

COUNCIL PRESENT: Hamrick, Figueras, Bruner, Wangemann, Segars
STAFF PRESENT: Padgett, Sheppard, Palmour, Felts, Jordan, Grayson
OTHERS PRESENT: Mayor-Elect Dunagan, Ward 1 Council Member Elect Couvillon,
Murray Weed

The Mayor's position was vacated upon the resignation of the Ward 1 Council Member in August. Per the Charter, the Mayor Pro Tem has the rights and privileges of the Mayor in his absence. Mayor Pro Tem Hamrick called the meeting to order.

PRESENTATION:

Charter Review

Murray Weed, Carl Vinson Institute of Government, stated he reviewed the City's new Charter and it appeared to be a good solid Charter that was very clear and confident. His role today was to review and educate everyone on the requirements of the Charter. Mr. Weed began the discussion by providing his background. He encouraged questions and indicated he would defer to the City Attorney and Council on the finer points of the Charter.

Upon inquiry, Council Members and staff shared their expectations for the meeting. They identified consistency, clarification and understanding of the new Charter as primary goals.

Mr. Weed used a power point presentation to supplement the review. The following topics were discussed:

- Communication Agreements
- The Charter and Ordinances
- Roles/Responsibilities
- The Governing Body
- Mayor and Mayor Pro Tem Powers
- Removal of Elected Officials
- City Clerk
- City Auditor
- City Attorney
- City Judge
- City Manager
- City Employees
- Things the Governing Body Can't Do

Mr. Weed commented on the City's use of resolutions indicating the volume was more than he sees in other governments. City Attorney Palmour stated this was due to the cost involved with codifying ordinances. Mr. Weed also commented on the importance of harmonizing when there are conflicting provisions and/or differences of opinion.

Mr. Weed indicated the universal concern was clarification of the code, powers of the Council and powers of the Mayor. The Mayor and Council constitute the governing body. Some of the Mayor's duties are independent of the Council.

Mr. Weed stated there were approximately four locations within the Charter that mention the governing body was vested with "all the powers of government of this city". He felt this was a good thing because it provides redundancy and a clear understanding to everyone reading it.

There was discussion about notice for a "special called" meeting and when the notice was waived as it pertains to Council Members. It does not apply to notifying the public and the requirements of the Open Meetings Act.

There was discussion about the administering of oaths. The Charter requires this action to occur during the organizational meeting in January. Mr. Weed was advised of plans to administer the Oath at a Called Meeting on December 27 because those elected in 2013 must take office on January 1 per the Charter. He recommended administering the oath during the organizational meeting in addition to the Called Meeting indicating no harm would be done by administering it twice.

Mr. Weed stated the governing body can adopt rules of procedures by virtue of the Charter. City Manager Kip Padgett indicated the rules of procedures were pending review by the City Clerk.

There was discussion in regards to votes allowed at a Work Session and what constitutes a quorum. It was noted that four affirmative votes are required to approve any action.

Mr. Weed commented on the construction of ordinances being dictated by state law. Generally speaking, an ordinance should give the reader its subject matter. Every ordinance must contain the following language: "It is hereby ordained by the governing authority of the City of Gainesville."

There was some discussion regarding boards, commissions and authorities. Each board should be created by ordinance. After creation and in accordance with the Charter, the Mayor was responsible for recommending appointees, subject to approval by the Council. Mr. Weed did not believe it was appropriate to discuss appointments in Executive Session under personnel. There was also discussion about boards/committees being subject to the Open Meetings Act in that public notices, agendas, minutes, etc. are required.

RECESS: 12:18 PM
RECONVENE: 12:36 PM

Mr. Weed revisited the Oath of Office being administered early to place elected official in office on January 1 as required by 5.11(c). He also commented on Section 2.19 regarding the oath being administered at the organizational meeting to be held at the first regular meeting in January. He felt it would be appropriate to administer the oath twice in order to harmonize the two sections.

Mr. Weed shared the importance of having contracts reviewed as to form by the City Attorney and executed by the appropriate official/staff. The technical rules are advantageous to the government. When the rules are not followed, a contract is subject to being declared invalid if challenged.

There was a considerable amount of discussion about the duties of the Mayor.

Mr. Weed recommended that all governing body attendees sign Executive Session Affidavits.

Mr. Wangemann inquired about changing the title of the Mayor Pro Tem to Vice Mayor.

There was some discussion about removing Council from office indicating it can be done by a Judge or through an internal process of the government. An ordinance must establish the process. City Clerk Denise Jordan asked if the City's Ethics Committee could address this. Mr. Weed stated it could if the City amended its ordinance to designate the Ethics Committee as the impartial panel to conduct these hearings.

Mr. Weed commented on the provisions of the City's Court Solicitor and the City Attorney. He also commented on the fact the City Attorney must be hired as an independent contractor.

Mr. Weed concluded his review with a few thoughts and concerns. Those requiring action are noted below:

- Define how policies are communicated to employees.
- The Charter must be amended if there's a desire to have a full-time City Attorney and/or Auditor.
- Research employment law to determine if non-classified (part-time or temporary) employee status complies with the federal labor standards act.
- Establish administrative rules for the Council.
- Adopt an ordinance for Council investigations and removal procedures.

Council Member Figueras extended words of appreciation to Mr. Weed for conducting the review. She felt it was very beneficial.

RECESS: 1:26 PM
RECONVENE: 1:33 PM

COUNCIL ISSUES:

December 27, 2013 Called Council Meeting Agenda

Mayor Pro Tem Hamrick reminded Council of the Called Council Meeting on Friday, December 27, 2013. City Clerk Denise Jordan distributed a revised draft agenda for Council's review. No changes were received at that time.

CITY CLERK ISSUES:

January 7, 2014 Organizational Meeting Discussion

City Clerk Denise Jordan distributed organizational meeting information indicating the initial plan was to have discussion and receive direction today regarding three agenda items to prepare for the meeting. Mayor-Elect Dunagan requested to delay this discussion until the January 2, 2014 Work Session.

There was concurrence among Council.

ADJOURNMENT: 1:37 PM

DJ/ag