

City of Alachua Charter Review Advisory Board Minutes

January 20, 2009

The Charter Review Advisory Board held a meeting on January 20, 2009 at 6:00 p.m. in the Commission Chambers, City Hall, 15100 NW 142nd Terrace, Alachua, Florida.

Board Members Present: Linda Rice Chapman, Duane Helle, Bob Page, and Leoris Richardson.

Staff Present: City Manager Clovis Watson, Jr., City Attorney Marian Rush, Assistant City Manager Danielle Judd, and Deputy City Clerk Alan Henderson.

Citizens Present: Robert Wilford and Gary Hardacre.

CALL TO ORDER: By Chair Linda Rice Chapman at 6:00 p.m.

INVOCATION: Led by City Manager Clovis Watson, Jr.

PLEDGE TO THE FLAG: Led by Leoris Richardson.

ROLL CALL: Assistant City Manager Danielle Judd performed the roll call. All four (4) members are present and there is a quorum.

APPROVAL OF AGENDA: *Duane Helle moves to approve the agenda; Mrs. Richardson seconds the motion. Motion carries 4-0 on roll call vote.*

NEW BUSINESS

1. Minutes: January 15, 2009

Chair Chapman questioned on page two (2), under the six (6) areas of immediate efforts referencing the powers of the Canvassing Board, she understood they were to add language dealing with the appointment of the Canvassing Board, such as *may* appoint. She did not know they were going to get as detailed as going into the powers.

City Attorney Marian Rush clarified the proposed language noting she referenced the Ordinance which delineates all the powers.

The January 15, 2009 minutes will be changed to reflect addressing the Canvassing Board and allowing flexibility for the Commission meeting schedule.

Bob Page moves to approve the minutes with the discussed changes; Mrs. Richardson seconds the motion.

Motion carries 4-0 on roll call vote.

Chair Chapman recommends setting ground rules of limiting public comment time to three (3) minutes.

Mr. Page moves to approve the ground rule of limiting public comment to three (3) minutes per person per issue; Mr. Helle seconds the motion.

Motion carries 4-0 on roll call vote.

2. Charter Revisions

Elected Mayor Proviso

Chair Chapman discusses the Elected Mayor proviso; Assistant City Manager Judd suggests reviewing the other items where text is already prepared. Chair Chapman recommends carrying that item over to next week.

Mr. Page concurs with the elected Mayor concept.

Mr. Helle questioned if one of the seats is an elected Mayor, than they could end up with the Mayor who is the least experienced on the Commission. He also notes there may be people who want to be Commissioner and not Mayor, as well as a Commissioner who may want to be Mayor would have to resign as Commissioner to run for Mayor.

City Manager Watson and the Board elaborate more on this issue.

Mr. Page moves to proceed with the Elected Mayor concept and directs Administration to report back with text for approval; Mr. Helle seconds the motion.

Robert Wilford disagrees; the Commission does not know better who to elect as Mayor. He supports an elected Mayor position.

Motion carries 4-0 on roll call vote.

Section 3.06 Prohibitions on Former Elected Official

Assistant City Manager Judd gives an overview on this item noting they need to draft language that would lessen the one (1) year prohibition about serving on any appointed City Office.

City Manager Watson adds to the dialogue giving examples of this issue.

Chair Chapman suggests language to cover all situations.

Mr. Page moves to proceed forward with Section 3.06; Mr. Helle seconds the motion.

Motion carries 4-0 on roll call vote for discussion.

Mr. Helle comments on comparable Charter's that have this prohibition, including the model charter.

City Manager Watson elaborates with examples of this issue.

Chair Chapman is uncomfortable with a 30-day limit.

Mr. Page has large concerns especially with political pressure and pressure on the City Manager. He favors Chair Chapman's submitted language.

City Attorney Rush recommends removing the words "*for good cause*" because that is subject to such debate.

Chair Chapman states her reason for keeping the language "*for good cause*".

Mr. Page concurs with City Attorney Rush to remove the language; it is vague.

Mr. Page moves for discussion purposes to modify the language with deletion of "good cause"; Mr. Helle seconds the motion.

Robert Wilford concurs with the language with the deletion of "good cause".

City Manager Watson clarifies that the Commission does not do the hiring, they would only waive the prohibition and employment would still be authorized by the City Manager.

Assistant City Manager Judd notes the language would read as follows: No former elected city official shall hold any compensated appointive city office or employment until one (1) year after the expiration of the term for which he was elected, **unless this prohibition is waived by the City Commission.**

Mr. Page moves to approve the language noted above; Mr. Helle seconds the motion.

Gary Hardacre comments on the presentation of such an issue to the City Commission.

Chair Chapman and City Manager Watson clarify by giving more examples.

Motion carries 4-0 on roll call vote.

Section 3.08 Meetings

Assistant City Manager Judd presents the above-referenced section noting this is the item the City Manager brought to their attention about having a hiatus at certain times of the year for the City Commission.

City Attorney Rush reviews the proposed language and removing the “twice in every month” to read “the City Commission shall meet regularly at such times and places as the City Commission may prescribe by rule.” She continues referencing the handout noting the Commission Procedures that say the Commission would meet on the first and third Monday of the month. What the City Commission can then do is go back and revise its rules as they would want from time to time without having to amend the Charter.

Mr. Page moves for discussion to proceed with the Meeting issue as outlined; Mr. Helle seconds the motion.

Motion carries 4-0 on roll call vote.

Mr. Helle moves to accept the text as written; Mr. Page seconds the motion.

Chair Chapman notes this is a simple fix and she likes it a lot.

Motion carries 4-0 on roll call vote.

Section 4.01 City Manager Residency

Assistant City Manager Judd gives a brief description of the above-referenced section noting they are amending current text and adding additional text.

Mr. Helle moves to proceed with the discussion of the language for the above-referenced section; Mr. Page seconds the motion.

Motion carries 4-0 on roll call vote.

Mr. Helle states he does not have a problem with this.

City Manager Watson adds further clarity to this issue giving examples.

Chair Chapman comments they need to give the City more flexibility on hiring; she concurs with the language.

Mr. Page is open to defining the proximity; there needs to be something that binds the person to the City.

City Attorney Rush clarifies the proposed language and gives examples; it is best for the City to have a clearly defined employment contract with the City Manager.

City Manager Watson also gives examples stating it is important for the Commission to have the autonomy to evaluate with a contract.

Assistant City Manager Judd comments they considered adding language that says “must reside in Alachua County” and she gives examples of the mile radius.

Chair Chapman states that she supports the language proposed by staff.

Mrs. Richardson comments on the City limit boundaries.

Mr. Helle moves to accept text as written and forward to the City Commission for their approval; Mrs. Richardson seconds the motion.

Gary Hardacre is concerned with giving people the impression that they don't have to live in the City of Alachua to be a City Manager.

City Manager Watson clarifies the language; you have to live in the City unless the City Commission approves otherwise.

Robert Wilford comments he thinks the language should say "he must maintain his primary residency in the City of Alachua within 6 months."

City Attorney Rush does not recommend adding that language as it could bring up issues under property law.

Motion carries 4-0 on roll call vote.

Section 5.04 Canvassing Board

Assistant City Manager Judd gives a brief description of the above-referenced section noting this is under the "Qualifications and Elections" section with regards to a canvassing board.

Mr. Page moves to proceed with the discussion of the language for this section; Mr. Helle seconds the motion.

Motion carries 4-0 on roll call vote.

City Attorney Rush states she has reviewed the language suggested by Chair Chapman and that is exactly the language that should be included.

Mr. Helle would like to listen to this discussion.

Mr. Page is favor of this as written.

Mrs. Richardson concurs as well.

City Attorney Rush clarifies the Canvassing Board for Mr. Helle noting they are trying to make it crystal clear in the Charter that the City Commission may appoint a Canvassing Board; they don't have to, they are still the judge of the election, they could disband the Canvassing Board if they choose.

Mr. Page moves to accept the language proposed by staff for Section 5.04; Mrs. Richardson seconds the motion.

Gary Hardacre questioned if the language stating "...that any member of the City Commission who shall be convicted of a crime..." would still be included and City Attorney Rush confirmed that language will remain in the Charter.

Motion carries 4-0 on roll call vote.

Section 9.04 – 9.06 Planning and Zoning Board

Assistant City Manager Judd gives a brief description of the above-referenced section stating it is specific to Section 9.04 – Duties, Section 9.05 – Plans Required, and Section 9.06 Scope of Planning Duties. She notes under this section they are proposing amending and actually deleting sections entirely.

Chair Chapman questioned by deleting this language, does it put the City in conformance with the Land Development Regulations and Comprehensive Plan?

City Attorney Rush confirmed it does and adds clarification.

Mr. Page moves to proceed with the discussion of the language for this section; Mr. Helle seconds the motion.

Motion carries 4-0 on roll call vote.

City Attorney Rush suggests adding "and Florida State Statutes".

Mr. Helle moves to accept this language as presented and amended and forward to the City Commission for action; Mr. Page seconds the motion.

Mr. Helle likes giving the Board flexibility and responsibility; he likes that in all the proposed changes.

Mr. Page states he likes removing all these mandatory things that shouldn't be part of a Charter; he is in support.

Chair Chapman concurs.

Mrs. Richardson comments this is very readable and understandable.

Motion carries 4-0 on roll call vote.

OLD BUSINESS

None

OPEN DISCUSSION

Mr. Helle requests an indication of what they will be doing next meeting. Chair Chapman complies stating next meeting they will address the elected Mayor item.

City Manager Watson adds they will also be reviewing the clean language that was voted on.

Mr. Page comments that he appreciates staff and the City Attorney for making this easy to read.

Mrs. Richardson concurs and appreciates staff and the City Attorney.

CITIZEN COMMENTS

Gary Hardacre thanks the citizens who have volunteered to take the time to serve on this Board.

Robert Wilford also thanks the members of the group for their patience and their hard work.

City Manager Watson thanks the Board and citizens who work together and make Alachua a better Alachua.

City Attorney Rush thanks everyone on the Board for their preparation for the meeting tonight.

Chair Chapman thanks Assistant City Manager Judd for her assistance.

ADJOURNMENT

Mr. Helle moves to adjourn the meeting; Mrs. Richardson seconds the motion.

Motion carries 4-0 on roll call vote.

Meeting adjourned at 7:39 p.m.



Linda Rice Chapman
Chair



Danielle Judd
Assistant City Manager