

City of Gainesville

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



Minutes - Final

November 4, 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 - 4:04 PM

ROLL CALL

Bryan Eastman (alternate) absent.

Present 11 - Member Henry, Member Bottcher, Member Barry, Member Goodison, Member Chestnut, Member Blount, Member Cohen, Member Waller, Member Campos, Member Tattersall, and Member Hildreth

ADOPTION OF THE AGENDA

Modification: Chair Hildreth requested to move item 190177 to the first item on the agenda to permit the guest presenter, Mr. Irby, to speak first.

APPROVAL OF MINUTES

[190592.](#)

Approval of Minutes (B)

Modification: Note the request from Eileen Marzak to correct description of her title in the minutes from the October 7, 2019 meeting.

Member Henry arrived at 4:06 PM.

RECOMMENDATION

The Charter Review Commission approve the October 7, 2019 minutes.

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

Aye: 8 - Member Henry, Member Bottcher, Member Barry, Member Goodison, Member Waller, Member Campos, Member Tattersall, and Member Hildreth

Absent: 3 - Member Chestnut, Member Blount, and Member Cohen

BUSINESS DISCUSSION ITEMS

[190177.](#)

Workplan - Article III (B)

Mr. Jess Irby, Clerk of Court, Alachua County gave remarks about the Clerk of Court auditing department. Distributed handouts - Organizational Chart and Duties of the Clerk. Spoke about the structure and functions of the County's external and internal auditing.

Member Barry asked Mr. Irby about the independence of the internal auditor, independence in carrying out duties. Can the auditor be part of the management team, yet still be objective. Mr. Irby responded about checks and balances under the board, along with contracted parties also involved. County's structure works well with an independent elected officer (Clerk of Court). The internal auditor reports to Mr. Irby. Noted that the Clerk's Office might be the most audited structure. Offered to provide additional information.

Member Henry asked for Mr. Irby's opinion about his comfort level having independent auditor report to his position. How do they handle disagreements? Mr. Irby responded that internal auditor checks finance; external auditor checks everyone. He evaluates his reports, checks internal controls, provides direction but does not control the internal auditor. He is not beholden to the Clerk; he is independent.

Commissioner Chestnut arrived at 4:11 PM.

Member Henry asked Mr. Irby whether an oversight entity could come into play working under the Clerk. Mr. Irby said it could happen, but independent external auditor reviews their work.

Member Campos asked about document related to County's auditing process. Asked if his office does any auditing on policy/procedure, adherence/direction of County departments? Mr. Irby said they only audit finance, not performance audits. Mr. Campos asked follow-up question. Mr. Irby said they contract out performance auditors.

Member Barry asked about management letters of expenditures/approval. Mr. Irby said they identify procedural weaknesses.

Mr. Irby said all internal audits are mandated by state or county statute. If County Commission requested a different kind of audit, they would contract out; they cannot delegate/force the Clerk to conduct the audit.

Member Barry asked follow-up question about travel approvals. Mr. Irby confirmed that they review adherence to protocols and procedures.

Member Blount arrived at 4:16 PM.

Chair Hildreth asked if last decision to make is regarding keeping internal Auditor as Charter Member. Asked if discussion with Article III concluded?

RECOMMENDATION

The Charter Review Commission hear a presentation by Mr. J.K. "Jess" Irby, Esq., Alachua County Clerk of the Court & Comptroller.

Discussed

[190103](#)

Workplan - Article II (B)

*Motion by Member Chestnut, seconded by Vice-Chair Goodison. Nominate Member Campos, Member Henry and Member Tattersall to serve on a sub-committee to develop formula options for implementing City Commission Mayoral pay. The Clerk will coordinate scheduling a meeting. **Vote passed 11-0.***

*Motion by Vice-Chair Goodison, seconded by Member Blount: Set the threshold of signatures for an ordinance petition to 15%; and to increase the percentage required for charter amendments to 20%. **Motion passed 8-3.** Member Henry, Member Chestnut and Member Campos in dissent.*

Commission Compensation:

Chair Hildreth introduced discussion about mayoral salaries.

Member Tattersall introduced the back-up he prepared regarding mayor salary differentials. Main difference between City Commission averages and difference for Council-Manager system, average of cities similar to Gainesville. Noted that the average tends to be around 30% average higher for Mayor (as Gainesville is currently). Provided data as a starting point for discussion.

Member Blount asked if Mr. Tattersall noticed salaries of other city position (e.g., City Manager). Member Tattersall responded that he was not looking at those.

Chair Hildreth asked if Member Tattersall is basing the proposed Commission on previously discussed standard. Member Tattersall discussed potential of Mayor earning 130% of City Commission salary.

Vice-Chair Goodison commented in favor of percentage approach for Mayor's compensation. Thanked Member Tattersall for the information.

Member Barry asked to clarify the base salary of the Commissioners. Chair Hildreth clarified it would be based on County population standard.

Chair Hildreth spoke in favor of higher compensation for Mayor of Gainesville, greater responsibilities. Asked what percentage should be used.

Member Campos asked about which cities he included in his differentials. Clarified that the same cities are not used for our own City employee compensation because they are not our market. Asked members to consider how City employees will compare the compensation standard; be able to defend why these cities are included rather than other peer cities. Member Tattersall responded that he was primarily looking at the difference between the cities rather than the numbers. Noted that Gainesville is near the average for peer cities.

Member Blount commented that he had previously proposed to include a component of Commissioner compensation being tied to area median income.

Member Henry asked about median income for City and County. Assistant City Manager Fred Murry responded ~\$45,000. Mr. Henry asked about proposed increase for Commission. Chair Hildreth responded that they voted for increase of \$12,000 for Commissioners; proposal now to include a percentage increase for the Mayor.

Member Tattersall responded that he heard a 25% increase over the Commission compensation.

Member Henry commented about percentage of increase for Mayor, concerned about response from the public about such a high increase (potentially \$71,000). Asked members to consider atmosphere in Gainesville around wages. Concerned that nearly doubling Mayor's salary. Agrees with an increase, but not that level of increase.

Chair Hildreth asked about whether Member Henry is comfortable with proposed Commission increase. Chair Hildreth asked clarifying question.

Member Cohen arrived 4:33 PM.

Member Chestnut agreed that such a high increase would threaten the entire work of the CRC because of public anger. Suggested looking at a different type of formula or amount. Not sure she would support an amount as high as

\$71,000.

Member Tattersall clarified that it would not be as high as \$71,000; it would be a percentage increase tied to the County standard. He would support a policy of some set percentage. Looked into Area Median Income (AMI), but not sure about that. Supports poverty index or another measure.

Member Blount commented that City Planning Staff could provide median City income.

Member Waller agreed with Member Chestnut that it would be difficult to explain raises above the median income to the public. Commented that the percentages proposed will result in defeat.

Member Tattersall suggested that CRC should repeal the former percentage and reinstate County formula, though he would not support that.

Chair Hildreth commented that a significant increase would not be palatable given the climate, recent GRU rate increases.

Member Tattersall commented about a recent study of City workers, that Commission salaries have been incorrect for a while. Does not see a way of phasing in increases. Concerned about who cannot run for City Commission because of the low salary.

Member Bottcher asked if the CRC is willing to move forward with a formula that is easy to explain to the public, or whether they should select lower numbers that would be politically palatable.

Member Cohen noted that he motioned to reconsider his previous motion. Commented that sitting Commissioners support a compensation change. Suggested that the CRC decide what they want to change, then discuss how to present it.

Member Blount supports Mayor receiving compensation at the cost of living, but not higher. Concerned about the political impression to the public.

Member Barry comfortable with the previously passed formula.

Chair Hildreth commented that present discussion is regarding the Mayor's compensation.

Member Barry commented about the general need to address wage disparities in the City and County, how to raise incomes and salary compression.

Member Henry restating desire to find an increase, but not out of proportion. Addressed Member Tattersall's point about candidates running for position. Wants CRC to make a decision about how to decide the amount of the increase; be open with the voters about the recommendation, communicate in plain language.

Member Campos suggested referencing the recent City compensation study; proposed considering a percentage increase over an extended period of time (divide over a number of years).

Member Chestnut agreed with Member Campos. Supports increasing salaries, but concerned that using a percentage is not transparent. No longer supports using the County Commission formula.

Chair Hildreth agreed with Member Chestnut. Feels that the amount yielded with the formula not be well received. Asked Attorney Dan Nee if an increase could be implemented gradually.

Dan Nee replied that the commission could propose whatever they want in a charter amendment. Clarified that the Commissioners can increase their own salaries even if politically unpopular.

Chair Hildreth asked about recent effort to raise Commission salary rate up to current CPI. Dan Nee confirmed that the Commission can control it themselves.

Member Bottcher liked the suggestion of phasing in an increase, but feels that ten years would be too long; suggested 3 or 5 years.

Member Tattersall agreed. Noted possible calculation errors in the differential numbers he provided. Discussed potential phasing in over several years.

Member Campos referenced City compensation study. CRC can consider different options for phasing in the increase.

Vice-Chair Goodison open to staggered approach, but cautioned that it could be difficult to explain to the public. Asked if they were still considering a

formula; reminded that previous guests recommended a formula. How would this work under a staggered approach.

Chair Hildreth asked clarifying question to Member Campos. Member Campos responded about tying gradual increase to population.

Vice-Chair Goodison commented about County Commission salaries. Chair Hildreth responded about perception of an increase.

Member Tattersall commented that proposing a percentage/formula, rather than a flat increase for a certain number of years, would be less difficult to pass.

Member Blount commented about a potential option for calculating a gradual increase.

Alternate Member Gonzalez asked clarifying question about the CRC's goal. Agrees that trying to increase all at once will not pass. Suggested that a formula extended over time will be more palatable to the voters.

Member Waller commented that they need to find a formula that yields a number that does not turn people off.

Chair Hildreth commented. Member Blount commented that he was suggesting a compounding percentage increase calculated on current salary.

Vice-Chair Goodison commented that a percentage and set salary amount will both receive negative pushback.

Member Campos proposed a motion to hold a workshop. Seems to be agreement about using a formula like the County's, but CRC needs to discuss how to develop a phased-in approach. Requests a spreadsheet to present to the public. Seconded by Vice-Chair Goodison.

Member Blount suggested potential stops in the event of population decrease, median income decrease, etc. to pause.

Chair Hildreth moved to vote. Member of public asked to comment.

Public Comment:

James Thompson: Expressed disappointment that the CRC had voted on the Commission salary, moved back to revisit the discussion. Advocating for higher salaries so that policy makers do not have to maintain part-time jobs or low-income to serve as elected officials. Wants City Commissioners to earn a professional, full-time salary similar to City staff. Would like members to return to state formula.

Vice-Chair Goodison clarified that she still supports the state formula.

Member Bottcher agreed that they are not leaving state formula, but discussing its implementation. Wants to consider how to phase in the increase so as not to place pressure on the City Commission to include in the budget. Commented that this proposal might be served better if they were discussing reducing Commission from 7 to 5 members.

Member Barry commented that he would support a motion to that effect. Member Bottcher commented that a straw poll was taken on the question, but only 9 members were present. Member Bottcher made a motion to revisit the discussion about the number of Commission members; Member Barry seconded.

Member Campos said CRC not ready to vote yet, interrelated issues to be discussed at the workshop. Suggested tabling for a later discussion. Member Bottcher suggested including the item on the workshop agenda, taking no action.

Member Barry asked Mr. Nee about the process for discussing at a workshop. Mr. Nee said there is no difference between discussing the topic at a workshop or a regular meeting.

Member Barry asked about whether CRC is going to revisit recommendations passed when members not present. Asked for consistency in rules.

Vice-Chair Goodison commented that a straw poll was taken regarding the number of Commission members. Member Henry responded.

Chair Hildreth commented that no motion had been made. Member Henry commented that his point is that a vote was not taken because only nine members were present. Chair Hildreth responded that no formal vote or motion was taken. Member Henry asked for consistency, not bringing back formerly discussed topic.

Member Barry commented about an opportunity for cost savings (decrease in number of Commission members to offset salary increase).

Member Henry said that the two will not offset each other. Member Barry said it will make a difference.

Member Chestnut commented that the members are reviewing items considered thus far. Not sure they want to do that. Was initially for reducing the number of Commissioners, but is not any more. Does not want to revisit the topic.

Vice-Chair Goodison commented about the open motion.

Member Bottcher clarified that the motion was to include in the workshop on Commissioner salaries, revisiting the discussion about reducing number of Commissioners from 7 to 5.

Member Blount asked if the discussion would also include how to reduce the number of members.

Chair Hildreth confirmed that the workshop would actually be another CRC meeting.

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Public Comment:

James Thompson: Spoke in favor of adding the discussion about reducing from 7 to 5 to an extra meeting.

Member Bottcher amended motion that at Commission salary workshop

include a discussion about changing City Commission from 7 members to 5. Vote failed 4-7. Members Cohen, Bottcher, Barry and Blount voting yes.

Chair Hildreth asked about a date to schedule an additional meeting.

Member Henry asked whether a volunteer sub-committee could work on a formula and bring options back to the group rather than a discussion by the entire commission. Several members agreed with the idea.

Public Comment: *James Thompson commented in favor of the motion.*

Member Chestnut left the meeting at 5:30 PM.

Citizen Initiatives:

Member Tattersall introduced the topic of Citizen Initiatives. Discussed his proposal to provide a different option for citizens to place initiatives on the ballot without requiring a charter amendment. Citizen committee would be formed (following the Lakeland model included in the back-up) to obtain signatures (based on a % of the population). The Commission could pass the ordinance or it would go on the next regularly scheduled City election (not requiring a special election). Similar for repealing an ordinance passed by the City. Asked CRC to consider proposal detailed in the back-up handout. Supports more direct, participatory democracy.

Member Bottcher thanked Member Tattersall. Noted that currently requires 10% voting population to sign ballot petition. Asked about time frame of a past effort to pass ballot initiative. Member Tattersall responded. Member Bottcher supports allowing enough time to gather signatures, but not have it be so easy that it is open to abuse.

Member Blount commented about a requirement regarding distribution (geographic) of signatures.

Member Campos commented that an initiative like this would require the CRC to have legal process to evaluate the legality, any potential challenges. Supports involving staff professionals. Asked who would be evaluating signatures, costs to City Clerk; suggests structure and limitations on how and when proposals are accepted because Clerk would have to schedule and manage these requests.

Member Bottcher commented that the effort to move the City elections to August did involve a legal process with City Attorney. Noted a charge of \$0.10 per petition, requires raising money for petitions.

Member Tattersall commented about clarifying timeframe, process, number of signatures, checking with Supervisor of Elections. Member Campos asked whether discussion is about amending the charter or an ordinance. Member Tattersall commented that it is currently 10% to place a charter amendment on the ballot. Vice-Chair Goodison suggested 15%.

Member Waller commented that turnout will be higher from now on. Said that statutory initiatives tend to draw more extremists than charter amendments. In favor of a higher number than 10% for an ordinance initiative.

Member Campos left the meeting at 4:42 PM.

Member Barry suggests that members are contradicting themselves by increasing the percentage while trying to make it easier for citizens. Member Tattersall clarified that this would be establishing a threshold. Member Henry said if the goal is for citizens to be more involved, then the threshold should be lower. Member Tattersall in favor of 10% for changes by ordinance; raising the threshold for changes to the charter.

Member Cohen commented about a past amendment by citizens to the City Plan Board. Agreed with Member Henry about being citizen-friendly, but raising threshold to keep charter amendments from being too easy to pass. Feels it should be harder.

Vice-Chair Goodison spoke in favor of 15%. Asked if Member Tattersall had more to clarify before making a motion. Responded that he wants to look at the timeframe, signature requirements. Vice-Chair Goodison asked if he would consider increasing threshold for charter amendment to 20%.

Member Blount asked a clarifying question.

Public Comment:

James Thompson: Comment in favor of direct democracy; support for expansion of legislative ordinance and charter review options.

Jean Chalmers: Spoke about asking municipalities to adopt rank-choice

voting. Prefers putting changes through a charter review process rather than by statutory change. Asked CRC to plan a time to discuss rank-choice voting to consider as part of the charter.

Chair Bottcher asked Ms. Chalmers to email information so that the topic can be placed on the agenda. She will send the information to the Clerk's Office.

RECOMMENDATION

The Charter Review Commission discuss and take action deemed necessary.

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

Approved, as shown above

[190594.](#)

Workplan - Article IV (NB)

RECOMMENDATION

The Charter Review Commission discuss and take action deemed necessary.

No Action Taken

WORKPLAN REVIEW

[190358.](#)

Workplan Review (B)

Chair Hildreth commented about workplan timeline. Confirmed that Article II (Mayor Salaries), Articles IV and V will be on the December agenda.

RECOMMENDATION

The Charter Review Commission discuss and take action deemed necessary.

Discussed

MEMBER COMMENT

Chair Hildreth introduced the new City Manager, Lee Feldman.

Member Blount apologized for arriving late.

PUBLIC COMMENT

James Thompson: Spoke about the Charter Review requirements about serving on the Commission. Asked if City employees could attend meetings without wearing their City attire.

NEXT MEETING DATE - December 2, 2019.

ADJOURNMENT