



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

Marc El Hassan, Chair

Mike McCollum Vice Chair

Joe Andrews, Secretary

TRUE Commission Meeting Minutes

August 4, 2011

4:00 p.m.

Attendance: Marc El Hassan (Chair), Marcella Lowe, Joe Andrews, Diane Brown, Ernest McDuffie, Mike McCollum, Greg Radlinski, Ryan Jones, Ted Wendler, Thomas Martin

Excused: Hiron Peck, Gamal Lyons, David Lane, Ryan Jones

Absent: Mark Cowart, Jason Fischer, Wes Benwick

The meeting convened at 4:10 p.m. with a quorum present.

Minutes

The minutes of the July 14 commission meetings were approved as distributed at the meeting, which included a minor amendment from the original draft distributed by e-mail.

Committee Reports

Legislative Tracking Committee – Commissioner Andrews distributed a legislative tracking matrix and reported on the status of several bills the committee has been tracking. 2011-856 (transient vendor location regulation) was recently withdrawn by the City Council. The following bills of interest are still pending on the Council agenda: 2011-276 (employee residency requirement), 2011-414 (continuation of construction on the S-Line rail trail), 2011-429 (amendment of the Ed Austin Regional Park master plan to incorporate a dog park), and 2011-485 (economic development incentive package and criteria waiver for Medtronic Xomed project).

Committee member Diane Brown presented her research on 2011-455 which would forgive past-due rent and future rent for a City-owned parking lot leased to the Churchwell Lofts condominium/retail project on Bay Street and approve a new lease agreement with the condominium owners association for future use of the lot. In her opinion this proposal sets a bad precedent for City support of other struggling downtown projects. Commissioner Radlinski stated that 75% of the condominium units are either owned or leased and wondered what happened to the condominium association fees the owners have been paying. Was some part of the fee dedicated to parking and, if so, what happened to that money? Questions were raised about whether the condominium association or the property developer, Pavelka Properties, controlled the building now, and about whether Pavelka was involved in bankruptcy proceedings.

Motion (Brown): that the TRUE Commission adopts a conditional resolution opposing passage of 2011-455 unless the City Council obtains satisfactory answers to a list of questions the TRUE Commission will provide.

Substitute Motion (Andrews): that the TRUE Commission opposes passage of 2011-455 on the grounds of opposition to the requested waiver of the JEDC project matrix and opposition to the REV grant on philosophical grounds – **failed 1-7.**

Motion (Radlinski): that the TRUE Commission requests 1) the City Council to defer action on 2011-455 until the TRUE Commission can investigate further and provide a recommendation to the Council OR 2) should the Council not choose to defer action, than the Commission opposes passage of 2011-455 unless the Council first obtains satisfactory answers to a list of questions the TRUE Commission will provide – **approved.**

Chairman El Hassan noted that this process illustrates the problem the TRUE Commission has in trying to react in a timely basis to items pending on the City Council agenda with a monthly commission meeting. With only one meeting per month, it is difficult to react to legislation introduced on a bi-weekly city council schedule.

Performance Committee – Commissioner Wendler distributed a draft resolution opposing passage of pending Ordinance 2011-400 (amendments to the police and fire pension plan) and urging the Council to consider a defined contribution plan for any future changes to pension plans for new employees. Commissioner Radlinski pointed out that the commission voted at its last meeting for a resolution that specifically did not recommend a particular pension solution and expressed his preference for remaining consistent and recommending a study of defined contribution plans rather than specifically endorsing that methodology. Commissioner Wendler stated that this resolution cites new information, specifically with regard to the amendment of the 30-year agreement between the City and the Police and Fire Pension Fund which violates the state law prohibiting contracts for employee benefits that exceed three years in length.

Motion (Wendler): that the TRUE Commission opposes passage of pending ordinance 2011-400 and recommends that a defined contribution plan be considered for any future pension changes for new employees – **approved 6-2.**

Auditor's Report

Tommy Carter of the Auditor's Office reported that the Auditor's Office has released one report since the last meeting - #702, Sheriff's Investigative Fund. This is an annual audit of the JSO cash fund used to fund undercover drug buys and similar uses. He noted that the Finance Committee's Audit Subcommittee (comprised of Council Members Anderson, Crescimbeni and Clark) will be meeting on Tuesday, August 16th at the conclusion of the Finance Committee meeting to receive the report of the City's external auditor, McGladrey and Pullen.

Mr. Carter noted that Finance Committee budget hearings are scheduled for August 11, 18 and 25 from 8:30 a.m. to 4:30 p.m. There will also be a pension issues workshop on August 8th in the City Council Chamber for the new council members to be brought up to speed on the structure and history of the City's pension plans. Finally, the audit of the JEDC is in the final review process awaiting the return of comments from the JEDC. It is not anticipated that the audit will be completed until after the completion of the budget process.

Chair's Comments

Chairman El Hassan asked Commissioner Lowe to provide an overview of the audit review process. Ms. Lowe stated that in the past the practice has been for all commissioners to read through all Council Auditor reports and pose any questions or comments to the full commission at its next meeting. If the commission has no questions or comments, then a report is made to the City Council indicating that acceptance without comment. If there is interest, one or more commissioners may be given the task of investigating further and making a report at the next commission meeting. Ms. Lowe will bring a revised audit evaluation form to the next meeting, and asked staff to provide her with a list of the audits released since January 2011 and what action, if any, the commission has taken with regard to each.

Old Business

None

New Business

City Council Member Robin Lumb has sent the TRUE Commission members questionnaires asking for information on the commission's functions, activities and results. Commissioner Lowe volunteered to help draft a response; Chairman El Hassan stated that a committee would be helpful to draft a single response on behalf of the whole commission.

Chairman El Hassan suggested the need for a new commissioner manual that includes the commission's Ordinance Code authorization, by-laws, policies and procedures manual, audit review process, and other useful documents. Commissioners Lowe and Brown volunteered to put together a sample manual.

Chairman El Hassan reminded the commissioners of the upcoming pension workshop on August 8, budget hearings on August 11, 18 and 25, and the Audit Subcommittee on August 16 to receive the City's independent audit.

Commissioner Comments

None

Public Comments

Tony Bates introduced Melodee Dew, the Northwest CPAC's nominee to the commission. He reminded the group that a policies and procedures manual had been developed during his tenure as TRUE Chairman and recommended that it be pulled out for a new look. With regard to 2011-455 Mr. Bates posed several questions he hoped the TRUE Commission would pursue: Why is the City proposing to forgive future rent? Was the \$120,000 past rent forgiveness in the original deal, or did it come along later? Why were there no rent collections between March 2010 and July 2011? Who is responsible for overseeing that rent collection?

Mr. Bates stated that the TRUE Commission did very good audit review work in years past and hoped that the commission would return to that practice. He urged the commission not to be shy about making recommendations to the City Council and administration. He also noted that Commissioner Andrews was praised in a recent Rules Committee meeting during consideration of his reappointment resolution for his 100% attendance record on the commission.

Commissioner Brown asked if the TRUE Commission had a "sponsor" or liaison on the City Council who was specifically tasked to be aware of the TRUE Commission's work and was told that there was not. Individual council members have taken an occasional interest in the commission in the past, but not in a formal capacity.

Next meeting

The commission's next meeting will be on Thursday, September 1st at 4:00 p.m.

There being no further business, the meeting was adjourned at 5:52 p.m.

Posted 9.9.11
5:00 p.m.

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City Council electronic files
Media box