



# Taxation, Revenue, and Utilization of Expenditures (TRUE) Commission

Marc El Hassan, Chair  
Greg Radlinski, Vice Chair  
Joe Andrews, Secretary

## TRUE Commission Meeting Minutes

April 5, 2012  
4:00 p.m.

**Attendance:** Marc El Hassan (Chair), Marcella Lowe, Ernest McDuffie, Daniel Blanchard, Ted Wendler, Thomas Martin, Diane Brown, Greg Radlinski, Joe Andrews, Gamal Lyons, Jason Fischer (arr.4:15)

**Excused:** Ryan Jones Patti Anania

**Absent:** Hiron Peck, David Lane

**Also:** Tommy Carter – Council Auditor’s Office, Jeff Clements – City Council Research

Chairman Marc El Hassan convened the meeting at 4:06 p.m. with a quorum present.

### Minutes

The revised minutes of the March 1, 2012 commission meetings were approved as distributed.

### Committee Reports

Legislative Tracking Committee – Commissioner Andrews reported that the committee had met on March 16<sup>th</sup> and examined several bills, including 2012-142 (amending the Ordinance Code to require that City Council meetings be aired on television) and 2012-143 (amending the Ordinance Code to permit the Supervisor of Elections to direct mid-year budget savings to a pay-down of Banking Fund borrowing). Commissioner Radlinski attended the council committee meetings at which these bills were discussed and was satisfied that the committees had given them careful consideration and taken appropriate actions. In connection with 2012-149 (approving an industrial development revenue bond issue for Taylor Homes nursing home) Mr. Andrews suggested that the TRUE Commission consider whether there is any interest in the commission examining the area of City bond issuance for the benefit of private entities.

The committee also reviewed 2012-212 and -213 (the Mayor’s reorganization of the economic development function, including the dissolution of the JEDC and creation of a new Office of Economic Development in the Mayor’s office and an independent Downtown Investment Authority). Mr. Andrews expressed concern about the degree to which the push for greater speed in the process may reduce or eliminate public scrutiny of and participation in the process. 2012-720 (appropriation for construction of a dog park at Ed Austin Regional Park) was defeated at Council by a 9-9 vote, with the debate largely turning on the issue of legal requirements for mid-year CIP amendments. Pending bill 2012-198 by Council Member Gulliford would eliminate the “finding of detriment” requirement for mid-year CIP amendments.

**Motion** (Andrews): the TRUE Commission urges City Council to amend 2012-198 to keep the “finding of detriment” requirement in place for mid-year CIP amendments and to clarify the Code by adding additional specificity about what the finding of detriment requires – **approved unanimously**.

Staff will draft a resolution and provide it to Mr. Andrews and Chairman El Hassan for approval.

Performance Committee – Commissioner Wendler noted that the committee had met prior to the full commission meeting to discuss the Jacksonville Children’s Commission and asked Commissioner Brown to summarize the discussion. Commissioner Brown said that the committee had a good discussion with several representatives of the Children’s Commission staff about the commission’s work, priorities, and budget, and the committee would meet again in two weeks to continue the discussion.

Audit Review Committee

Commissioner Lowe reported that the commission is now caught up with action on all previously released audits, and no new releases have occurred in the past month. She noted that there are many important issues currently pending in City Hall and urged commissioners to make time to attend any of the variety of meetings on the various subjects, from the JEDC reorganization committee to the Courthouse Oversight Committee to the Audit Committee and others. She urged reading the newspaper, keeping up with the Mayor’s new hires, and generally keeping a close eye on all that’s happening in city government. There is much that requires diligent attention.

Auditor’s Report

Tommy Carter of the Council Auditor’s Office reported that the office has several audits in progress, including a review of the Property Appraiser’s Office and the additional work requested by the Council Audit Committee on JEDC incentive agreements. Mr. Carter noted that the RFP for a public venues manager had been issued on March 16<sup>th</sup> and responses are due back April 18<sup>th</sup>. The Auditor’s Office has hired a new staff member as authorized by the Audit Committee.

Chair’s Comments

Chairman El Hassan said that the TRUE Commission should lend its expertise and be helpful to the City whenever and wherever it can. He echoed Commissioner Lowe’s earlier remarks about attending some of the various committee meetings that take place on a regular basis. They are extremely informative events and provide a great insight into how city government works.

Jeff Clements reported that at the last RCDPHS Committee meeting the committee discussed City employee health insurance and Council Member Boyer told the group that the TRUE Commission had done some work in that area. She asked that the commission be invited to attend the next meeting and make a presentation. Staff will provide copies of the commission’s work on self-insurance from several years ago to all the members for review. Commissioners Lowe and Lyons will attend the RCDPHS meeting and present TRUE’s work.

Old Business

Disparity study: Commissioner McDuffie discussed the City’s procurement disparity study currently in process. He asked staff to research how much federal funding the City and all of its associated authorities and agencies received in the last fiscal year.

Mr. McDuffie described the last full-fledged City procurement study in 1992 and noted that the City Council was very much involved in the process, appointing a Select Committee for the purpose of

holding hearings and gathering testimony. By contrast, the current study is being done completely differently with no Council participation and total reliance on a consultant for the research. He believes the problem of discrimination against minority contractors is greater than it was in the 1990s because the volume of federal funding being spent without appropriate minority participation is greater now. The use of any federal dollars means that the recipient agency (in this case the City) must encourage minority participation to the greatest extent possible. He wondered why the City hired a California company to do the disparity study when there are other companies much closer that could do the work. He stated that the City has done nothing for affirmative action in the years since the 1992 disparity study in the way of apprenticeships or training opportunities and that it completely ignores Part 8 of the Procurement Code regarding affirmative action. He intends to meet with the Mayor and City Council to press his case for fairness and action.

Chairman El Hassan suggested that if Mr. McDuffie wants the TRUE Commission to take some action on this issue, he should propose a resolution that the commission could then debate and act on.

**Motion** (Andrews): that the TRUE Commission form a subcommittee to study the disparity study issue – **approved 10-1** (Radlinski opposed).

Commissioner Radlinski asked the purpose of the subcommittee. Is the issue the disparity study, or is it something much broader? Mr. McDuffie stated that it is about the history of discrimination in procurement and how the City spends its federal aid while ignoring the affirmative action requirements of its own Procurement Code. Commissioner Wendler wondered if affirmative action is a proper TRUE Commission issue. Mr. McDuffie argued that it is because it involves the expenditure of City and federal dollars, both for the disparity study and for overall procurement. Commissioner Brown felt that Mr. McDuffie was gaining quite a bit of attention for the issue by his current actions and questioned if the TRUE Commission needed to be involved. Mr. El Hassan asked the subcommittee to come up with a specific recommendation that is relevant to the commission's charge for the commission to consider and act upon.

Contract management: Mr. El Hassan reported that he had met with the City's Corporation Secretary regarding contract management databases and procedures. There are two databases – on an Access file management system and the other developed by the City's Information Technology Division to track contracts that go to the Accounting Division. The ITD system uses a City-assigned reference number while the Access system is searchable by names. Nothing in either system will tell a user what contracts are currently open, when they renew, etc. He believes there are many software packages available on the market today that could do a better job. He plans to attend the next meeting of the Audit Committee to make a presentation of TRUE's work in this area. In response to a question from Commissioner Radlinski about whether ITD could write a program that would do the job required, Mr. El Hassan felt that it would be easier and less expensive to buy an off-the-shelf product that's already designed for the purpose. He noted that departments do not appear to have electronic access to their own contracts and need to keep paper copies for their own reference.

#### New Business

Commissioner Fischer said that he had talked recently with Sheriff Rutherford about the upcoming budget process and the Sheriff said he had not been informed about what to expect or how he should be preparing.

Commissioner Wendler reported that the annual actuarial studies had been released recently by the General Employee's Pension Plan and the Correctional Officers Pension Plan, but the Police and Fire Pension Plan report has still not been released. Tommy Carter of the Council Auditor's Office said that

his office had requested the document and been told that it is still under review and had not been approved and released by the PFPF board of trustees yet. Commissioner Radlinski asked if there was an exemption in the public records law for a draft actuarial study and suggested that the Office of General Counsel be asked for an opinion on whether the draft is exempt from release or not.

#### Commissioner Comments

Commissioner Martin commented on the proposed reorganization of the economic development function and the apparent focus on downtown development. He wondered if the new Downtown Investment Authority will be responsible for overseeing the existing economic incentive contracts citywide, or if that function would go to another agency. Mr. Martin also noted that the Mayor has yet to attend a meeting of the CPAC chairs as his predecessors have done, wondered how the CPACs were regarded by the Brown administration. Commissioner Lowe said that she knows the Mayor is at least cognizant of the CPACs because his administration changed their agenda format.

#### Public Comments

Tony Bates asked questions about the commission's resolution on 2012-198.

Rose Carter said that she is a third generation minority contractor and is glad to see the commission appoint a committee to look at disparity in contracting. She hopes they will examine the issues closely and see that Part 8 of the Procurement Code is being obeyed.

John Spacek is a minority subcontractor. He said that the City Council suggested that people interested in the disparity issue come talk to the TRUE Commission. The minority community got almost nothing out of the Better Jacksonville Plan construction despite paying the sales tax that funded it. He asked the commission to act on behalf of all the citizens of Jacksonville.

Maria Machin is the President of LULAC (League of United Latin American Citizens). She asked why there is no Hispanic representation on the TRUE Commission. Hispanics are 8% of Jacksonville's population but don't get their fair share of City procurement spending. The City can't take federal funds without providing access to Hispanic businesses. Chairman El Hassan noted that the TRUE Commission is a volunteer organization with members appointed by the Mayor, City Council and six CPACs. Minority members are welcome, but the TRUE Commission does not choose its own membership.

Sedly Huey applauded Commissioner McDuffie for pursuing what's right with regard to the disparity study. It's definitely a financial issue because of the requirements that come along with taking federal funds, and it's also political because Mayor Peyton dismantled the previous minority set-aside program. If minority participation in City contracts is not mandated then it won't happen. If the City is ever sued on the issue it will lose and have to pay back millions of dollars of federal funds.

Ysryl asked the commission to consider the City's lack of job training programs and urged the group to consider what is best for the whole community. Our young people need work and if they get arrested and jailed the community will ultimately bear the financial burden of keeping them locked up.

Dr. Brooks Hamilton thanked the commissioners for their volunteer service. We live in a democracy but there is still unfairness. The whole world is watching Florida because of the events in Sanford. Every part of our community is as important as every other part. Just do the right thing for everyone and leave a good legacy.

Robert Flanoy is a Jacksonville contractor. Millions of dollars of federal money have been spent to improve Jacksonville but very little goes to local minorities. We need to hold the City accountable for

ensuring a fair share for all. Minority neighborhoods are falling further behind than they were decades ago.

Next meeting

The commission's next meeting will be on Thursday, May 3rd at 4:00 p.m.

There being no further business, the meeting was adjourned at 5:42 p.m.

Posted 5.9.12  
12:00 p.m.

c.c. [cityc@coj.net](mailto:cityc@coj.net)  
City Council electronic files  
Media box