

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes - Final

February 3, 2020

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 - 4:03 PM**ROLL CALL**

Alternates: Gonzalez, Eastman present

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

Absent 2 - Member Chestnut, and Member Tattersall

ADOPTION OF THE AGENDA

Member Bottcher made a motion to adopt the agenda. Member Bottcher requested to modify the agenda order to allow invited representatives from the Supervisor of Elections Office to speak about Ranked Choice Voting first in the interest of time.

Member Cohen noted that the GRU General Manager was also present to speak. Members agreed to the agenda modification.

Member Blount asked if he should present proposed language during discussion or wait for Member Comment. Chair Hildreth responded that the language will be included under Work Plan Item One.

Member Campos asked about discussion from the previous meeting about the Equal Opportunity Charter Office. Chair Hildreth responded that it was not discussed. Member Campos commented about the Charter Officer positions. Member Blount commented about asking the EO Director to speak. Member Campos agreed to move on from the item.

Member Barry and Chair Hildreth commented on the agenda order.

Vice-Chair Goodison seconded the motion with the modification to the agenda order. Vote passed 8 - 0.

A motion was made by Member Bottcher, seconded by Member Goodison, that this Matter be Adopted. 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

APPROVAL OF MINUTES

[190868.](#)

Approval of Minutes of January 6, 2020 from the Charter Review Commission Meeting (B)

Member Henry arrived at 4:07 pm.

RECOMMENDATION

The Charter Review Commission approve the January 6, 2020 minutes.

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

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

Absent: 2 - Member Chestnut, and Member Tattersall

BUSINESS DISCUSSION ITEMS

[190890.](#)

Charter Officer Analysis (B)

Chair Hildreth introduced the discussion on Ranked Choice Voting (RCV), review the analysis submitted by the City's Charter Officers.

Kim Barton, Alachua County Supervisor of Elections, and Will Boyett, SOE Chief Deputy, presented information. Ms. Barton commented that there is currently no state-certified software to support RCV. The County is required to allow state law in running elections. As the City moves forward with holding elections in November (in alignment with County elections), the SOE would not be able to conduct the City's elections in 2022 because they do not have the required state-certified software.

Member Bottcher asked whether the County has the required hardware to be able to conduct RCV elections if there were no state obstacles related to the software. Mr. Boyett responded that the available hardware is capable of supporting RCV, but that it requires software that is not legal under state law.

Member Bottcher clarified that the software is available, but that the

state has not approved counties to use the software. Mr. Boyett responded that the FL statutes and rules governing elections requires single-choice voting; would have to be revised to allow for RCV.

Member Bottcher asked whether the state legislature would have to [change the law] to allow certification RCV. Mr. Boyett responded affirmatively.

Chair Hildreth thanked Ms. Barton and Mr. Boyett for speaking.

Member Blount asked if a charter allows RCV but does not specify implementation, it would be possible to implement when [state changes the statute]. Chair Hildreth responded. Member Blount asked if anyone is working on the issue. Member Bottcher commented about a statewide initiative encouraging municipalities to create local critical mass of citizen-led initiatives and state lobbying efforts to ask the legislature to change the statute. Including the provision in the City Charter would allow the City to be ready to implement when the state legislature changes the statute.

Vice-Chair Goodison asked if making this change to the City's Charter would create an undue burden on the SOE. Mr. Boyett responded that it would not present difficult for the SOE as long as municipalities and the county do not try to administer different systems at the same time. The change would need to apply at the county level.

Vice-Chair Goodison clarified that the county and city would need to follow RCV together. Mr. Boyett confirmed.

Member Campos asked whether the City's Charter currently prohibits RCV. Member Barry commented about section 2.04 of the charter. Member Blount commented that RCV provides a built-in run-off. Vice-Chair Goodison said "instant run-off".

Member Cohen asked if the city and county agreed on the November ballot that also included state elections, would it be possible for city and county to use RCV on the same ballot? Mr. Boyett responded that this would have to be worked out with groups lobbying the state legislature to implement and certify the change. The state would have to choose to change the system, though maybe other developments could arise. Member Cohen reiterated that the city, county and state would have to

come to agreement.

Member Henry commented in support of the concept in the future, avoiding run-off elections, but supports leaving the issue to the City Commission to decide about RCV by ordinance. The CRC should prioritize pressing items to submit to the commission for review, preparing for public hearings. Chair Hildreth agreed.

Member Bottcher agreed, commented that the RCV item should be removed from the list of proposed amendments given that the city elections will begin aligning with county elections in 2022. Chair Hildreth suggested waiting to put this under the Charter Office Analysis item.

RECOMMENDATION

The Charter Review Commission discuss and take action deemed necessary.

Discussed

WORKPLAN REVIEW

190102.

Workplan - Article I (NB)

Chair Hildreth introduced the item. Member Blount presented proposed language to include in the City Charter and commented about the proposal. Proposed that all future City policy formation include a “test” for bias.

Member Henry asked about what would constitute a bias test. Commented that the language should be clear to achieve the desired goal. Noted that the City Commission has equity and diversity initiatives, suggested that this should be included in those initiatives rather than in the Charter. Member Blount responded. Member Henry commented that the CRC’s role should not tell the Commission what it should do. Suggests sharing this language with the City to include in its equity and diversity efforts. Member Blount responded that including in the charter aligns the charter with the Commission’s work, prevents it from being removed by future Commissions.

Member Campos thanked Member Blount for his efforts. Commented about including specific guidelines in the charter. Suggested that the Commission should direct staff to do this. Member Blount responded that his language includes who should create the “test”.

Vice-Chair Goodison spoke in support of this wording in a preamble, supports importance of recommending how government can work better, eliminate bias.

Alternate Member Eastman thanked Member Blount. Commented about checking for bias, examples from other cities that focus on historically underrepresented communities. Demonstrating bias is a high bar. Asked which policies would be subjected to a bias test (zoning, etc.); would need a bar for which policies to include.

Member Cohen agreed with Vice-Chair Goodison regarding the value of such a statement in the charter. Discussed bias, implicit bias. Concerned that this effort won't take the City down the intended road. Blount responded about determining bias. Member Cohen asked for an example. Member Blount commented about public housing.

Member Barry suggested modifications to the proposed language that do not provide direction or a specific test.

Chair Hildreth commented that she appreciates the idea, but does not believe it fits in the charter.

Member Campos commented about the Commission's work. Gave examples of positions supported by the City (e.g., proclamation on Gainesville as a welcoming city). Spoke in support of a preamble including City's existing language regarding inclusion, etc.

Chair Hildreth commented about the preamble of Model City Charter, references diversity and inclusion.

Vice-Chair Goodison asked about examples from other cities. Alternate Member Eastman said not specifically in charters, but other examples of race/equity work.

Member Henry commented about the City's Race and Equity initiative, includes goals proposed by Member Blount.

Vice-Chair Goodison asked if Member Blount would agree to include language in the preamble. Member Blount responded yes. Chair Hildreth commented.

Member Blount motioned to accept proposed language (or another form) for a charter amendment. Member Barry seconded, with agreement that it be some form of the language.

Member Campos clarifying question - to include in the charter in any form or specific form?

Member Blount commented about his intention to cause City to examine existing policies and check all future policies for possibility of racial, economic and gender bias.

Member Barry commented about a preamble.

Chair Hildreth commented that she intended to include the Model City Charter preamble, which she sent to the members.

Member Campos clarified about which language. Chair Hildreth suggested voting separately on Member Blount's proposed language, discuss preamble later.

Member Campos asked if Member Blount agrees to include some form of his language to be included in a preamble.

Vice-Chair Goodison clarified yes, but that the model language does not go far enough.

Member Bottcher clarified that the motion is to wordsmith Member Blount's proposed language for a preamble with the same spirit (vote later on preamble).

Alternate Member Eastman supports preamble, but thinks that further discussion needed on the proposed language. Vote: 8-0; Member Henry abstained.

Member Henry asked whether the proposed language would be discussed and brought back. Member Blount responded that the vote is to take the ideas expressed and include in the charter (preferred in preamble). Wants to encourage elected officials to consider these ideas when reviewing policies.

Alternate Member Eastman commented that the preamble won't do what Member Blount stated.

Member Campos commented that the preamble can be included, asking Commission to take action to enact.

Member Barry: Chair is proposing to include a preamble.

Member Henry agrees with preamble, possibly incorporating elements of Member Blount's language. Members agreed.

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

Abstain: 1 - Member Henry

Absent: 2 - Member Chestnut, and Member Tattersall

[190358.](#)

Workplan Review (B)

Chair Hildreth presented proposed dates for the Charter Review public hearings, which were based on a scheduling poll emailed to the members. The members agreed to hold the hearings on the following dates: Monday, April 6 (6-8 pm); Wednesday, April 15 (6-8 pm); Thursday, April 23, (3-5 pm). The City Clerk's Office will confirm and reserve meeting spaces.

City Attorney Nicolle Shalley asked the CRC members for clarification about proposed amendments to move forward. The City Attorney's Office will provide draft ordinance language on the items voted upon during this meeting for the CRC to review at its March meeting. CRC will make decisions on the remaining proposed amendments, and the City Attorney will draft the final language on any amendments before the public hearings in April.

RECOMMENDATION

The Charter Review Commission discuss and approve schedule of public hearings.

Discussed

MEMBER COMMENT

PUBLIC COMMENT

NEXT MEETING DATE March 2, 2020

ADJOURNMENT 6:04 PM