

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes - Final

March 2, 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 - 4:04 PM

ROLL CALL

Alternate Eastman 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

Member Cohen told Chair Hildreth that he would be leaving around 5:00 pm.

Member Campos arrived at 4:05 PM.

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

Aye: 8 - Member Bottcher, Member Barry, Member Goodison, Member Chestnut, Member Cohen, Member Waller, Member Tattersall, and Member Hildreth

Absent: 3 - Member Henry, Member Blount, and Member Campos

APPROVAL OF MINUTES

[191009.](#)

Approval of Minutes from the February 3, 2020 Charter Review Commission Meeting (B)

RECOMMENDATION *The Charter Review Commission approve the February 3, 2020 minutes.*

A motion was made by Member Bottcher, seconded by Member Barry, 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 Cohen, Member Waller, Member Campos, Member Tattersall, and Member Hildreth

Absent: 2 - Member Henry, and Member Blount

BUSINESS DISCUSSION ITEMS

[190102.](#)

Workplan - Article I (B)

Chair Hildreth introduced the item. Referred to the draft preamble language that she provided in the back-up. She included equal opportunity, diversity, equality and justice along with the Model City

Charter language.

Motion by Member Bottcher, seconded by Member Chestnut: Adopt the draft preamble presented; Commented that the language accomplishes the purpose of including a preamble and addresses the concerns brought forth by Member Blount and discussed by the Commission. Motion passed: 9 - 0

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

Approved, as shown above

[190177.](#)

Workplan - Article III (B)

Chair Hildreth introduced a letter submitted by Omichele Gainey, Clerk of the Commission, requesting to modify the title to City Clerk. Commented in support of the request.

Member Henry arrived at 4:11 PM.

Motion by Member Bottcher seconded by Member Barry to refer to the Clerk of the Commission as the City Clerk, change the language in the Charter Office. Motion passed 10 - 0.

Alternate Gonzalez arrived at 4:12 PM.

Member Campos commented on reclassifying as references to the Clerk of Commission as the City Clerk. Confirmed intent to change in the City Charter. Member Bottcher agreed to modify to include the title change in the City Charter.

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

Approved, as shown above

[190890.](#)

Charter Officer Analysis (B)

(8) Create a section in Article V - Special Provisions to allow voters to initiate City ordinances via a referendum process and set the threshold of signatures for an ordinance petition at 15% of registered voters.

Member Tattersall commented in agreement with the Charter Officer

Analysis. Should limit to avoid fiscal impacts, allow Commission ability to change. Commented that it would be better to change the citizen initiative process by ordinance than a change to the City Charter. Asked the City Attorney to comment on whether the City Charter should reference an ordinance that outlines a citizen initiative process, or whether the Commission could effect the change by ordinance.

Member Blount arrived at 4:17 PM.

City Attorney, Nicolle Shalley responded that Charter Review Commission may recommend that the Commission pass an ordinance to create a citizen referendum process (does not have to be included in the charter).

Chair Hildreth commented about potential operational impacts, danger of being too specific in the City's Charter.

Member Bottcher commented that she would not support citizens putting forth an ordinance per se. No longer supports putting this forth to the Commission.

Member Chestnut commented that citizen initiative process is not defined for the City as it is for the County. Spoke in support of a citizen initiative process.

Vice-Chair Goodison asked Member Tattersall to clarify proposal. Member Tattersall responded that he is reluctant to define language in the Charter. Chair Hildreth responded that it would be a recommendation by the CRC to the Commission.

Member Campos commented that the Charter could specify that the City should implement a process, which would be set forth in ordinance by the Commission. Member Tattersall said he would support that approach, but would consider removing as a charter amendment in the interest of not including many items on the ballot. Would prefer broad language.

Member Campos proposed example language: "The City of Gainesville and the Commission will ensure equal access to City government and will enact an ordinance to facilitate citizen initiatives by ordinance."

Member Waller commented in favor of some version of this proposal, including language that directs the Commission to create a process.

Member Henry asked a question. Member Campos responded that there is no defined process for the City. Suggested mimicking the County's language. Chair Hildreth asked if Member Tattersall would take this action.

Member Barry commented. Member Tattersall clarified that the discussion was regarding an ordinance.

Chair Hildreth requested a motion not to include this proposal, but to direct Member Tattersall to return with broad language to direct a Commission to implement a process for referendum (by ordinance, which could be appealed).

Member Blount suggested looking at the County's Charter language. Member Tattersall suggested bringing the language to the next meeting. Chair Hildreth suggested a motion for the CRC to recommend including a broad statement directing the Commission.

Vice-Chair Goodison and Member Barry asked for clarification on the process, whether the item would be a charter amendment. Member Tattersall responded and Member Blount responded that the recommendation would include a general idea of a process, but not details.

Chair Hildreth stated that the item could be discussed at the end of the meeting or at the next meeting.

*(9) Amend 5.01 - **Charter Amendments:** a Charter "amendment may be proposed by a petition signed by 10-20 percent of the registered voters of the city."*

Member Tattersall commented about the reasons in favor of increasing the percentage required to change the charter. Member Bottcher commented that it is already difficult, not sure it should be harder.

Member Blount commented. Member Tattersall commented that this discussion is related to the previous discussion - changes to the

charter vs. changes by ordinance. Member Blount commented about making it more difficult for citizens to make changes. Member Tattersall responded that charter changes should be more difficult. Member Blount commented against making it more difficult.

Member Campos commented.

Member Waller commented about governing documents vs. statutory changes. Favors making it harder to change the charter if it will provide a citizen initiative process. Chair Hildreth commented.

Member Barry commented. Vice-Chair Goodison commented.

Motion by Member Tattersall, seconded by Vice-Chair Goodison: Increase the citizen charter initiative from 10% to 20%. Motion passed 8 - 3. Members, Campos, Bottcher and Blount in dissent.

(10) Amend 5.04 Disposal of utilities

Member Bottcher commented about previous discussions and motivation for the proposed amendment - wanting the charter language regarding utility sales to be more specific, and require voter approval, to protect the utility. Asked the City Attorney's Office to provide clarification regarding whether the current language provides sufficient protection.

Member Campos commented about intellectual property concerns. Chair Hildreth commented about the intent of the proposal. Member Barry commented about how the City's process for addressing the sale of surplus property. Member Campos responded about Commission approval.

City Attorney Nicolle Shalley responded. Clarified the current charter language and history was to prevent the City selling its "essential" utilities. The Commission would have to conduct analysis of sale that could materially reduce the city's capacity to produce energy or water. The Charter Officers' concern about the amendment is that it might impede regular utility business transactions.

Member Barry commented about moving the utility under General Government.

Member Blount asked a question about essential utilities. Ed Bielarski, GRU General Manager, said that it is a legal question. City Attorney commented about the charter language; discussed wastewater utilities and GRUCom.

Member Chestnut asked whether the members want to revisit proposal #7 (3.06). Members responded no.

Vice-Chair Goodison asked to clarify whether the current language addresses the concerns. Nicolle Shalley responded that the Charter Officers provided the analysis, not the Attorney's Office.

Member Campos asked whether the language would impede regular business transactions. Vice-Chair Goodison commented about issues being discussed. Nicolle Shalley responded that "materially reduce" serves as a safeguard, would require analysis; allows for minor business transactions. Removing that phrase would make it much more difficult for the Commission to dispose of assets. Member Campos commented; Member Blount commented.

Mr. Bielarski commented about concern that units will hit retirement dates, need to be disposed of. The proposed change would require a referendum, which would be unusual. Operational changes occur, but the utility will maintain capacity to provide essential services. He is fine with the current language.

Member Cohen departed at 4:58 PM.

Member Blount commented. Mr. Bielarski responded. Chair Hildreth commented about operational needs.

Member Bottcher commented that if the City Attorney and GRU Manager are comfortable with retaining the language, she is comfortable not striking the language as proposed. Still wants to add other "essential services" (gas utility, etc.). Chair Hildreth commented about intellectual property; consensus to unstrike language, but add the additional proposed language. Mr. Bielarski agreed. Nicolle Shalley commented that the proposed language may not be understood. Member Campos asked Mr. Bielarski about potential theft, abuse of intellectual property for GRUCom, not traditional utility. Mr.

Bielarski responded that he could understand the inclusion of that language, but would not want the language to be ambiguous.

Member Blount commented about language that considers unknown future innovations.

Motion by Member Bottcher, seconded by Vice-Chair Goodison: (1) Unstrike the phrase “so as to materially reduce the capacity of the city to produce or distribute electrical energy or water”. Motion passed 9 - 1; Member Blount in dissent. Member Cohen absent.

Motion by Member Campos, seconded by Member Barry: Change wording to replace “future utility-related enterprises or intellectual processes” to “intellectual property”; and add natural gas distribution. Member Bottcher confirmed “wastewater, natural gas, gas utility, reclaimed water, GRUCom, or water production or distribution facilities; or intellectual property.” Member Campos clarified. Member Barry asked about whether to use term “GRUCom”. Member Campos responded about GRUCom assets. Mr. Bielarski commented about GRUCom assets. Member Barry commented. Motion passed 10 - 0. Member Cohen absent.

(11) Delete 5.06 Funds for construction of paved surfaces in designated areas.

Member Barry commented about the item. Member Bottcher commented.

Motion by Vice-Chair Goodison, seconded by Member Bottcher: Move forward the proposed amendment. Motion passed 10 - 0. Member Cohen absent.

Chair Hildreth commented that Member Chestnut wants to revisit (7) 3.06. Will discuss later in meeting.

RECOMMENDATION

The Charter Review Commission receive analysis from the City's Charter Officers on the proposed charter amendments.

Approved, as shown above

[191050.](#)

**Proposed Charter Amendment to Require Appointment of a City Attorney
(B)**

Member Bottcher commented about making the language consistent across charter offices.

Member Campos commented that this is the same for next three items.

RECOMMENDATION *The City Charter Review Commission discuss the draft charter amendment ordinance and determine whether to move it forward to public hearing.*

A motion was made by Member Campos, 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 Waller, Member Campos, Member Tattersall, and Member Hildreth

Absent: 1 - Member Cohen

[191051.](#)

Proposed Charter Amendment to Require Appointment of a Clerk of the Commission (B)

RECOMMENDATION *The City Charter Review Commission discuss the draft charter amendment ordinance and determine whether to move it forward to public hearing.*

A motion was made by Member Chestnut, 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 Waller, Member Campos, Member Tattersall, and Member Hildreth

Absent: 1 - Member Cohen

[191052.](#)

Proposed Charter Amendment to Require Appointment of a City Internal Auditor (B)

RECOMMENDATION *The City Charter Review Commission discuss the draft charter amendment ordinance and determine whether to move it forward to public hearing.*

A motion was made by Member Chestnut, 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 Waller, Member Campos, Member Tattersall, and Member Hildreth

Absent: 1 - Member Cohen

[191053.](#)

Proposed Charter Amendment to Extend the Term Limits of the Mayor and City Commissioners (B)

RECOMMENDATION

The City Charter Review Commission discuss the draft charter amendment ordinance and determine whether to move it forward to public hearing.

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

Aye: 7 - Member Bottcher, Member Barry, Member Goodison, Member Chestnut, Member Waller, Member Tattersall, and Member Hildreth

Nay: 3 - Member Henry, Member Blount, and Member Campos

Absent: 1 - Member Cohen

191054.

Proposed Charter Amendment to Delete the Charter Office of the General Manager for Utilities, thus Transferring Administrative Authority over the City's Utility System to the City Manager (B)

Motion by Member Chestnut, seconded by Member Henry for discussion to maintain the General Manager as a Charter Officer of the City Commission.

Member Chestnut commented about making this change and the potential to have future City Managers who lack experience managing utilities.

Member Henry asked the members to refer to the GRU General Manager's response (attachment to the Charter Officers' Analysis). Discussed reasons for maintaining the position as a Charter Officer. Spoke in favor of independent GRU Manager as an independent Charter Officer to maintain checks and balances. Moving the position under the City Manager could compromise those checks.

Member Blount commented that the City Manager would staff the utility.

Member Waller favors the change in the interest of maintaining City control over the utility, to protect it from the influence of the state.

Member Campos commented about the required experience for the City Manager and GRU Manager; and the number of Charter Officers to be managed by the City Commission. Commented about the need to move together City assets and leadership to address annexation plan. Changing the GRU Manager position and reducing the number of Charter Officers will reduce tensions.

Member Barry agreed with Member Campos' comments.

Vice-Chair Goodison thanked Member Campos. Reiterated that this is not a punitive action. Chair Hildreth commented in agreement about change, potential to reduce conflict. Referred to points made in previous discussions.

Member Blount commented about checks and balances.

Member Chestnut commented that there is a motion on the floor.

Ed Bielarski, GRU Manager asked to hear from the City Attorney.

Nicolle Shalley commented about the draft ordinance, how the change would be carried out if enacted. The GRU Manager position would be eliminated, and the City Manager would create and re-hire for utility management positions.

Member Barry asked for clarification. Nicolie Shalley responded. Member Campos commented. Nicolie Shalley commented about the Commission's process.

Member Bottcher asked if the CRC would have to include language directing the transition process (to achieve the intention). Nicolie Shalley responded no.

Member Barry commented. Member Blount commented.

Member Tattersall commented in favor of the change, trusting the Commission and City Manager to manage the transition.

Member Chestnut commented that the change appears punitive. Concerned that the change will not change actions [by the state legislature]; and the potential lack of accountability with the City Manager managing the utility's resources.

Member Barry commented. Member Campos commented.

Member Chestnut reiterated motion to remove the proposed amendment (not move forward). Clarifying discussion.

Vote: 2 - 8 (Member Chestnut, Member Henry in favor)

Motion by Member Campos, seconded by Member Barry: approve the language as proposed. Motion passed. 8 -2. Member Chestnut and Member Henry in dissent. Member Cohen absent.

RECOMMENDATION

The City Charter Review Commission discuss the draft charter amendment ordinance and determine whether to move it forward to public hearing.

Approved, as shown above

191055.

Proposed Charter Amendment to Increase Salaries for Members of the City Commission (B)

Member Campos asked City Attorney to present questions regarding the amendment.

Katherine Mockler, Assistant City Attorney, gave a presentation on the proposed Commissioner salary formula and implementation.

Chair Hildreth commented, spoke against including salary changes in the City Charter.

Member Tattersall commented about the proposed charter language, which would direct the City Commission to follow the formula for county commissions.

Member Campos asked whether state action on County Commissioners would impact the Commission's salaries. Member Tattersall responded.

Vice-Chair Goodison commented about the County model. Agreed with Member Tattersall about not including specific implementation in the FL statute.

Member Campos commented about the City Attorney's concern with an ordinance.

Nicolle Shalley commented about referencing state statutes. Commented that the County statutes do not apply to the City; can copy the statute and pass by ordinance.

Motion by Member Bottcher, seconded by Member Tattersall: Extend

meeting to 6:15 pm. Motion passed 10-0. Member Cohen absent.

Nicolle Shalley commented about setting the salary and establishing increases. Dan Nee, Assistant City Attorney, commented about the state statute.

Member Campos and Member Tattersall asked about using language to base salary on County Commission salaries.

Member Campos departed at 6:01 PM.

Member Chestnut commented about concerns with referencing the Alachua County Commission. Asked how the state statute addresses salaries for elected officials. Dan Nee responded. Asked about the CRC's motivation. Nicolie Shalley responded.

Member Blount commented in favor of proposing a specific amount and annual increases for Mayor and Commission salaries, noting that the proposal is based on the County formula.

Vice-Chair Goodison commented about the City Attorney's proposal to include a percentage increase. Asked about the state statute formula.

Member Tattersall suggested including an amendment directing the Commission to draft an annual ordinance with salary based on the County's formula.

Member Chestnut asked about Commissioners opting out of a salary increase. Vice-Chair Goodison responded.

Member Barry commented that Commission may need to address salaries by ordinance.

Member Tattersall moved to table 191055 to the next meeting. Motion passed 9 - 0. Members Campos and Cohen absent.

RECOMMENDATION

The City Charter Review Commission hear a presentation from the City Attorney's Office and (1) provide further guidance so that a Charter amendment ordinance may drafted; or (2) determine not to move forward with this proposed amendment and possibly make an alternative recommendation to the City Commission.

Approved, as shown above

WORKPLAN REVIEW

[190358.](#)

Workplan Review (B)

Chair Hildreth noted the date of the next CRC meeting on March 18, 2020. The Clerk will provide the meeting location at City Hall.

Chair Hildreth reviewed the final schedule of Charter Review Commission public hearings: Monday, April 6 (6-8 pm); Wednesday, April 15 (6-8 pm); Thursday, April 23, (6-8 pm).

Chair Hildreth addressed Mayor Poe's letter requesting a summary of the CRC's reasoning for any proposed charter amendments to be submitted to the City Commission. Member Barry and Member Chestnut commented. Chair Hildreth will distribute a summary for members to review specific items.

RECOMMENDATION

The Charter Review Commission discuss and take action deemed necessary.

Note: Review letter from Mayor Poe regarding proposed charter amendments.

Review final schedule for public hearing to be held on proposed charter amendment(s): Monday, April 6, 6:00 - 8:00 pm; Wednesday, April 15, 6:00 - 8:00 pm, and Thursday, April 23, 6:00 - 8:00 pm.

Discussed

MEMBER COMMENT

Member Blount asked about his proposed race and equity language. Chair Hildreth referred to the draft preamble that she presented. Member Blount thanked for the attempt, but stated that the preamble does not accomplish his intent. Chair Hildreth responded. Member Blount commented about his goals to direct the position for the preamble. Member Barry commented that the Equal Opportunity Office could direct action. Vice-Chair Goodison commented that Member Blount could still submit stronger language to include in the charter.

PUBLIC COMMENT

Mark Van Soestbergen spoke. Member Vice-Chair Goodison responded.

NEXT MEETING DATE - March 18, 2020

ADJOURNMENT - 6:17 PM

Motion by Member Barry, seconded by Member Campos to adjourn the meeting at 6:17 PM.