

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes - Final

October 7, 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 - 4:05 PM**ROLL CALL**

Bryan Eastman and Nick Gonzalez (alternates) were present.

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

Absent 1 - Member Waller

ADOPTION OF THE AGENDA

Member Cohen arrived at 4:06 PM.

Modification: Adopt the agenda with the City Auditor presentation moved to the top of agenda to allow the guest speaker to leave the meeting.

Member Cohen proposed items to bring up before agenda items. Chair Hildreth responded.

Member Chestnut asked for clarification on motion about GRU Management. Member Barry responded about moving management of utility to City Manager's office. Member Bottcher commented. Member Henry asked Member Blount to speak to the matter; idea was to demote GRU Manager from a Charter position. Member Chestnut opposed to the motion.

Member Barry commented. Member Chestnut responded she emails the Clerk's Office for the minutes.

Member Chestnut apologized for leaving last meeting early. Opposed to GRU motion.

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

Aye: 10 - Member Henry, Member Bottcher, Member Barry, Member Goodison, Member Chestnut, Member Blount, Member Cohen, Member Campos, Member Tattersall, and Member Hildreth

Absent: 1 - Member Waller

APPROVAL OF MINUTES

[190436.](#)

Charter Review Commission Minutes (B)

RECOMMENDATION

The Charter Review Commission approve the September 16, 2019 minutes.

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

Aye: 10 - Member Henry, Member Bottcher, Member Barry, Member Goodison, Member Chestnut, Member Blount, Member Cohen, Member Campos, Member Tattersall, and Member Hildreth

Absent: 1 - Member Waller

BUSINESS DISCUSSION ITEMS

Motion by Member Cohen, seconded by Member Bottcher: Moved to reconsider the motion from last meeting regarding Commission salaries to allow those who were absent to speak to the issue. Motion passed 10-0. Will go under Article II Workplan Discussion.

CRC voted to modify the agenda to hear presentation from Mr. Bob Melton - Article III Discussion item to be first on the agenda.

Chair Hildreth spoke to meeting management, allowing members to speak one at a time. Asked whether meetings can extend beyond 6:00 pm; asked if motion to extend is necessary. Member Bottcher asked Mr. Nee if motion to extend is required. Mr. Nee responded depends on whether rules specify an end time. A protocol might help with meeting management; doesn't think the CRC rules or meeting notice requires it.

Member Blount asked to know if notice of meetings has end time. Members responded yes, 6:00 pm. Member Blount expressed that action would be necessary if meetings advertised.

Member Cohen commented that citizens have expressed desire to speak to the CRC motions. Wants to know what other members think as this protocol is not being followed.

Member Blount agrees with allowing citizens to speak to motions during meeting rather than waiting until the end of the meeting.

Chair Hildreth agrees but commented that motions voted on will come back again given limited meeting time. There will be an opportunity to speak to these items after staff analysis, etc.

Member Barry commented that CRC should have public hearings (two) to present recommendations to the City Commission; could allow public to speak then rather than interrupting the discussion process.

Member Chestnut commented that only 2-3 members of public attend meetings. Would like to hear what they say as they go along; waiting until public hearing is too late.

Member Henry agrees with Member Chestnut. Should allow public to speak to the motion for 1-2 minutes before voting so that they can share ideas and encourage different directions.

Member Campos pointed out that rules allow public comment during public comment period and during each agenda item (up to 3 minutes per person or as set by Chair). CRC can enforce rules rather than make a motion.

Member Cohen commented about previous motion regarding Commission salaries. Outside people have questioned the motion; wonders if the motion was carefully considered. Would move to reconsider if it is the will of the CRC to look at the issue again.

Chair Hildreth agreed; CRC can look at additional information presented by Member Tattersall.

Discussed

DISCUSSION ITEM

[190177.](#)

Workplan - Article III (B)

Mr. Robert Melton, member of the Association of Local Government Auditors, Broward County Auditor gave a presentation about government auditing function and principles.

Strongly advised against a City Auditor reporting to a City/County Manager; recommends the position report directly to the

Commissioners. Recommends unrestricted access to reports, etc. Public reports should be issues, placed on Commission agendas. Auditor should follow Government Auditing Standards or professional practice standards. Auditing should have external peer review every 3-5 years.

Member Blount asked a question about “protecting the messenger” when the City Auditor issues reports. Mr. Melton responded.

Mr. Melton noted that tension between Chief Auditor and City Manager is normal, though the positions should cooperate. Cautions against outsourcing the City’s internal audit function - leads to lack of in-house consistent expertise on City operations; more costly and less independent.

Commented about concern regarding the City Internal Auditor in the Gainesville City Charter being optional (Commission “may” appoint an internal auditor).

- Recommended changing the Charter to make the City Auditor Charter Office required (“shall” instead of “may”); revise the charter to require the internal auditor to be a City employee.*
- Also recommends including “Shall perform compliance audits” in the charter. Views this is as the greatest value of an internal auditor - performance audits increases efficiency and effectiveness of city government.*
- Recommends requiring the Commission to vote by a supermajority to terminate the City Auditor.*

Member Campos asked a question about how many internal auditors conduct performance auditors on a utility as well as general government. Is it possible to find the person who can conduct those without outsourcing?

Mr. Melton says yes, very common for government to operate the utility. A good, experienced government auditor will know how to research best practices for utilities and follow principles of control and outcome measures to apply to anything. Recommends outsourcing audits that require specific technical expertise (e.g., IT).

Member Blount asked a question about city vs. county in the

presentation. Mr. Melton replied that his discussion considers them the same for the purpose of this presentation.

Auditors should stay out of operations, but can advise and serve as a resource.

Member Campos asked about performance auditors, whether Gainesville's Commission would establish which audits should be conducted. Or is that established in the charter? Mr. Melton responded that charter should include whether Commission would approve the audits. For example, prepare a risk assessment and auditor plan to focus resources on high-risk areas. Has seen jurisdictions where the board approves the audit plan (but recommends against City Manager doing so).

Chair Hildreth thanked Mr. Melton for the information.

Member Blount commented about including compliance audits and Equal Opportunity Officer. Chair Hildreth suggested language recommended by Mr. Melton would be broadly applicable across the City rather than to one department.

Mr. Melton commented that Auditor usually does not oversee HR, Equal Opportunity complaints, etc. But auditor would audit that office to assess their performance.

Eileen Marzak introduced herself as a temporary employee, a former Assistant City Auditor who retired last year with 32 years in the auditor's office. Explained that Auditor oversees EO because when EO added as Charter Officer that the language was added to ensure that at least one audit is conducted of EO programs; can work alongside the work of the office.

Member Bottcher asked if when the City voted to create EO Charter Officer, the auditor was instructed to audit the Equal Opportunity Office. Ms. Marzak responded. Member Campos responded that the direction may have been in response to work not being done at the time. EO's charge is to ensure that other Charter Officers are following the rules. Member Campos commented about expectations for City Auditor position; Commission approving a plan of audits.

Ms. Marzak commented that Auditor's Office always audits performance, may cover general government and GRU; hire outside

auditors for specialized audits.

Member Tattersall asked if any municipalities have auditing completely outsourced? Ms. Marzak replied that this occurred in the past, but currently mostly internal. Example - Tallahassee conducts a broad spectrum of audits included its utility.

Mr. Melton knew of one county in Florida that outsourced all of its auditing. Chair Hildreth confirmed that Mr. Melton does not recommend this approach; better to have auditor hire external firms if outside expertise is necessary.

Member Barry suggested inviting the County Clerk to discuss the County Clerk's function and use of internal auditing.

Member Henry asked what is the concern regarding the City's internal auditor. Expressed importance of independent internal check and balance. Chair Hildreth responded. Member Campos responded about discussion of reducing number of Charters; this presentation had been requested.

Ms. Marzak spoke about the history of the City Auditor Charter Office. Commented in support of maintaining the internal auditor as a separate Charter Officer.

Chair Hildreth thanked Ms. Marzak and Mr. Melton.

RECOMMENDATION

The Charter Review Commission hear a presentation by Mr. Bob Melton, Broward County Auditor, with the Association of Local Government Auditors (ALGA). Mr. Melton has over 30 years of auditing experience, and was chief audit executive and Inspector General for multiple cities and counties, including the City of Dallas, TX and Pinellas County Clerk of Courts.

Heard/Discussed

[190103](#)

Workplan - Article II (B)

Motion: That the initiating language for 3.02, 3.03, 3.04, 3.05 and 3.08 for Charter Officers be amended to show title Commission "shall" appoint a _____ who shall serve at the will of the City Commission (to be consistent across Charter Offices).

Commission Compensation:

Chair Hildreth introduced discussion returning to the topic of Commissioner salaries. Summarized vote of 5 - 2 recommending to pay Commissioners 60% of County Commission; Mayor receive 100%. Chair Hildreth referred to back-up provided by Member Tattersall on County Commission salary formula (back-up). Asked about the justification of a certain percentage/formula, that the information provided by Member Tattersall (based on population) would provide a basis.

Member Tattersall commented that he asked for population numbers from the City.

Member Cohen spoke about the City's population (131,000); higher during the day when many County residents work in Gainesville. The Commission deals with problems larger than just the City.

Member Tattersall supports a formulaic system. Wanted to know where the 60%/100% come from. Does not mind either approach; majority seems to agree that compensation should go up. Chair Hildreth responded that the 60% results in less of an increase than the County Commission formula.

Member Cohen suggested 100% for the Mayor because he knows the Mayor's job. The Mayor does more than the County Commission Chair. The 60% was arbitrary, but wants the CRC to fix so that not only rich people can take the job. Proposes asking former Commissioners to share their thoughts.

Member Bottcher commented in support of increasing the Mayor's salary. Supports the idea of basing compensation on a formula to show public accepted practice. Seems that there is a consensus to raise the rate, discussion about how.

Member Chestnut supports increase in salary because it disenfranchises some from running; the City Commission is a full-time job. Most think of the Mayor as the public figure, but the County could also define its Chair position better. Likes the formula, a clean approach.

Member Henry supports an increase, but will have to overcome mindset of former employees regarding raises and comparison to salary ranges from other cities. Will have to be careful with approach to sharing with the public, convey the importance of the increase to the

Commission. Commissioners are unofficially full-time now, but need to be clear about the Commission job description and expectations.

Chair Hildreth agreed. Noted comparisons to the Florida League of Cities population data - some cities listed do not operate a utility.

Member Campos commented about benefits as well as salary (e.g., opportunity to participate in state retirement system). Does not think CRC should get into those details. Also noted that CRC voted earlier to extend Commissioner terms. Shared that recent study showed City salaries to be below market rate; Commission recently voted to bring up. Does not want to compare City to County because of conflict between municipal services.

Member Chestnut commented that the only opportunity to raise Commissioner salary lives with CRC.

Member Bottcher reminded members that voters will decide on this measure. Raising salaries raises the bar on candidates when voting.

Member Blount concerned that pay should be linked to the community economy (median income). Proposed a formula (see details in recording) to link compensation to economy.

Member Henry supports discussion, but key for CRC to think about clearly communicating reasons for a salary increase to the public.

Member Campos asked about tying salary to County Commission (based on population), population outside City will influence City salary. When discussing economy of the City, market-driven numbers do not directly correlate to politicians' action; Commissioners should not be negatively affected by factors outside their control.

Member Chestnut commented that east side of City has lacked infrastructure. Member Barry responded.

Alternate Member Eastman responded that he does not want to have to defend raises for politicians, but wants to highlight arbitrary nature of current system. Supports following a formula used by the state - supports using County formulas for City based on population.

Member Tattersall motioned to ask staff to bring proposed charter amendment to determine tying Commissioner salaries based on the

State formula for county commissions. Asked whether this includes Mayor.

Chair Hildreth suggested a separate motion for the Mayor's salary.

Member Campos suggested using formula for the Commission, but with an added layer for the Mayor (e.g., extra percentage).

Chair Hildreth asked if more information is needed on Mayor compensation.

Vice-Chair Goodison supports moving on the Commission if there is consensus.

Member Tattersall spoke about using the State's formula.

Member Cohen expressed concern that salaries will not be impacted much. County population bigger, but City services much of the County. This will not make salary more competitive.

Member Tattersall responded that it would raise more than 60%. Vice-Chair Goodison commented that it would be more competitive. Member Tattersall spoke about the factors considered - not only population.

Chair Hildreth commented about the State salary formula.

Member Campos responded language should include "annually"...

Member Bottcher asked clarifying question about the formula...

Chair Hildreth asked if motion includes Mayor.

Public Comment:

James Thompson: spoke in support of raising City Commission pay. Recommended using language to make clear that the proposed formula is linked to Florida statute. Agrees the compensation should be linked to City population.

Brian O'Brien: Spoke in favor of raising qualification for Commissioners. Supports offering reasonable pay.

Chair Hildreth asked about putting off this discussion until next meeting. Recommends continuing discussion regarding City Auditor position - suggests language changes to the charter suggested by the guest speaker.

Member Bottcher commented about inconsistency in charter regarding Charter Officer position. Supports consistent language for all Charter Officers. Asked whether this language can be cleaned up, or requires official action.

Attorney Dan Nee responded that there is no reason to think that the language was not intentional. Member Bottcher asked if she should make a motion.

Member Barry asked for information from County Clerk on Internal Auditor.

Member Bottcher clarified Member Barry is talking about 3.07. She is talking about 3.01 - 3.6 and 3.08.

Member Bottcher made a motion that the initiating language for 3.02, 3.03, 3.04, 3.05 and 3.08 for Charter Officers be amended to show title Commission "shall" appoint a _____ who shall serve at the will of the City Commission (to be consistent across Charter Offices).

Chair Hildreth asked to discuss 3.05 language.

Member Barry asked for more information, models of internal auditors and management.

Member Chestnut suggested asking visitor from the County.

Member Bottcher asked for a second - Member Blount seconded the motion. Vote on the "shall" language: Passed 10-0.

Member Barry commented.

Chair Hildreth commented about changing language for City Auditor section.

Member Chestnut asked to request Jess Irby from the County to present.

Member Campos asked about County Clerk responsibilities. Thinks that some auditing falls on that position because the County follows a different system of government.

Chair Hildreth would like a brief presentation.

Member Barry wants to know about position structure; internal auditing conducted by someone not independent from the board.

Clerk's Office requested to contact Jess Irby, County Clerk to present at the next meeting.

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

Aye: 10 - Member Henry, Member Bottcher, Member Barry, Member Goodison, Member Chestnut, Member Blount, Member Cohen, Member Campos, Member Tattersall, and Member Hildreth

Absent: 1 - Member Waller

WORKPLAN REVIEW

[190358.](#)

Workplan Review (B)

RECOMMENDATION

The Charter Review Commission discuss and take action deemed necessary.

No Action Taken

MEMBER COMMENT

Member Tattersall asked about group CRC email address. Concerned that individuals have attempted to use the email and did not receive a response. Asked for an update on when the email will be functioning. Deputy Clerk Marie Kessler responded that the Clerk's Office has been working with the IT Department on ensuring that the group email address is functioning. Advised CRC members not to "reply all" to messages received to the group email. Ms. Kessler commented that there was a request to list individual City email addresses on the website - the Clerk's Office can do so; each member will be responsible

for checking their email accounts.

Chair Hildreth asked if members are required to use City email address. Dan Nee replied, no but be aware of using personal email.

Member Henry commented about discussion from last month's meeting. Voiced disagreement about the City Clerk reporting to the City Manager (even though no action taken). Did agree with Alternate Member Eastman's comments regarding reasons for the Charter Review. Cautioned against discussing items outside the CRC's purview. Regarding GRU Manager, supports the position being separate from City Manager.

PUBLIC COMMENT

*James Thompson
Brian O'Brien*

NEXT MEETING DATE - November 4, 2019

ADJOURNMENT - 6:02 PM