henry, Member Bottcher, Member Barry, Member Chestnut, Member Blount, Member Cohen, Member Waller, Member Campos, Member Tattersall, and Member Hildreth

**Absent** 1 - Member Goodison

**ADOPTION OF THE AGENDA**

**A motion was made by Member Barry, seconded by Member Bottcher, that this Matter be Adopted. The motion carried by the following vote:**

**Aye:** 9 - Member Henry, Member Bottcher, Member Barry, Member Chestnut, Member Blount, Member Waller, Member Campos, Member Tattersall, and Member Hildreth

**Absent:** 2 - Member Goodison, and Member Cohen

**APPROVAL OF MINUTES**[190151.](#)**Charter Review Commission Minutes (B)**

*Chair Hildreth requested more detailed meeting minutes. Would like more detail about votes discussed. Asked about vote on changing term limits.*

*Member Chestnut asked about whether the Charter Review Commission (CRC) voted on the language staying the same for elections and terms (2.043).*

*Member Bottcher asked whether in addition to the vote action, does the CRC need to direct staff to work on ballot language. Chair Hildreth responded that it should be clear for staff. Member Chestnut commented that a direction to staff should be included with the motion each time.*

*Discussion about updating of ordinance language of charter amendments. Attorney Dan Nee responded, directed members to copies of the charter amendments.*

*Member Chestnut would like to reserve time for a discussion on compensation; referenced composition section from model charter. Asked about straw poll vote on number of CRC members. Chair Hildreth responded.*

*Member Campos noted his request in the minutes about presentation from staff on research from peer cities, which has not been provided yet. Asked about the status, whether a motion needed to be made. Chair Hildreth responded that League of Cities will provide set of examples from peer cities. They can also provide speakers on mayor and city council structures. Suggested getting a facilitator to guide discussions (would this be staff?). Member Barry commented that it is important to make motions.*

*Member Bottcher asked to amend minutes to reflect adding to motion on term limits to direct staff and for items voted on going forward for staff to be directed to begin preparing language for charter referendum. Member Barry asked about location of meeting minutes. Member Henry responded that minutes are available on-line; Member Campos commented that minutes are saved in shared One Drive. Member Campos and Chair Hildreth reiterated request for more detailed minutes.*

*Member Blount commented about need to be vigilant about coverage, discussion from meetings being accurate. Member Campos responded about being misquoted by media.*

**RECOMMENDATION**

*The Charter Review Commission approve the minutes of July 1, 2019.*

**A motion was made by Member Bottcher, seconded by Member Campos, that this Matter be Approved as Recommended. The motion carried by the following vote:**

**Aye:** 9 - Member Henry, Member Bottcher, Member Barry, Member Chestnut, Member Blount, Member Waller, Member Campos, Member Tattersall, and Member Hildreth

**Absent:** 2 - Member Goodison, and Member Cohen

## **BUSINESS DISCUSSION ITEMS**

### **190103.**

#### **Workplan - Article II (NB)**

*Member Chestnut reiterated that she would like to reserve time to discuss compensation.*

*Member Bottcher commented that the CRC is jumping around, would like to get back on track. For a vote on Article II, section 2.01 Composition, would like to wait for full participation (100% attendance) on the number of City Commissioners. Member Campos asked for clarification about voting process. Chair Hildreth responded that the vote on composition was a straw poll, not a final decision. Unless a motion is made, CRC moves on to the next item; member can bring it back later.*

*Member Bottcher spoke to the matter. Asked about 2.02 Districts discussion. Noted that another citizen appointed committee will be addressing appointing. Member Barry commented. Chair Hildreth commented, will discuss domicile issue in 2.03. Member Chestnut commented. Member Bottcher commented about 2.03 Eligibility, would like to pick up discussion about domicile/residency; emailed back-up information to members.*

*Chair Hildreth asked about 2.01/2.02, whether population language would be struck from this charter? Member Campos responded. Member Tattersall commented about request for staff to bring back cleaned-up language of charter. Member Campos responded. Chair Hildreth commented asking about cleaning up. Dan Nee asked for clarification about getting deliverables back to the City Commission. Chair Hildreth responded. Dan Nee asked question about how the CRC wants to present proposed changes to the City Commission; need to decide a format for tracking changes discussed and decisions made.*

*Member Henry commented that the City Commission will look at recommendations*

*and decide whether to act; from there, they will direct staff to develop ordinance language to put to voters. Commented that discussion on 2.01 has finished, do not need to prematurely draft an ordinance before City Commission reviews proposals. Will better move through recommendations. Chair Hildreth commented that it is the CRC's job to recommend cleaning up old language. Member Henry supports getting recommendations, then adding more detail later if needed.*

*Chair Hildreth returned to 2.03 Residence; commented that anything over 6 months will be challenged. Member Bottcher agrees with 6 months, supports defining the residency requirement (referenced documents shared from 2014 proposed legislation). Asked how to implement, should factors to consider in residency be included?*

*Chair Hildreth commented that Florida Statutes do not include residence requirements; allows only one domicile. Not sure if residency factors would hold up in court. Member Bottcher asked if certain factors should be included.*

*Member Barry asked about term "qualified voter", model plan uses "registered voter". Dan Nee responded that he did not see a distinction. City does not have standing to challenge candidate's qualifications; can be challenged by a candidate or elector.*

*Member Blount commented that Supervisor of Elections is responsible for making eligibility determinations. Asked about language in proposed legislation. Member Bottcher responded that the language went through the FL Legislature Committee process. Chair Hildreth commented that it does not define residency, but offers factors to be considered to determine residency. Member Tattersall responded. Member Chestnut responded in support of clarifying definition of what the City requires for residency.*

*Member Henry commented that he believes that the legislation did not move forward because of Home Rule; wants to guard against too many restrictions, details discouraging citizens from running for office. Commented that candidates must prove their residency in their district. Member Chestnut commented that there currently is not a requirement, and that is why eligibility needs to be clarified. Member Bottcher supports CRC including more specific language about residency in district; City Commission could define in more detail.*

*Member Henry asked how many incidents of candidates not qualifying as residents have occurred in past decade. Member's Tattersall, Bottcher and Eastman responded about incidents.*

*Member Blount suggested reading factors and evaluating which are burdensome or confusing. Member Campos would like to discuss language to direct City Commission to enact an ordinance with qualifications, so that they can be changed more easily in the future (not in the Charter). Chair Hildreth agreed. Member Tattersall agreed with caveat that language should be broadly codified to avoid factors becoming too specific in the future.*

*Member Campos commented about the need for exemptions, a broad ordinance better than defining within the Charter.*

*Member Bottcher asked how to proceed with language under section 2.03, a phrase to be added. Member Campos suggested adding "Commission will enact an ordinance to further define resident for the purposes of this section". Member Henry responded: or "residency to be defined by City ordinance."*

*Member Bottcher commented to give City Commission notice that this recommendation will be coming up. Spoke to the factors on the list that would not be difficult to fulfill. Chair Hildreth agreed with Member Campos' suggestion. Member Bottcher commented about the need to accommodate future exceptions. Chair Hildreth responded that this is a statewide problem. Member Campos agreed about residency issues in another county.*

*Member Cohen arrived at 4:49 PM.*

*Motion by Member Campos, seconded by Member Bottcher: Add to end of section language "The City Commission shall define resident and residency by ordinance as it applies to Section 2.03". Motion passed by 10-0. Member Goodison absent.*

*Member Henry asked about the CRC reviewing the factors. Member Bottcher responded that City Commission will review documents provided. Member Blount point of order about public comment. Member Bottcher replied public comment at the end.*

*Chair Hildreth introduced item 2.05. Member Tattersall responded about adding another provision. Member Campos asked if CRC needs to vote to remove section on recall of Commissioners.*

*Motion by Member Campos to direct Clerk to review section to find out if section is preempted by the state, remove if so. Member Tattersall responded.*

*Member Cohen asked for opinion from the City Attorney. Dan Nee responded that removal from office is controlled by Florida Statutes. Can see the reason for including it in the Charter even though it is determined by law to bring attention. Member Campos clarified that his desire is to track each item. Member Henry asked follow-up question. Member Tattersall commented, supports including reference to the statute. Chair Hildreth commented.*

*Chair Hildreth introduced 2.06. Member Campos asked if section clarifies when judgment of qualification is made. Chair Hildreth responded that it applies to qualification while elected. Member Bottcher responded. Dan Nee responded.*

*Member Chestnut commented that City elections are run by the Clerk of the Commission, not Supervisor of Elections. May want to clarify. Chair Hildreth responded.*

*Member Blount asked if supermajority should be required to remove a Commission member. Member Tattersall responded. Chair Hildreth confirmed everyone is ok with 2.06, can come back later.*

*2.07: Members agreed that this section is clear.*

*2.08: Member Cohen asked if this section discussed a strong mayor; members responded affirmatively. Member Cohen commented in favor of a mayor having a little more ability to get things done that he/she has now. Proposed concept of the City Clerk not being a Charter Officer, but reporting to the mayor. Mayor cannot hire or discuss hiring of staff. Other cities have mayors with assigned staff; some have expressed frustration with lack of staff and involvement in hiring staff. Moving Clerk under the mayor could be more efficient and effective.*

*Member Chestnut asked if there would be interest in a stronger mayor, like Ocala. Member Tattersall clarified. Member Chestnut asked about going to a Mayor-Council. Chair Hildreth clarified that City Clerk under the Mayor/Commission would allow them to hire staff, different from strong mayor. Member Cohen re-worded to "stronger mayor", not arguing to replace City Manager.*

*Alternate Member Eastman commented about position of Clerk; noted difference between executive vs. legislative mayor. Doesn't know if moving the Clerk would address the problem of city management. Spoke to example of Woodberry, Maine about Mayor/Manager/Commission structure, middle ground of City Manager answering to the Mayor but Mayor not supervising staff.*

*Member Barry commented that the City Commission may want to be involved in selecting a City Manager.*

*Member Campos cautioned members that state laws are structured differently than other states, may not exist in our government structure. Would need to look at realigning roles of other Charter Officers; feels that some Charters have responsibilities across the City, but effectiveness is not necessarily seen, they have to work together. The Commission has to get involved with working out problems; wants to see how that can be avoided. Gave another example of utility manager issues being managed at City meetings, politicized.*

*Chair Hildreth agreed, noted that a facilitator with experience should be brought in to speak to this issue at a separate meeting or workshop.*

*Member Tattersall commented about the City's Mayor structure, sees benefit to a stronger Mayor for Charter Officers and staff.*

*Member Chestnut commented that the role of the City Manager should be clearly defined.*

*Member Waller commented about the problem with putting too much power in the Mayor as one person. Bothered by the amount of responsibility each Charter has over his/her office. Commented about the amount of responsibility that the City Manager has. Opposite of a strong mayor would be to take some of the divisions under the City Manager and create a new Charter Officer who is hired and responsible to the City Commission.*

*Member Henry commented on Member Cohen's initial question. Noted that Commission could vote to hire themselves assistants, discussed past incident of hiring an assistant (caused turmoil). Commissioners could use assistants. Culture has perpetuated of staff telling the Commission what to do, have acquiesced power to Charter Officers directing the City. Does not support going to a strong Mayor, will encounter problems. Commissioners should direct staff and develop policy; can hire assistants in the open.*

*Member Blount has concerns about adding power to the Mayor position with the current electoral situation, lack of electoral participation. Would like to see a police commissioner added if another Charter Office was added.*

*Member Campos commented that the City Manager's position is the most powerful in the City – control budget. The other Charters will continue to go to the Commission for what they need. Wants to avoid politicization before the Commission. Suggested*

*having an appointed position that reports to the Mayor and Commission, allowing the other Charters to work together. Gave example of the dichotomy created between GRU Manager and City Manager. But agrees about not putting too much power in one position.*

*Member Blount asked about transparency; Member Campos responded about the Sunshine Law.*

*Chair Hildreth spoke to the matter. Suggested inviting an outside presenter.*

*Member Bottcher commented against a strong Mayor, but asked for an explanation of what a stronger Mayor would be.*

*Member Blount asked if CRC has a budget; Chair Hildreth responded that it would be no cost to the CRC. Member Bottcher offered an amendment in the meantime to have CRC members bring specific ideas to discuss. Chair Hildreth suggested a mini agenda for the presentation to inform the presenters to know what to cover in advance. Member Chestnut asked if section 3.00 discussion will be deferred until October.*

*Motion by Member Henry, seconded by Member Campos: 1) Contact the ICMA to come to the September or October meeting to make a presentation; (table the 2.08 discussion); and 2) CRC members bring specific ideas to discuss. Motion passed 10-0. Member Goodison absent.*

*Section 2.09: No discussion or changes.*

*Section 2.10: Deferred until the discussion about the Mayor system.*

*Member Cohen asked about language preventing the Mayor from appointing/hiring staff. Chair Hildreth responded that this can be discussed later. Member Barry commented.*

*Section 2.11: No discussion or changes proposed.*

*Chair Hildreth asked about prohibitions of holding other office, included in other charters.*

*Member Campos commented about state law prohibiting holding dual offices. Dan Nee responded that the law does not include advisory positions (such as CRC).*

*Member Bottcher commented about compensation and petitions for office. Chair Hildreth responded that most Charters do not include specific salaries, but mentioned Tallahassee's system of following 50% of state formula for County Commissioners. Member Chestnut commented about indexing according to population. Member Tattersall commented that he added the formula to the shared One Drive file. Chair Hildreth responded. Member Chestnut responded. Member Blount expressed desire for a factor to involve median area income. Member Cohen asked whether we want a formula in the Charter. It is a full-time job that pays part-time. Commissioners may have other jobs, but pay should be reasonable (to allow for better representation). Member Campos in support of motion to have research; noted that this will tie into discussion about Charters and Mayor system. Wonders if compensation should be handled by ordinance, rather than Charter change. Member Barry commented about City Manager's level of power and control over budget. City Commission determines services and revenues. Member Chestnut responded. Member Tattersall commented*

*about using average median income as a model. Member Campos reiterated motion.*

*Motion by Member Chestnut, seconded by Member Cohen: Staff review and report on compensation of municipal commissioners among peer cities in Florida and report specifically on the funding formula of County Commissioners. Motion passed 10-0. Member Goodison absent.*

*Member Bottcher introduced item of collecting petitions for filing as a candidate. County offers option of filing fee or petitions. Proposes instituting this option for City candidates as a standalone item; it would be in line with County, School Board, etc.*

*Member Campos asked how many petitions would be acceptable. Member Bottcher responded based on population; formula tied to district. Member Tattersall responded with an example of using the % of residents who voted in the last election. Member Campos amended motion to include some provisions on population used by the County. Member's Bottcher and Cohen accepted the amendment. Member Cohen asked for clarification on whether motion will be finalized after getting language from County. Member Campos responded; at the next meeting.*

*Motion by Member Bottcher, seconded by Member Cohen: Add under Section 2.0 a provision for City Commission candidates the option to collect petitions in lieu of paying the filing fee to qualify for office. Motion passed 10-0. Member Goodison absent.*

*Member Tattersall asked to discuss at a future meeting the matter of adding referendum and initiatives. However, does not want to have to call special elections unless the next election is more than a year away. Chair Hildreth commented that proposing individual ideas and suggestions with research for members to review before meeting.*

*Member Campos asked if this would be a continuation of section 2.00 at the next meeting or a separate agenda item? Chair Hildreth confirmed that the item would be added to the agenda under section 2.00.*

*Member Bottcher commented about referenda and special elections. City allowed to send out vote by mail ballots for these items. Asked for clarification on whether referenda can be voted on by mail ballots. Dan Nee responded that he was not sure about the limitations on mail ballots.*

*Member Cohen asked if all elections must run through the Supervisor of Elections.*

*Member Chestnut left the meeting at 5:54 pm.*

**RECOMMENDATION**

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

**Discussed**

**190177.**

**Workplan - Article III (NB)**

*Workplan – Article III*

**RECOMMENDATION**

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

**Discussed**



## MEMBER COMMENT

## WORKPLAN REVIEW

[190117.](#)

### Update Workplan (B)

*Next meeting, finish Article II and proceed with Article III.*

*Member Campos commented about email from City Auditor with requests regarding having language completed for that position. Asked if someone from the professional auditor's association could present at the October meeting. Asked Auditor to work with the Clerk to present on the position at the October meeting (15 minutes).*

#### RECOMMENDATION

*The Charter Review Commission review and take action deemed necessary.*

**Discussed**

## PUBLIC COMMENT

*Keith Duncan  
Armando Grudy*

**NEXT MEETING DATE - September 16, 2019**

**ADJOURNMENT - 6:04 PM**