

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes - Final

September 16, 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)

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CALL TO ORDER - 4:00 PM

ROLL CALL

Nick Gonzalez (alternate) present.

Bryan Eastman (alternate) arrived at 4:06 PM.

Present 9 - Member Bottcher, Member Barry, Member Goodison, Member Chestnut, Member Blount, Member Cohen, Member Waller, Member Campos, and Member Hildreth

Absent 2 - Member Henry, and Member Tattersall

ADOPTION OF THE AGENDA

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

Aye: 9 - Member Bottcher, Member Barry, Member Goodison, Member Chestnut, Member Blount, Member Cohen, Member Waller, Member Campos, and Member Hildreth

Absent: 2 - Member Henry, and Member Tattersall

APPROVAL OF MINUTES

[190262.](#)

Charter Review Commission Minutes (B)

RECOMMENDATION

The Charter Review Commission approve the minutes of August 5, 2019.

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

Aye: 9 - Member Bottcher, Member Barry, Member Goodison, Member Chestnut, Member Blount, Member Cohen, Member Waller, Member Campos, and Member Hildreth

Absent: 2 - Member Henry, and Member Tattersall

BUSINESS DISCUSSION ITEMS

[190103](#)

Workplan - Article II (B)

Motion: Set the compensation for the Mayor at 100% of the County Commission's salaries; and the remaining six Commissioners would be at 60% of County Commission.

Chair Hildreth gave a short introduction to Senior Advisors from the FL Association of Counties.

Dan Kleman and George Forbes introduced themselves.

Chair Hildreth discussed moving through Article II and III, introduced discussion on Mayor and Commission. Referenced examples from other jurisdictions. Asked how the members would like to proceed with visiting advisors offering experience.

Member Cohen asked about consideration of the Mayor. Currently, Gainesville has a weak Mayor system; suggested considering, rather than a strong Mayor, changing the City Clerk to report to the Mayor (rather than being a Charter Officer). This would allow the Mayor to be able to direct staff. Asked the advisors to share thoughts on the best system for a town like Gainesville.

Chair Hildreth noted that this was one idea proposed; no group consensus. Member Cohen agreed. Member Barry commented. Member Cohen asked if other members wanted to speak to his comments about information the Commission has requested. Member Waller commented.

Dan Kleman spoke to the matter. Commented that a city does not necessarily have a weak Mayor if the Mayor is a strong leader in a community. Defined terms related to forms of government: Mayor-Council (strong Mayor) and Council-Manager. Discussed strong Mayor government vs. Council-Manager:

- Mayor-Council (strong Mayor): separation of powers government, comparable to state and federal government. Elected executive with legislature. Typically found in larger, older cities; typically very diverse.*
- Council-Manager: Mayor is a member of council; together select the Chief Executive (City Manager) who has executive responsibilities.*

Dan Kleman spoke to duties of the Mayor – can write provisions in the charter to modify the duties of the Mayor, shift some responsibilities of the council to the Mayor. Discouraged commission from taking away duties from the City Manager to make the Mayor stronger. To have a strong political executive, have a strong Mayor. But to have a strong city executive, do not take responsibilities and give to the Mayor. Does not recommend splitting up government departments under City Manager.

Member Cohen referenced Mayor of Tallahassee appointing his/her own staff. Is that an improvement? Dan Kelman responded that increasing Mayor's staff and council takes away from the rest of the city government. Mayor tends to rely on staff for their own research, rather than for the whole council. Mayor having an aide can help doing their job, but may rely on their own staff rather than the City Manager for research. Mayor can have staff work for the Mayor (or the Clerk).

George Forbes noted that the Mayor does have power in setting the agenda. To give Mayor more power, can give Mayor veto power. In Council-Manager government, whole council has control over the executive branch.

Chair Hildreth commented in favor of City Manager-Council government; not in favor of changing City Clerk from the Charter Officer position. Asked to hear from others.

Member Chestnut noted that Gainesville has parts of what both men stated: Mayor gives annual report, City Commission operates by committees; Mayor has input in appointing committee members. City Clerk perceived by the public to report to the City Manager. Likes the Manager-Council form of government, someone who is a

professional.

Member Blount commented strong Mayor may be for the City in the future, when voter turnout is higher. Concerned about consolidating more power until greater participation in selecting the position. Professional manager provides potential of continuity.

Member Chestnut commented in favor of Mayor and Commissioners having support staff. Chair Hildreth asked a clarifying question about hiring support staff; Member Chestnut responded.

Member Campos pointed out in the example of Port St. Lucie the Clerk reports to the City Manager. Potential for conflicting reports among Charter Officers if staff from both offices are conducting research on an issue. Challenging issue in Gainesville getting all of the Charter Officers to agree when all equal, while also having a professional City Manager.

Member Bottcher asked if discussion is really about whether the City should have as many Charter Officers.

Member Cohen clarified that he is not advocating eliminating the City Manager position. Agrees with Member Bottcher about seeing some Charter Offices eliminated, at least for the Clerk to report to the Mayor. Supports authority for staffing. Asked Chair Hildreth to bring up the issue of where the GRU Manager should sit. Chair Hildreth noted that this will be discussed under Article III.

Member Eastman asked advisors about strong Mayor system. Can City Manager answer directly to the Mayor? George Forbes responded that this is usually a position called "Chief Administrative Officer" who runs operations.

Dan Kleman commented that this position is often not stated in the city charter, may change subject to the Mayor. Usually a strong Mayor will hire someone he/her knows well. Member Eastman asked a clarifying question. Dan Kleman suggested to write it in the charter if the desire is a strong professional manager. Referenced the Guide for Charter Commissions (in back-up) and Model City Charter as a resource with pros and cons.

Chair Hildreth asked whether issues such as having enough staff can be addressed in a way other than the charter (e.g., by ordinance, changing who hires staff, etc).

Dan Kleman says that charter probably has to give authority to someone in the charter.

Member Blount commented that this would put people put into office by ideology and nepotism; civil servants more professional.

Member Eastman commented that discussion is focusing on solutions rather than looking at the reasons for this charter review. CRC should ask how to make the City more responsive to the community's requests.

George Forbes commented that community outreach process to hear citizens' concerns, respond. Need an outreach process to engage people who are concerned about an issue (separate meetings, online communication), to solve problems. Council meetings and public hearings are not a good mechanism to solve problems.

Dan Kleman commented about the problem to be solved. What do council members

need to get done without staff (mail, calls, complaints, etc.)? Recommends having staff to council who funnels and manage complaints, send to a central City Manager to resolve. Cautions against creating staff to take research capability away from the manager and departments; they should be primary contacts with expertise. Suggests that staff should not primarily be focused on campaigning/re-election.

Member Bottcher commented about hiring of current assistants; hiring by Clerk or City Manager avoids appearance of cronyism. Dan Kleman responds that the staff depends on the job description, whether hired as support staff or for other expertise (eg, legal).

Member Barry commented about additional staff attending meetings on behalf of Commission. Member Campos responded about Sunshine Law.

Chair Hildreth commented that discussion on section 2.08 is finished. Asked if anyone has comments on 2.10. Member Campos responded that FL Statute speaks to this. Everyone ok to move on. Will have to table 'Referenda and Initiatives' item proposed by Member Tattersall (absent) for later.

Chair Hildreth commented about compensation of Commissioners. Referenced memo provided by Clerk of the Commission Omichele Gainey, which references the provision of the City's code that addresses Commission salaries. Salaries will be adjusted in accordance with the Consumer Price Index (CPI). George Forbes responded.

Dan Kleman commented about the importance of the charter containing a provision that automatically changes the salary based on an existing standard. Difficult for current city council to address issues of compensation; should happen without their involvement. Noted that one way to increase the importance of the Mayor is to increase the salary relative to the council members.

Member Barry asked about previous discussion about tagging Commission salaries to the County Commission's salaries. Member Campos commented that Tattersall was going to save information to the shared folder. Chair Hildreth asked if he is referring to a formula like the Tallahassee example. Can be determined by standard (like CPI); or a formula (half of the County Commission's).

Member Chestnut asked if a motion had been made. Vice-Chair Goodison responded that the Clerk's memo responds to the question of the Commission's salaries, but not the example of the County. Chair Hildreth responded it would be hard to come up with a formula tying in to the County Commission.

Member Blount commented that it might make sense to tie compensation to population size. Asked if some component of increases should be related to median income. Chair Hildreth responded.

Dan Kleman commented about the Tallahassee example – tying City Commission salary to 50% of the County Commission's. In case, whatever it is tied to, it can be simple or complex. Suggests making sure it will keep pace over time without requiring further attention.

Member Bottcher commented about how to make increases over time; and do the members agree that the current salary base is sufficient, plus a formula for increases?

Member Waller commented that whatever should be in the charter will be there for 10 years; must adopt a model that takes into account what factors might change.

Vice-Chair Goodison commented that City's compensation is low; supports full-time City Commissioners to improve public perception. Supports an increase in base compensation.

Member Bottcher commented in support of professionalizing the salary.

Member Chestnut commented about disenfranchising people from running and serving on the Commission. Some need to work and serve in order to have enough income. Supports raising salaries and tying the rate to the population (provides a measure).

Chair Hildreth points out cities that are tied to population.

Member Chestnut clarified – supports tying to population like the County Commission.

Member Bottcher spoke in support of the motion, only proposing to the voters who will decide.

Member Barry commented that the change would take effect in the future, impact future elected officials. Would take effect when passed as a charter amendment; not sure if it would apply to current incumbents.

Member Campos commented about looking at what other City positions are paid vs. others who may not have same salary, qualifications. May create contention.

Member Waller supports Member Blount's comments. Current salaries align with median income salary, spoke about the tax base, salary compression in the City. Voters may not support it.

Member Campos asked if Member Cohen means to tie the salaries to County Commission's at the same population size. Member Cohen responded yes, that the population would be built in to the formula. County does not have a mayor position.

Call to question – passed 8 – 0.

Chair Hildreth asked if motion should go for staff analysis; Member Barry responded yes. Request for staff to conduct analysis on compensation formulas.

Chair Hildreth commented. Member Campos responded, asked about tying our mayor's salaries to the County's. Would be more amenable to tying to the City's population.

Member Chestnut asked staff to analyze numbers based on City population and information tied to County. Chair Hildreth commented.

Member Cohen suggests motion to reconsider. Member Chestnut responded.

RECOMMENDATION

The Charter Review Commission discuss and take action deemed necessary.

Note: Member Tattersall proposed to discuss referenda and initiatives under Section 2.00

A motion was made by Member Cohen, seconded by Member Bottcher, that this Matter be Approved, as shown above. The motion carried by the following

vote:

Aye: 5 - Member Bottcher, Member Barry, Member Goodison, Member Chestnut, and Member Cohen

Nay: 4 - Member Blount, Member Waller, Member Campos, and Member Hildreth

Absent: 2 - Member Henry, and Member Tattersall

[190177.](#)

Workplan - Article III (B)

Motion: Lower the GRU Manager from a Charter Officer to be under the City Manager.

Chair Hildreth asked Vice-Chair Goodison to temporarily take over as Chair.

Motion by Member Barry: Repeal and replace City of Gainesville Charter Article III Administration in its entirety and replace with a new Article III using the language the Model City Charter, pp 20-23, Article III City Manager and incorporating the Model Charter's language found on pp 24-25 in Article IV Departments, Offices and Agencies Section 4.01 General Provisions; Section 4.02 Personnel System; Section 4.03 Legal Officer (Alternative II in the Model).

Member Campos noted that the City Auditor wanted to speak about the position. Maybe should ask City Attorney and other Charter Officers to speak? Spoke about why City has utility Charter Officer.

Member Eastman asked for feedback from the advisors on organization of Charter Officers.

Dan Kleman asked which charter officers City has; Member Bottcher responded six officers.

George Forbes responded City has more than many cities. Making this change will require a good reason so the public will support, may be pushback. Would like to speak to the GRU Manager, over all of the utility. Member Barry clarified Charter Officers are hired and fired by the Commission.

George Forbes said CRC needs to be clear on the problem it's trying to solve.

Bryan Eastman responded about recent bill to move utility away from City control. Should utility be governed differently (under City Manager).

George Forbes – usually two ways: either under City Manager or by a board. Spoke about advantages and disadvantages. Asked what the real issue is – rates, serving people outside city limits. Suggests that these may be management decision problems, not structural problems. Difficulty with public perception, tension between utility director and City Manager. Can avoid some problems by things like setting rate of return by ordinance.

Chair Hildreth commented that also looking at too many charter positions.

Dan Kleman reviewed officers. City Manager, City Attorney and Clerk usually charter officers. But should be clear that the Clerk's responsibilities should be clerk functions rather than independent research arm to avoid conflict with City Manager's Officer. City Auditor positions have become more prevalent as Charter Officers, need for

independent reporting. EO Officer – very uncommon to have this position reporting to city council (problem driven by a problem in history). Would probably improve to put function under City Manager, increase accountability for EO efforts rather than an independent office.

Chair Chestnut commented that EO office was created for oversight, independence from City Manager's Office. Supports keeping position separate, public would push back again changing the position.

Member Cohen commented that EO handles City government and GRU.

Dan Kleman commented about GRU Manager – suggested changing the utility manager not to be independent from the City Manager. A strong professional manager should run the government. Current arrangement weakens City Manager by removing traditional municipal responsibilities. Moving the GRU Charter Office position would alleviate tension, improve service.

Member Blount spoke about the earlier comments on general fund transfer. A set percentage might lead to rate increases. Spoke in favor of moving the GRU Manager position under the City Manager; and also raising the Police Chief to a charter officer. Member Blount asked to make motion; Chair Hildreth asked for two separate motions.

Member Campos asked question about internal auditor position, whether goals could be achieved by hiring an external firm? Could see pros and cons to both.

Motion by Member Bottcher, seconded by Member Barry: Extend meeting by 15 minutes. Motion passed unanimously.

Dan Kleman responded that City probably already has an external auditor. Asked members to contemplate what could go wrong with either option. Potential problems with independent internal auditor working for council, but need a good reason to get rid of the position. Make sure that position functions professionally, without individual direction; transparency; opportunity for parties being audited to have an opportunity to respond.

Member Campos responded. Dan Kleman responded, spoke to the GRU Manager position. Commission should want manager to be a strategic, long-term thinker. Harder having two chief executive officers in the government. Suggests only having one.

Chair Hildreth commented that City Auditor will attend next meeting.

Member Bottcher asked Member Barry to speak to the motion.

Member Chestnut left the meeting at 5:51 PM.

Member Barry commented about size of the utility, need for accountability, better use of resources, administrative review of a manager vs. utility director. Commission will see its goals better fulfilled by a City Manager.

Member Campos commented that as a City employee, two hemispheres – GRU and General Government. Sharing of resources does not happen automatically, sharing staff becomes problematic. All staff under one executive would work more smoothly. Supports motion, but finding a City Manager to be able to oversee the manager of the utility limits the City Manager pool. See advantages and efficiencies in moving the

officer.

Member Cohen commented on pros and cons of utility manager being independent. Another alternative – let utility handle electricity and gas; water, sewage, etc. go under Public Works.

Chair Hildreth suggested a City Manager could make that decision.

Member Bottcher commented on Tallahassee example. Asked how they title the position.

Dan Kleman said that Tallahassee has an Assistant Manager for Utilities, an industry professional, with experts underneath them.

Member Barry commented about utility and bond rates. Bottcher asked how this would impact bond rating.

Member Cohen asked about salaries for positions – utility manager could earn more than the City Manager.

Motion by Member Barry, seconded by Member Blount: Extend the meeting to 6:30 pm. Motion passed unanimously.

Dan Kleman spoke about the City Manager having responsibility for the utility, would make sure that utility was run correctly, fund transfer, departments working together.

RECOMMENDATION

The Charter Review Commission discuss and take action deemed necessary.

A motion was made by Member Blount, seconded by Member Barry, that this Matter be Approved, as shown above. The motion carried by the following vote:

Aye: 8 - Member Bottcher, Member Barry, Member Goodison, Member Blount, Member Cohen, Member Waller, Member Campos, and Member Hildreth

Absent: 3 - Member Henry, Member Chestnut, and Member Tattersall

WORKPLAN REVIEW

[190358.](#)

Workplan Review (B)

Next meeting, discuss Member Tattersall's proposed item under Article II. Continue discussion of Article III.

RECOMMENDATION

The Charter Review Commission discuss and take action deemed necessary.

Discussed

MEMBER COMMENT

Member Waller commented about civics classes at Senior Center. In October, will have class on constitution review, would like members to attend. Will send an email invitation.

Member Blount asked about a link he sent to the Race & Equity Toolkit. Suggested that all members review.

Member Campos asked about salary information to be saved in the shared OneDrive folder. Commented that it would be helpful for members to send lengthy motions ahead of time so that members will be more comfortable.

PUBLIC COMMENT

*Jean Chalmers
Jo Beatty*

NEXT MEETING DATE - October 7, 2019

ADJOURNMENT - 6:04 PM