



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

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

TRUE Commission Preliminary Meeting Minutes

*The minutes of this meeting are preliminary until reviewed and approved
by the TRUE Commission at its August meeting.*

June 7, 2012
4:00 p.m.

Attendance: Marc El Hassan (Chair), Marcella Lowe, Ernest McDuffie, Ted Wendler, Greg Radlinski, Thomas Martin, Diane Brown, Joe Andrews, Gamal Lyons, Jason Fischer, Daniel Blanchard (arr. 4:16),

Excused: Patti Anania

Absent: Hiron Peck, Ryan Jones

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

Chairman Marc El Hassan convened the meeting at 4:05 p.m. with a quorum present.

Minutes

The minutes of the May 23, 2012 commission meetings were approved as revised and distributed.

Committee Reports

Legislative Tracking Committee – Commissioner Andrews reported that the committee had met twice in the last month and was tracking a variety of pending bills.

Motion (Andrews): that the TRUE Commission oppose passage of 2012-296 (amending the Ordinance Code to add “sexual orientation” and “gender identity and expression” as two additional classes of persons who may not be discriminated against in Jacksonville with regard to employment, housing and places of public accommodation) because of the potential of the amendment, if adopted, to generate costly lawsuits against the City.

The group discussed whether the ordinance falls within the commission’s purview and debated whether there are or may be fiscal implications. Several commissioners felt the possibility of incurring expensive litigation was sufficient cause for the TRUE Commission to weigh in. Others felt that the issue was a political one and any financial implication theoretical, and therefore argued against the commission stepping into the controversy.

The **motion was approved by a vote of 7-3.**

Mr. Andrews noted that 2012-318 was the first bill involving a mid-year CIP amendment since the adoption of the amendment, advocated by the TRUE Commission, that required a finding of detriment to the public interest if the amendment was deferred to the next fiscal year. He is following up with CFO Ronnie Belton on bill 2012-149 (industrial development revenue bond for Fannie Taylor Homes for the Aged). 2012-297 (re-appropriating \$4.3 million from the First Coast High School swimming pool project to a rail corridor study [\$100,000] and to a Jacksonville International Airport north access road [\$4.2 million]) was discussed at some length. The Legislative Tracking Committee voted 1-2 on a motion to recommend that the TRUE Commission oppose passage of the ordinance. Commissioner Lowe spoke in favor of the high school pool project, saying that First Coast High School is only high school in the city without a swimming pool, noting that the Northside community has long wanted the pool, and touting the economic benefits to the Northside of hosting regional and state swim meets.

Motion (Lowe): that the TRUE Commission oppose passage of 2012-297.

After further discussion the motion was withdrawn.

Performance Committee – Commissioner Wendler said that the committee had met just prior to the full commission meeting and talked about the 30-year agreement between the City and the Police and Fire Pension Fund board of trustees that governs the operation of the fund. Mr. Wendler has corresponded with the Governor’s Office, the Florida Attorney General and the Florida Public Employees Relations Commission (PERC) about the legality of the agreement, which some construe to be a guarantee of police and fire pension benefits for the 30 year term of the contract and which he contends is a violation of state law which only permits collective bargaining contracts to set benefits for 3 years. Mr. Wendler presented a draft resolution calling on the Mayor to file a formal complaint with the PERC to rule on the legality of the 30-year agreement. The group discussed the resolution at some length and Commissioner Radlinski suggested that a better method to obtain a clear ruling on the legality of the agreement is for the commission to ask the General Counsel for a legal opinion.

The committee was in recess from 4:57 – 5:07 p.m. while Mr. Radlinski and staff crafted an amended resolution for consideration.

Motion (Martin): that the TRUE Commission adopt a resolution requesting the General Counsel to advise the commission as to whether the 30-year agreement between the City and the Police and Fire Pension Fund Board of Trustees is legal and enforceable – **approved 11-0**.

Audit Review Committee - Commissioner Lowe distributed copies of her report on Council Auditor’s Audit #715 – Recreation and Community Services Department Bank Accounts. The report reviewed the findings and posed numerous questions about the operation of the imprest accounts, cash handling procedures, outdated signature cards, required reporting, and the security of safes. Tommy Carter of the Council Auditor’s Office reported that the former chief of the Special Events Division is no longer employed by the City, and the accountant who handled the accounts is on administrative leave while an investigation takes place. He noted that copies of the Auditor’s reports are automatically transmitted to the State Attorney’s Office. Mr. Carter said that the next step in the process involves giving the administration time to correct the identified deficiencies and to follow up in the usual 12-18 months.

Motion (Lowe): that the TRUE Commission accept the Auditor’s report #715 with a request that questions/follow-up items posed in Commissioner Lowe’s report be responded to by the Auditor’s office – **approved 10-0**.

Commissioner Lowe said that the Sunshine Law compliance review (Report #716) was very thorough and the results indicate that the system is operating properly for the most part. With regard to Report #714 – Quarterly Budget Summary – Ms. Lowe questioned when the City was planning to hire a new Treasurer and a Comptroller to fill those vacant positions. She does not feel that a billion dollar enterprise like the city government can be operated efficiently or safely without those positions being filled.

Insurance Committee - Commissioner Lyons reported that further action is on hold until the City's health care RFP responses are received and evaluated. He will try and meet with members of the City's two insurance committees express the TRUE Commission's interest. The RFP asked for proposals on both fully insured and self-insured options.

Auditor's Report

Tommy Carter of the Council Auditor's Office reported that the office had released three reports as discussed earlier in the Audit Committee report: #714 – Quarterly Budget Summary, #715 – Recreation and Community Services Bank Accounts, and #716 – Sunshine Law compliance review. The quarterly budget report projects a \$5.4 million favorable variance by the end of the current fiscal year as a result of expenditure reductions. He also noted that the administration has recently provided the mandatory mid-year budget report (albeit after the deadline) and the Finance Committee should be holding its mid-year review meeting shortly. Commissioner El Hassan indicated he had heard rumors that the mayor was withholding expenditures specifically authorized by ordinance and wondered if this was permissible. Commissioner Radlinski cited a section of the Ordinance Code dealing with the mayor's power to sequester funds. Mr. El Hassan will do some research on this issue.

Chair's Comments

Chairman El Hassan expressed support for earlier comments by Commissioner Wendler urging the commission to undertake some detailed work on one or more budget issues. He suggested that commissioners look into budgetary issues with which they have some experience and familiarity. The TRUE Commission's profile is rising, and the budget offers an opportunity for the commission to be helpful to the Mayor and Council in a difficult task. The Chairman also noted that the commission has several vacant seats and welcomed suggestions from the members about potential replacement nominees who might be interested in serving on the commission. Mr. El Hassan asked if the TRUE Commission had ever attempted to get its work more attention and coverage in the media. Commissioner Lowe, the longest-serving current commissioner, said that the media has taken an interest in the commission's work sporadically over the years, and only when a "hot" topic has been raised.

Old Business

Chairman El Hassan reported that he had attended the City Council Audit Committee's meeting in May and presented the commission's work on contract management. Chief Financial Officer Ronnie Belton was present and indicated that the administration is working on that issue, but gave no specifics. Mr. El Hassan will follow up with Mr. Belton. Commissioner Lowe urged that the follow-up be specific and asked Mr. El Hassan to report back to the commission what he learns.

New Business

Nominating Committee report: Commissioner Lowe reported that the committee, which she chaired, encountered reluctance from a number of commissioners to stand for office, particularly for the chairmanship. She feels the commission needs to grow a new crop of leaders urged the members to be active participants in committee work and to build their skills for future commission leadership roles.

The Nominating Committee proposed the following slate of officers for 2012-13:
Chair – Marc El Hassan, Vice-Chair – Greg Radlinski, Secretary – Diane Brown.

The chair asked for any additional nominations from the floor; there were no nominations. The Nominating Committee's proposed slate was elected by unanimous acclamation.

Commissioner Comments

Commissioner McDuffie asked that the Disparity Study Committee remain on the agenda as an active committee because he is working on the issue and trying to achieve a meeting with the Mayor. Chairman El Hassan committed that when Mr. McDuffie has further news to report the commission will schedule his report under Old Business.

Public Comments

None

Next meeting

The commission's next meeting is scheduled for Thursday, July 5th. Due to the Independence Day holiday and the City Council legislative break, the Performance Committee and TRUE Commission meetings will be canceled for July. The next meeting will be on Thursday, August 2nd.

There being no further business, the meeting was adjourned at 6:10 p.m.

Posted 6.14.12
10:00 a.m.

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