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**CHARTER REVISION COMMISSION
CITY-WIDE STRATEGIC PLANNING SUBCOMMITTEE
MEETING MINUTES
Don Davis Room, 1st floor, City Hall**

**February 27, 2020
1:00 PM**

In attendance: Commissioners Betzy Santiago (Chair), Emily Lisska, Chris Hagan

Excused: Commissioner Nick Howland

Also: Kealey West – Office of General Counsel; Jeff Clements and Anthony Baltiero – Council Research Division; Jessica Smith and Juliette Williams – Legislative Services Division

Guest Speaker: Kirby Oberdorfer, Deputy Director, Ethics, Compliance & Oversight Office

Meeting Convened: 1:11 PM

Call to Order – Chair Santiago called the meeting to order and said that she wanted to have Kealey West, Office of General Counsel, and Kirby Oberdorfer, Deputy Director – Ethics, Compliance & Oversight Office, provide updates and clarification regarding Sunshine Law concerns raised in previous subcommittee meetings.

Ms. West distributed an email from Paige Johnston, Office of General Counsel, that was sent to Commissioner Gentry regarding Sunshine Law concerns. Ms. West provided a brief overview of the email focusing on comments made by the State Attorney General's Office. Per a phone conversation between Ms. Johnston, Ms. Oberdorfer and Pat Gleason of the State Attorney General's Office, it is the opinion of the Attorney General that the best way to circumvent any Sunshine Issues as it relates to the work of this subcommittee is to use appointed designees instead of using the suggested heads of various departments as the official committee members.

Ms. Oberdorfer reiterated the Attorney General's opinion noting that both the proposed Strategic Planning Commission and Advisory Board would be bound by Sunshine Laws and that it would be best for designees of the various departments be used on both bodies. Chair Santiago asked if the At-Large Councilmembers would be subject to Sunshine Laws when conducting the regular day-to-day business as Councilmembers. Ms. Oberdorfer said that they would be bound by the same Sunshine Laws. Chair

Santiago asked if there would be a conflict of interest if the At-Large Councilmembers were to vote on a budget for the Strategic Planning Commission and subsequently vote on the same budget during the regular annual budgetary process. Ms. Oberdorfer said that there would not be a conflict of interest unless there was some sort of personal financial gain for the voting Councilmembers.

Mr. Gentry opined on the scope and range of the Sunshine Laws saying that much of the concerns regarding Sunshine Laws depends on the specific duties of the members of the Strategic Planning Commission in the capacity of the Commission itself and in the capacity of their regular day-to-day work. He continued by noting that too much concern has been placed on the idea that the “big picture” topics of the strategic plan are too broad and would encompass nearly every aspect of daily government operations.

Ms. Oberdorfer said that per Sunshine Laws, anything that could foreseeably come before the commission would be subject to the noticed meeting requirements of the Sunshine Laws. She noted that the courts would look at the specific language within the City Charter and the official charge of the Strategic Planning Commission to determine if Sunshine Laws have been violated.

Chair Santiago said that using designees seems to be the way to go when creating the makeup of both the Strategic Planning Commission and the Advisory Board. Ms. Oberdorfer agreed and reiterated that using designees is also the suggestion of the State Attorney General.

Mr. Hagan opined on the issue stating that he feels that the best approach is to “double down” and continue to go forward with the recommendation as is and to fully explain the Sunshine Laws to the commission and have them fully go through the training process through the Ethic Office.

There was a discussion about some of the specific language elements of the recommendation. Mr. Gentry noted that the language to use designees is already in the current draft of the proposal. Ms. Lisska raised concerns regarding the language in Section II saying that the Mayor’s appointments to the commission should be “from” the executive branch; otherwise, the appointees by the Mayor “representing” the executive branch could theoretically come from anywhere. Mr. Gentry said that the language can be changed to say something akin to, “...two members appointed by the Mayor from the executive branch...”

The next discussion focused on funding. Chair Santiago was concerned that if the Mayor were to put funding into the budget for the Strategic Planning Commission, would it line up with the proposed timelines of the recommendation. Jeff Clements, Council Research Division, provided a brief summary of the City’s budgetary process. After some brief deliberation and calculations, it was decided that the budget timeline and the timelines of the recommendation are in line and should not be an issue.

The discussion shifted to focus on cleaning up the language within multiple sections of the recommendation. Ms. Lisska noted several changes needed within Section III, particularly in subsections (f) and (g).

Mr. Hagan asked if the recommendation from the Charter Revision Commission will be submitted to the City Council as a single document or broken down in multiple documents. Chair Santiago said that she believes that the intent of Chair Brock is to submit the recommendation as a single document.

Ms. Lisska brought up the fact that there is a group getting together to plan activities for the City’s 200th anniversary. Chair Santiago asked Ms. Lisska to look into the group and also to write a brief summary of the reason for expediting the process of implementing a strategic plan to coincide with the City’s 200th anniversary.

Chair Santiago proposed two questions to the group. She asked if a ten (10) year timeline is still the way to proceed and whether or not the Strategic Planning Commission and Advisory Board should dissolve after they implement the strategic plan or stay together as a group. The group was in consensus that they want to stay with the ten (10) year timeline. Mr. Gentry said that the groups should stay together because over the ten years people will cycle in and out of the groups because of the nature of their term limits and changes in Administrations. He noted that when a seat needs to be filled the regular process for commission reappointment should be followed. Ms. West added that there are general rules for board and commission reappointments and that not all of the individual boards and commissions have their own specific rules for reappointments and simply follow the general rules stated in either the Ordinance Code or Charter depending on the nature of the board or commission.

There was a discussion about putting a timeline on the reappointment process. The group came to a consensus that reappointments should be made within ninety (90) days of a vacancy. Mr. Gentry said that he would put language in Section III, subsection (g) to address the issue to read something akin to, "...reappointments will be made within ninety (90) days of a vacancy..."

The group had a final discussion and review of the draft to find any typos or scrivener's errors that need to be corrected. After the review of the draft, multiple typos and scrivener's errors were noted and agreed upon to be corrected.

Approval of Minutes – Chair Santiago asked for a motion to approve the minutes from the 2/21/2020 Meeting. The approval was moved, seconded and approved unanimously as distributed.

Public Comment– John Nooney: Mr. Nooney stressed the importance of public waterway access and noted his comments and interactions regarding this issue from different subcommittee meetings. Mr. Nooney referenced the map from a different subcommittee noting that he feels that the area within the proposed map is too large. He referenced legislation (2007-451) as it relates to docking violations and waterways issues.

Public Participation and Voting on the Recommendation – Chair Santiago opened the floor to public participation on the recommendation for the creation of Strategic Planning Commission.

John Nooney: Mr. Nooney was the only speaker on the recommendation. He again focused on the waterways and referenced legislation 2007-451. He again asked for access to waterways from any entity that received public funding. Chair Santiago noted to Mr. Nooney that the subcommittee has already including language regarding access to the waterways in the recommendation. She applauded Mr. Nooney's passion and persistence, but noted that his requests were beyond the purview of this subcommittee.

Following public participation, Chair Santiago asked for a motion and second to approve the recommendation including the edits that were proposed at this meeting. The recommendation was approved unanimously.

Chair Santiago briefly went over the process for presenting the recommendation at the following full CRC meeting.

Chair Santiago adjourned the meeting.

Meeting adjourned: 2:20 PM

Minutes: Anthony James Baltiero, Council Research Division
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