

Official

**Escambia County Charter Commission
Minutes of November 18, 2003 at 5:30 p.m.
Pensacola Campus of Pensacola Junior College
Baroco Center – Room 2142
(Thirty – fifth Meeting)**

Members

Present: M.J. Menge, Chairman
Charles F. Beall, Jr.
Johnny W. Blackmon
LeRoy Boyd
Barbara Forehand “Bobbie” Brown
Jewel Cannada-Wynn
Laurel Dick
Elbert Jones, Jr.
Frank Montenes
Ted Nickinson
Lucy Rentz
Lamar Smith
Garrett Walton

Members

Absent: Rita Riffel, Vice Chairman (schedule conflict)
Denis McKinnon, Jr. (schedule conflict)

AGENDA NUMBER

1. Call to Order – Chairman Menge at 5:35 p.m.
2. Approval of the Agenda

Motion made to approve the agenda by Mr. Beall and seconded by Mr. Blackmon. The motion passed unanimously.

3. Approval of the minutes of the November 4, 2003 meeting.

Motion made by Mr. Montenes and seconded by Mr. Nickinson to approve the minutes of the November 4, 2003 meeting. The motion passed unanimously.

4. Approval of the minutes of the November 13, 2003 meeting.

The minutes were not ready for the members to review.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

5. Communications

- A. Official minutes of the October 21, 2003 meeting.
- B. Official minutes of the October 30, 2003 meeting.

6. Committee Reports

- A. Report from the committee chaired by Garrett Walton

Mr. Walton stated that he had emailed his committee's draft language to everyone earlier today. He asked Mr. Menge how he wished to proceed.

Mr. Menge stated he is considering scheduling a special meeting on November 25, 2003 at 5:30PM. He stated he would be working with UWF the next day to weave all the committee recommended language together. Because many of the members had just received the recommended language, it was his hope that each member would take the time at the earliest opportunity to read through all the language and if they had any problems with any of the draft language that they would communicate the problem to UWF so they would have it in hand when putting the Charter together. He then recommended that Mr. Walton go through his language, highlighting it as he goes, and then Mr. Menge will have the other committee chairmen do the same thing.

Mr. Walton reviewed the Articles assigned his committee. First, he discussed Article II – Form of Government, Powers and Rights. He explained how the citizen's bill of rights was laid out, and that these rights did not expand on an individual's rights under the law.

Mr. Menge stated that one of the items sent to the Walton Committee was the recommendation that limitations be placed on the taxing authority of the BCC. The Charter Commission believed that there should be some limitations on taxation. Mr. Menge asked members to take note of the language contained in Section 203.2.a – He then read the suggested language. He inquired if the members were comfortable with the wording of the limitation.

Ms. Canada-Wynn inquired what particular taxes this applied to – sales tax or other forms of taxation.

Mr. Menge explained that based on research, the only additional tax a charter county could levy that a non-charter county could not was a public service tax. What the Charter does is make it clear that the taxing authority of the Charter County is not going to be any different than it was as a non-chartered county.

Mr. Walton agreed, and continued with citizen responsibilities. He then moved to Article III – Legislative Branch. He read the draft language and explained the reasoning behind the provisions listed.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

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Mr. Montenes stated that the language supporting visionary leaders is critical to ensuring the commissioners are forward looking in their approach to leadership.

Mr. Walton then discussed the need for global thinking by the commissioners. Next, he addressed the strategic plan. He explained the commission's responsibilities in maintaining the plan. He then moved to the Administrative Code. The County Administrator's responsibilities in support of the commission were outlined. Next, he reviewed Section 302 – Composition, Election, Terms, and Qualifications.

Mr. Menge stated he would add to the language regarding the Commissions' salaries a section addressing the establishment of the Commission's salaries based upon the population of the county.

Mr. Walton felt the statutes covered this requirement, but had no problem with Mr. Menge adding it in if he felt it was required.

Mr. Walton next discussed the administrative support for the commissioners. He stressed that a commissioner would not have a private assistant, and that they would not have private offices. He then reviewed the positions of Chairperson and Vice Chairperson. He concentrated on discussing the fact that there are no term limits. Commission meetings were the next topic. Mr. Walton centered his discussion on the issue of non-agenda items, and how they would be dealt with. The non-interference clause was the next item discussed. He explained how it differed from most charters. He explained the commissioner's limitations when dealing with county employees, and then defined what the commissioners could address with county employees. Sanctions for not abiding with the clause were discussed. He stated the committee had decided to bring this issue back to the commission as a whole to decide on the level of sanction they desired.

Mr. Beall inquired if during their review of other charters; the committee had noticed how many actually addressed the malfeasance or misfeasance sanction.

Mr. Walton explained that there a number of charters that have a standard clause. There is not a consensus in any of the charters.

Mr. Beall inquired what the committee's thinking was and was advised that the committee really didn't recommend this version of sanction, but this is the language that was put in the draft.

Mr. Walton stated he had drafted this language, and the committee decided it should be brought back for the attorneys to look at.

Mr. Montenes stated that the committee was tasked to come up with a non-interference clause. When it came to the sanction section, it was the member's recommendation to bring it back to the commission to decide what sanction should be employed.

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Mr. Menge agreed that there were various ways of looking at it. If members looked at the Whitman Center's blue book, it contained excerpts of the non-interference clause from sixteen of the nineteen Charter Counties. Some do not have a penalty clause, and some do make it malfeasance. The 94/95 Charter Commission decided it should be left to the people to impose the penalty. Mr. Menge read the language decided on. If the people are in fact aggrieved enough to think that a commissioner is interfering with the work of county employees, they have a right to seek the recall of that person. He personally felt a little more teeth needs to be put in the language. He inquired if there were any suggestions.

Mr. Beall stated he agreed with more teeth, however, he was concerned with the term misdemeanor being used. Again, he wants more teeth but not a shark's bite.

Mr. Smith inquired who would determine if a commissioner violated the clause?

Mr. Menge explained that in a recall situation what happens is the petitioners seeking to recall a commissioner have a petition explaining the grounds for the recall signed by 5% of the voters in the district; the commissioner then responds to the petition; if the petitioners are then able to have 15% of the voters sign a petition calling for recall, which petition contains both the complaint and response, a recall election is held. He provided an example of the language used in a recall.

Mr. Smith stated that is the description of a citizen initiative. He doesn't see that in what Mr. Beall is describing.

Mr. Menge stated the language does two things – either-or. It can either be done by recall or it could subject that person to recall by the Governor. Again, the removal section in the statutes lists misfeasance as one of the grounds for removal.

Mr. Beall stated that the Governor would have to make the finding of fact in order to remove. The Governor would also have to agree that misfeasance occurred that would justify the removal of the person.

Mr. Montenes felt everyone was in agreement with the language in this action. He understood the citizen initiative, but wanted further clarification on the removal by the Governor. He stated he was not disagreeing with what everybody is saying.

Mr. Jones stated he was trying to understand it as well. It is not clear to him whether recall is going to be handled locally, or is going to be a Governor's recall.

Mr. Menge explained what constitutes malfeasance in office is dealt with on a factual basis in case law. He then explained the background on the Governor's recall process. He also stated that even if this clause was not included in the charter, it is possible under the recall provision a citizen can

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claim that a violation of this provision constitutes misfeasance in office. By putting this clause in, any question is removed. He inquired if there was any further discussion on the suggested language.

Motion was made by Mr. Beall and seconded by Ms. Cannada-Wynn to include language to read ‘to include malfeasance and misfeasance and have it done by recall by the people or by the governor’. The motion passed 12 – 1 with Mr. Walton voting against.

Mr. Walton reminded members that there was no enforcement clause for the lack of a commissioner being a visionary leader. He then discussed Section 310 – Recording, Printing, and Codification.

Mr. Walton next covered the section addressing redistricting.

Mr. Beall inquired if this is consistent with general law or in addition to it. He stated he had a section that discussed redistricting and wondered if it was even necessary to include it if it is already required.

Mr. Walton stated it was consistent with general law.

Mr. Montenes recommended the language stay in the Charter because the commissioners are going to have to get involved with it.

Mr. Walton reviewed Article IV – Administrative Branch/County Administrator. He explained what was included in the statute as duties and powers of the County Administrator, and the item that had been added by the committee. He also explained how the committee had decided to use the word “shall” instead of “may” for two items listed in the statute.

Mr. Montenes felt a non-interference clause should be included in the County Administrator Article. He felt the commission had moved a lot of power from the commission to the County Administrator, and this is a way to balance that power.

Mr. Menge inquired if any powers had been moved to the County Administrator that he didn’t already have. He understood that the only thing added concerned strategic planning.

Mr. Montenes stated it was a perceived thing – right now the citizens do not have access to the County Administrator. He added he has not been able to meet with that County Administrator since he has been in office. He gave examples and explained where his perception of the County Administrator came from. He strongly believed that the county could not have a part time government.

Mr. Walton stated the overall structure of the Charter seems to place additional power in the hands of the County Administrator. He felt that is the perception that a lot of people have. He then discussed the at-will employment and annual performance appraisal tied to the County Administrator.

Mr. Menge stated he had a fundamental difference of opinion on what has been stated. As he read the Charter, the BCC is not being given any more

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powers than it already has. Under the statutes, even a non-charter county has been given home rule powers and can enact whatever laws or ordinances they believe necessary for the welfare of the county. They have plenary power right now. As far as the County Administrator is concerned, the committee has told us that they have tracked the same language, except the strategic plan provision, that is in the statutes right now. So as he understands it, the County Administrator has not been given any more powers. The argument that a non-interference clause prohibiting County Commissioners from interfering with or redirecting the work of county employees who report to the County Administrator shifts power from the BCC to the Administrator fails to recognize that the County Administrator, by ordinance and contract, presently is charged with the responsibility of administering the day to day affairs of the County. The non-interference clause simply seeks more efficiency. It is impossible to hold the County Administrator accountable for the efficient administration of the BCC's policies if the individual County Commissioners are allowed to redirect the work of the county employees.

Mr. Walton stated he thought there was a shift in power with the Charter. We are trying to get them out of everyday operations and into planning. There are many citizens that are going to look at this with concern.

Mr. Menge agreed that citizens will be concerned. However, they will be more concerned about statements that are not backed up by fact. He doesn't see any more powers given to the County Administrator by this Charter than he has right now. He also doesn't see any more powers given to or taken away from the County Commissioners than they have right now. The only change is that we are trying to refocus the County Commission on being a more long range planning body, being more visionary, having a strategic plan, looking forward to the future, and setting a greater priority on policy making than pot-hole politics.

Mr. Walton stated that when a Commissioner loses the means to get a pot-hole fixed, he is in a sense losing power. Mr. Menge responded that the Charter does not cause a commissioner to lose the power to have a pot hole fixed; the Commissioner advises the County Administrator of the problem and county employees are scheduled to fix the pot hole; if the Administrator fails to fix the pot hole, the Commissioner can have the BCC direct the Administrator to do so.

Mr. Menge stated that if the Charter Commission leaves the citizens with the perception that the County Administrator has been given unprecedented powers, which will not be a true impression, it will have disserved the public.

Mr. Montenes says he agreed there has been a power shift, although it looked good on paper. What made this commission decide that the commissioners could perform better if they don't have offices? Secondly, why don't the Commissioners need staff now – take visionary and long range

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planning – that requires staff support. He explained what the result would be without dedicated staff. He feels this is a power shift.

Mr. Menge responded that on a personal basis, he has served on a number of boards in the community, and not once was he provided a secretary or a personal office. He felt that the boards he served on were visionary, developing strategic plans and on occasion firing the CEO for not meeting expectations. Through all this, he did not have an office or secretary to do his job.

Mr. Montenes did not agree with that concept. He discussed his ability to run a large scale division. In most large corporations there is office space provided for the board of directors. He feels that there is a definite power shift from the commissioners to the County Administrator.

Mr. Dick asked Mr. Montenes what language he would like to see in the Charter to cover what he is concerned about.

Mr. Montenes stated a non-interference clause should be included for the County Administrator.

Mr. Menge inquired if he meant a clause that would prevent the County Administrator from interfering with the commissioner's work.

Mr. Montenes stated there should be something to hold the County Administrator responsible to operate at a performance standard the commission deems appropriate.

Mr. Menge stated he would entertain any suggested language from Mr. Montenes. Mr. Montenes stated he would draft and offer such language later. Mr. Menge then requested Mr. Walton to continue with his report.

Mr. Beall felt the reason the commission had voted to restrict the salary, office space, and staff for the commissioners is to get rid of the imperialistic commissioner attitude and perception we have had in this county. We are in no way restricting the power of the County Commissioners. That is the key – the Board has the same power if not more than it had before under this Charter.

Mr. Boyd stated his position was in line with Mr. Montenes'. He felt there has been a definite shift in power. He compared the situation to the Constitutional Officers becoming Charter Officers. He feels there is not enough checks and balances that are needed for that much power. Even though he still does not agree with cutting the commissioners' salary, he will follow the commission's decision. But, they still have to maintain their dignity to serve the county.

Mr. Jones agrees partially with Mr. Montenes, especially providing balance to what has been done to the County Commissioners. He feels some balance needs to be added. The clause may only be a couple of sentences, but he agreed there is a perception in the community that this power shift is taking shape. When some powers are taken away from the commissioners, then it will

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automatically give the County Administrator more power whether it is stated he is or not. If there is a perception out there, it needs to be deal with.

Mr. Nickinson felt some of the problem is that they thought the County Commission had powers that they used that they really didn't have. They weren't authorized to do some of the things they did, and that is why four of them got fired. They abused their powers. If they abuse their power, they are going to get caught under the Charter.

Mr. Jones stated that if the Charter provides for recall for the commissioners, at least it should include a sentence that speaks to that for the County Administrator.

7. Discussion regarding redistricting for County Commissioner elections

Mr. Menge stated that Mr. Partington was present and had been requested to discuss the districting issue with the commission. Mr. Nickinson had forwarded a Memo questioning the need to maintain the twenty percent figure for minority district(s). He had forwarded the memo to Mr. Partington.

Mr. Partington reviewed his earlier presentation to the commission, and stated that with the history of this particular county, the Legal Advisory Team was of the opinion that any composition of the Board of County Commissioners that resulted in dilution of the existing twenty percent representation of Afro-Americans on the BCC may violate the Federal Voting Rights Act. Mr. Nickinson wanted to know what makes us different than Hillsborough or Leon County when it comes to at-large commissioners. Mr. Partington responded that the five single member districts for Escambia's BCC were created in response to Judge Arnow's order in the early 1980's finding that the at large election of County Commissioner discriminates against Afro-Americans and the County had a history of racially polarized voting. He then read a portion of the Judge's opinion. He summed it up by saying that five single member districts, and two at large in this county with the history that led to Judge Arnow's decision, would probably result in litigation and a judgment rejecting the plan. Another reason the Judge rejected the formula was because the voters of Escambia County rejected it when they rejected the proposed 1979 Charter. The legal advisory team reaffirmed its previous advise that the county must maintain twenty percent minority representation on the BCC to avoid a voting rights lawsuit.

Mr. Boyd inquired what percentage of the voting age population of the proposed two minority districts is required to be legal. What would be acceptable?

Mr. Partington responded that none of the cases state that there has to be a guarantee that a certain percentage of minorities has to be elected. The issue

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addressed is there must be a fair and reasonable opportunity in an election for a minority candidate to have a fair chance to state his or her case and to be elected.

Mr. Menge stated that at an earlier meeting the commission took a look at the percentages of black and white populations eighteen years of age and older in the ten districts as proposed by the Supervisor of Elections. The old district three had 18,061 white and 21,875 black eligible voters. If they look at registration, in that district 56.7% of the registered voters were black. If it is divided in the manner proposed by the Supervisor of Elections, call it new district 3 and district 3A, new district 3 would have a population of 60.5% eligible black voters and 63.49% registered blacks. In 3A, there would be 50.7% population of eligible black voters, and 52.8% registered blacks. The Thornburg case decided by the Seventh Circuit Court of Appeals held that a simple majority of eligible minority voters in the single member district would satisfy the legal requirements.

Mr. Menge requested that Mr. Partington review the Thornburg case he cited earlier, and ensure his understanding of the findings is correct. As he understands it, Santa Rosa County has five County Commissioners elected at large. If Santa Rosa wanted to change to five single member districts and two at-large there would be no dilution because all the County Commissioners are presently elected at large. This county has a different situation because of the Federal Court Order. Basically, 20% of the districts must be safe harbor minority districts. If we go to ten districts, then Mr. Menge understands we will be on firm grounds assuming we will be able to create two majority/minority districts. If we go with the plan proposed by the Supervisor of Elections, we will go from a 54.8% black population over eighteen years of age in the present district three, to two districts, one with a 60.5% and the other a 50.7% black population over age eighteen.

Mr. Walton asked Mr. Menge if the division of the county into ten districts was an issue the Charter Commission should be dealing with? If we say ten single member districts, we are not adopting it. The County Commissioners will redistrict, and it will be the BCC's responsibility to divide the County into ten districts. It is up to the BCC to decide whether it should accept the Supervisor of Elections' proposal. The BCC may tell her to get closer to 54 or 55%.

Mr. Menge stated the Florida Constitution requires that counties must have fairly compact districts as equal in population as practical. He felt the Supervisor of Elections has looked at it in every way she could, and he believed that if the County Commission seeks to create two minority districts – it will have to adopt her plan. He didn't think any other plan could keep from skewing it illegally.

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Mr. Jones stated the way he understood the redistricting plan was it did not represent any of the retrograde dilution, and that it was legal and would work for the county.

Mr. Menge agreed, but it would be because of the Thornburg decision that there only needs to be a simple majority.

Mr. Nickinson stated he was going to come at this issue from a different angle. He stated that when the commission had adopted the ten member districts, it was felt that it would be a good thing for the county, and it would eliminate the possibility of a three person clique dominating the commission. He supported the action because he thought it was good. After careful consideration, he looked at the negative aspects of keeping single member districts. It perpetuates a commission where no member has a responsibility beyond that of his or her own limited geographical area. He felt there was no reason for minorities to be walled in by district boundaries. He gave a personal experience to highlight what he was discussing. He felt that is what is being done with district three – keeping the people in. He felt they would never get more than 20% unless it was with another plan. They are limited by the single district plan. His question was why shouldn't those citizens be represented by more than one commissioner? He feels the community has changed – look at the city council – three of ten are black – does that mean we should tell them they have too many? There needs to be some vision in this county. He doesn't feel they can get it as long as there is – five, ten, or twenty – commissioners representing only one district. He stated that in order to give citizens access to more than one commissioner they would have to go to at-large commissioners. With two at-large and five single member districts that are already in place, each elector, regardless of where they live in the county, or the color of his/her skin would have their choice of three commissioners to vote for. Hillsborough County has four single member districts and three at large. That means each elector votes for four – a majority. Leon County was challenged, but not for voter rights reasons. Hillsborough was challenged for voter rights reasons, which they overcame. He submitted that any at-large candidate would have to campaign in all five districts. Under this plan he believes it is possible for a minority to be elected to one of the at-large seats – the community has changed. He felt his plan would lead to a commission more responsive to the needs of both the majority and minority citizens. He has been told by a reliable source that the pre-clearance provision of section five of the Voting Rights Act does not apply to Escambia County. The need to go to the Attorney General of the United States to change districts does not apply here. He knows the commission has already voted for a ten single member district plan and under the by-laws something that has already been brought to and voted on by the commission can not be re-voted without the consent of the commission. But, he submitted that

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additional information has become known since that vote, plus he believes the three Chairmen of the committees can attest to it, the drafting committees have had significant problems dealing with how a ten member commission would transition from what is currently in place. He stated that no districts would have to be redrawn if they go to his plan, and present districts could remain without any change. He requested the Commission debate this issue further before the Charter is finalized and presented to the public.

Mr. Boyd stated he begged to differ with Mr. Nickinson. He stated that we are not better off today—we are worse. He stated that the citizens still vote along racial lines. Second, the comparison with the city is not a good comparison. The populations are not the same. He reviewed the lack of black representation at the various government levels, and the results of the class action suit. He stated he did not like the idea of a ten single member district. He feels it further dilutes his community's opportunity to affect an outcome. He felt it could bring the 20% down to as low as 10%. The proposed division of district three would probably put the county in litigation. There is never a hundred percent participation. He thinks that if the members want to have the Charter succeed, they should drop the proposed ten member board. Because, with 50.7% he is almost certain that they would be faced with a legal challenge to ensure they maintain 20%.

Ms. Canada-Wynn stated the redistricting in the city was for fair representation. She felt that the plan proposed by Mr. Nickinson would in fact dilute the black vote, and that they should not be required to accept something that would drop the 20% requirement. She didn't see the ten districts as blocking the black population into district three. It is her opinion that the ten member districts provide the opportunity for Escambia County to show it has changed since 1979. Some of the individual citizens and voters who support a progressive Pensacola and Escambia County will support a candidate regardless of race. However, the umbrella of 20% is still needed.

Mr. Blackmon stated he wanted to speak in terms of history. He would like to agree with Mr. Nickinson and think that Pensacola has come a long way – it has come a long way – but it still has a long way to go. He agrees with Mr. Boyd about the at-large position – it is a white vote. But then he believes the county is on its way to get where they need to go with the ten member board, and it couldn't be done with the seven member board.

Mr. Jones stated with all due respect to Mr. Nickinson, he disagrees with his plan. He stated things have not changed with respect to voting as it relates to blacks in this community. There has been a number of people who have come before the commission and say that in Escambia County people vote race. He wished they could go to an at-large arrangement. He would much prefer an at-large arrangement but it just will not work in this county. The commission has

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been told by the attorneys that they should not tamper with the 20%. He thought they were beyond changing any of that. He would prefer to keep the five districts, but the ten he agrees with because he doesn't think it will dilute the minority vote. He explained some of his experiences – especially watching people not being allowed to vote. He believed the 20% rule allows his community to have full access and participation, and feels it is important to maintain that level of representation.

Mr. Montenes stated he had a problem with the ten member board. He reviewed the process that reached this decision. He stated he agreed conceptually with Mr. Nickinson. He offered a recommendation that they could elect a County Administrator or elect a County Chair. He provided reasons why this would be advantageous for the county. He reminded members that with the current population shifts, it will be very difficult to maintain district three 20% rule. He therefore does not see ten districts as the optimum solution for better government.

Mr. Beall agrees conceptually with everything Mr. Nickinson stated. Practically however, he could not agree with it at this point. Thirty years ago, at-large was a codeword for white vote. From a realistic standpoint, the county cannot get there at this point in time. He felt that within the next ten-twenty years, there will not be a majority/minority district in this county. He suggested that the commission stick with the ten single member district plan, get the Charter passed, and then in ten or twenty years the Charter Review Commission which will be established, or by petition the Charter can be amended to do in the long term what is the right thing.

Mr. Menge pointed out that the handout; setting up seven districts was developed by the Supervisor of Elections. Based on the last census, district two had a white population of 18,528 and there was a black population of 19,066. In district one there are 19,973 whites and 20,023 blacks. But when you look at the over 18 years of age population, there are 15,443 eligible white voters in district two and only 12,054 eligible black voters. In district one, there are 16,665 whites over age 18 and 13,739 blacks over age 18. If in fact the families represented by these numbers continue to stay in these districts, it is conceivable that in a short period there would be a majority black population over age 18 in these two districts. Then, very possibly, by Charter amendment the county could move toward the desirable goal expressed by Mr. Nickinson and have two at-large, seven districts, and two of the districts would be majority minority districts. He stated he was a proponent of at-large representation, but he is also very much of a proponent of not diluting the situation we have right now. He feels that the ten district plan is where the county should go and that he was not in favor of an elected executive and an elected Commission that could potentially lead to the type of disagreements and in fighting engaged in by the

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School Board and Superintendent. He thinks the right decisions have been made by the Charter Commission and that he intends to vote against revisiting the ten districts.

Motion was made by Mr. Nickinson and seconded by Ms. Brown that the ten member commission be reconsidered prior to the final drafting of the proposed Charter. The motion failed 10 – 3.

Ms. Susan Watson stated she wished to raise some concerns about the population of the minority districts. She has been involved with voting issues with the Office of Civil Rights and the Justice Department. In a discussion held with Mr. Russ (DOJ) the issue of whether a district containing a population of 52% black voters was sufficient to create a “safe harbor” district was considered, and she is alarmed to now learn that the population is actually 50.7% in one of the districts. Mr. Russ was concerned that even a 52% district may not be a viable minority district. He brought up several issues including: Poverty level and turn-out history at the polls. Based on the numbers provided earlier, it is her concern that the commission weigh these things heavily when making a decision. She has great concern with diluting the minority vote, and the possibility of going backwards in this county.

BREAK: 7:35 p.m. – 7:45 p.m.

8. Discussion regarding the formation of a Citizens’ Investigative Board

Mr. Menge reconvened the meeting, and stated that Mr. Boyd has requested that the order of the agenda be changed to address the creation of a Citizen’s Investigative Board (CIB). With no objections, he stated the members would hear from the citizens and then the commission would have its own internal discussion.

1. Mr. Cox - stated he was the northwest coordinator for the ACLU of Florida, but more importantly, he has been doing the work an investigative committee would do better. He wanted to speak on behalf of the dis-empowered. He stated that today there is corruption in Escambia County law enforcement. He used Century, Florida complaints as an example. He felt that if his group had not gone to Century, the complaints would never had reached the Escambia County Sheriff’s department. He then explained the process of filing a complaint. He explained that people in the Century area are afraid to file a complaint because of possible retaliation. He identified a Deputy Sheriff and explained how the Sheriff’s Office handled complaints against that officer. He supported the CIB

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because it would give the powerless a voice. He stated that there currently is not a set of checks and balances in Escambia County law enforcement. .

Mr. Beall inquired what powers did Mr. Cox see this board having? Whether they have subpoena powers is at question. What can they do?

Mr. Cox responded that primarily they will investigate. All citizens will know they exist. It provides a safe place for citizens to go with complaints. The groups he represents do not want the task of investigating complaints.

Ms. Canada-Wynn inquired that when this board makes its findings, how does it force the Sheriff's Office to make changes?

Mr. Cox responded that he didn't know. Some of the details are in the proposal given to the commission. His work has been going into communities and investigating. He stated there has to be a safe haven for people to go to.

Ms. Brown inquired if there isn't already an investigative board at the Sheriff's Office with citizen involvement?

Mr. Cox stated there is a group called Citizen's Law Enforcement Liaison Group. He stated it doesn't matter what its called. If this group is going to be developed into a CIB it has to be effective. Currently this group is not effective. He stated he has not been able to contact this group. He stated the group is not what they consider an investigative body.

Ms. Brown inquired if he would replace the people currently on this group, and inquired how many people are appointed to the group.

Mr. Cox didn't recall the number, but stated it was in their proposal submitted earlier.

Ms. Canada-Wynn inquired who would provide the funding for this board, would it be the BCC? Who would pay for the day-to-day operations?

Mr. Cox stated it was a detail that he didn't have.

Mr. Blackmon referred to a document that the Sheriff had provided during his last visit. It concerns the Citizens Law Enforcement Liaison Group, and has the minutes of the actions taken against Officer Green. He inquired if there were any other officers that are a problem. The only officer he has heard mentioned is Officer Green. The officer was moved by this group, so what are you saying about the group not having teeth? Is this because they are appointed by the wrong people, or do you think the wrong people are on it?

Mr. Cox responded it was things like not meeting enough. For whatever reasons, they are not effective now. There should also be more minority representation. With Officer Green, the problem is not the officer, but the whole cultural aspect of law enforcement in Century. He stated that officers who can not cut it in Pensacola are sent to Century and other parts of the County. This is the sort of thing the CIB should be investigating. It is a culture within the Sheriff's department that takes advantage of the dis-empowered.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

Mr. Jones inquired if the Liaison Group has been asked to investigate Officer Green? If so, what happened? He assumed the officer was the worst example.

Mr. Cox agreed. His group's complaints against this officer were taken to the Liaison Group. A solution was worked out because of the pressure put on the Escambia County Sheriff's Department. He felt if his groups' actions had not taken place, the officer would still be in Century.

Mr. Jones stated that Mr. Cox's group made the complaint, and the CLELG did the investigation, and the solution was to assign the officer to Wedgewood. He inquired how a complaint was made – to the group, to the Sheriff's Office?

Mr. Cox stated that was a mystery.

Mr. Montenes stated the commission had received some information saying the CLELG was established on the last Sheriff's watch. He discussed the method used to evaluate the effectiveness of the group. The CLELG is required to issue an annual report. Have you seen an annual report, and seen how many complaints have been addressed?

Mr. Cox stated he hadn't, and that is something he should do. He agreed that the CLELG did take action on the Officer Green issue, but hoped that the CIB would take a different kind of action, and come up with a different solution other than just moving the officer.

2. Katy Porter - stated she enjoyed living in Escambia County, but there are a lot of problems. She agrees with having a CIB.. She explained that there are problems at the Escambia County Jail with the juveniles. She is an administrator with Justice for Juveniles. She gave an example of a thirteen year old female that is currently in jail with adult men. She provided other examples of mistreatment of children in jail. She has talked to the Sheriff about this and nothing has been done. She asked if there isn't an investigative board for Escambia County law enforcement, how a citizen goes about getting a public official to answer questions and not mislead the citizen. A CIB is what would take care of that problem. She referenced the powers and duties of the County Commissioners, and inquired if there were any questions.

Mr. Jones inquired if all the examples she provided were reported to the Sheriff? Did the current liaison group review it?

Ms. Porter responded the Sheriff had been notified, and that it had been impossible to find the board members of the liaison group. She stated there is no way to contact CLELG unless through the ACLU or other caring organizations.

Mr. Jones inquired if she knew if any of these complaints got heard?

Ms. Porter stated she had no idea if any of them have, and no one has been contacted.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

Mr. Menge inquired if he understood her to say that one of the deputies had a polygraph test, and was it in line with an investigation that was conducted?

Ms. Porter stated that three deputies had taken the test, and it was in response to the complaints by concerned mothers.

Mr. Jones inquired when these things occurred? Was it the last year? He didn't know why the citizens are not more aware of these issues. Shouldn't there have been something on the news or in the newspapers?

Ms. Porter stated the groups have been sending articles in, and they are not being printed.

Mr. Jones stated that if she wrote about instances like just described and that the News Journal will not print them then maybe WEAR 3 will respond.

Ms. Brown inquired about the Village Voice.

Ms. Porter wasn't sure, but they had contacted John Walsh and Gulf 1.

3. Elvin McCorvey stated he doesn't want to use names for the deputies, because there is more than one causing problems in the community. He stated that what the commission is hearing about the injustices is just the tip of the iceberg. He discussed a meeting held at city hall where people were able to voice complaints about incidents that have happened at the Sheriff's department, and with the County Jail. The issues concern the treatment of the inmates. The Sheriff's department and a large segment of the county represent the gestapo. People are afraid of the Sheriff's department, and filing complaints with them because of retaliation. There needs to be something in this community so citizens feel comfortable filing a legitimate complaint. He stated the NAACP has a good working relationship with the Pensacola Police Department. He gave examples of the lack of cooperation in obtaining information from the Sheriff's department. He stated his group was compiling a list of incidents. He stated during a personal meeting with the Sheriff, he presented an incident involving a cocaine bust of an individual. He gave additional examples. He reminded the members that not all of the complaints are from African-Americans. He stated that if something is not done, there will be an uprising like nothing they have seen before. The community needs an independent body – independent of the Sheriff's Department – the Sheriff cannot adequately investigate his deputies.

Ms. Rentz stated she had read the CLELG document. She pointed out that the group works with both the Pensacola Police Department and the Sheriff's Office. She inquired how they could work with – do they work with the Police Department actively as a group?

Mr. McCorvey stated his group works directly with the Police Department.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

Mr. Menge inquired if Mr. McCorvey had received a copy of the mission statement and procedures for the CLELG? He inquired if he knew Mr. Merkinson.

Mr. McCorvey stated he had not. He stated he knew Mr. Merkinson.

Mr. Menge stated that according to the minutes of the CLELG meeting held September 9, 2003 he saw where Mr. Merkinson was elected Chairman. In the procedures, the group investigates a citizen complaint by reviewing the information provided on the complaint form, and by compiling relevant information from both the Police Department and the Sheriff's Office. The forms are available from any member or the law enforcement offices themselves. Listening to what has been stated, he surely understood the concerns. He knows there is a civil rights group at the Federal Attorneys Office. Has the Civil Rights Office ever been brought into this, or talked to about the violation of civil rights?

Mr. McCorvey stated his group was working with the Office of Civil Rights in Atlanta at the present time. He stated his group is putting a case together against the Sheriff's department.

Mr. McCorvey stated he felt the problem has to be with the deputies out in the field because of their attitude. They seem to want to resort to violent tactics when arresting someone when it isn't necessary.

Mr. Menge stated that one of the things he noticed in the CLELG minutes were the findings and actions taken by the Sheriff's Office concerning Officer Green. Captain Jackson stated the move was the officer's last chance. Wouldn't Captain Jackson be a good source for you? Is he or not?

Mr. McCorvey stated he had spent considerable time talking with Captain Jackson. He is very cooperative, but his hands are tied. Same with the Sheriff. He seems almost powerless when dealing with some of these deputies. He couldn't understand the move to the Lincoln Park-Wedgewood area.

Mr. Nickinson stated he had attended the meeting at city hall, and heard what was stated. It was stated that incidents were being documented to send to the Justice Department. What has happened to that?

Mr. McCorvey stated some have been sent to the Justice Department. The process is very slow. It takes time to collect the data on the complaints.

Mr. Nickinson stated his concern, and explained how as businessman, he had his hands tied by unions. He inquired, on a scale of one to ten, how much of the Sheriff's lack of being able to take action against deputies is because of the rules and regulations under their contracts that need to be changed.

Mr. McCorvey stated he could not speak to that. The Sheriff would have to answer that.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

Mr. McCorvey stated he had not stated that Sheriff McNesby was the problem. He's not the first Sheriff in Escambia County that there has been problems with.

Mr. Nickinson stated that is why we may be looking at the wrong solution. There have been suggestions concerning the CIB. He feels there is a deeper problem. If the Sheriff says his hands are tied, we need to find out why his hands are tied.

Ms. Brown inquired who they want on the CIB? Are the people already picked?

Mr. McCorvey stated they had not. He would like to see a panel from the community to select people who would be representative of the community. There needs to be someone independent of the Sheriff's department – not to usurp the Sheriff's authority – we do not want take that away.

Ms. Brown inquired if they wanted someone from each district? Two or three from every district, or is there neighborhoods you want people to be from?

Mr. McCorvey stated all this must be considered. He thinks they should represent the entire county because the Sheriff serves the entire county. It should be representative of the make-up of the county, and have people that can be trusted. He stated he has not talked to the FDLE.

Mr. Blackmon stated he understood what was being stated about the Sheriff's hands being tied. The Sheriff does have the CLELG, but what you are saying is that he inherited this group, and had no appointments to that group.

Mr. McCorvey stated the way it is operating now is not effective. The average citizen does not know about the group.

Mr. Jones stated, among other things, you're saying this group is controlled by the Sheriff – the response was no, they answer to the Sheriff – and that is a problem. He didn't think that what is stated has anything to do with who is in the group, it is the way it is operated, how it is constituted, and who it reports to. He knows a couple of the people, and they may be good people and think they are doing a good job. But, it is a systemic problem. It needs to be totally revamped and restructured, and the way that has been recommended to us by this group is key. The fact that they report to the Sheriff, he is still in a position to exercise too much control over it. What is being requested is a group that is independent of the Sheriff.

Mr. McCorvey agreed. He stated that if this a citizen committee, then they are suppose to advertise their meetings and should be open to the public.

Ms. Brown inquired if he would suggest having criminal defense attorneys on the board? Someone that is familiar with the system and the jail.

Mr. McCorvey stated he was not suggesting who would be on the board other than people who have an interest – it could be professional – but doesn't have to be. Citizens could be trained so they understand the system.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

Mr. Jones stated the membership calls for as many as fifteen members, and no fewer than eleven. Only two assigned by the Chief of Police, and only two assigned by the Sheriff. The others as determined by the voting members. That is how the bylaws read.

Mr. Montenes inquired if the CLELG was established by law? He wants to know why the group was formed, what law or what does the law say about it because it is hard to figure out if their procedures are efficient.

Mr. Menge informed the members that the law behind CLELG could be found in Chapter 112.533 of the Florida Statutes.

Mr. Nickinson stated some of the problem looks like it comes from the cover sheet – the restriction on distribution to unintended recipients. It can provide a wall to hide behind.

4. Tonya McFadyen - stated she was from Movement For Change, and that she was going to use an example of a phone call she received the previous day. She explained the circumstances behind the call. The issue evolved around deputy sheriffs invading a single lady's house without a search warrant. She then went into the follow-up the deputies conducted that she considered harassment. She stated she has received many calls like this, and that these people are terrified of the Sheriff and Police departments. There is a definite need for a review board that does not have to report to the Sheriff's department. She commended Mr. Bell of the Police Department for his actions as a police officer. She explained that she was ready to go to the lady's home mentioned earlier, and carry a video camera.

5. Susan Watson - explained that she brought case files of complaints that included the use of excessive force and jail issues. She wanted the commission to know that there are many documented complaints involving many officers. She then gave a different example of the Sheriff Department breaking into the home of a single mother and her daughter without a warrant. She explained the importance of these issues. She addressed the question of who would be on the board. The original CLELG members were picked by the Sheriff. It is funded by law enforcement and meets at law enforcement facilities. They need to be put under the Board of County Commissioners. She feels people should apply for the position so their qualifications are known. She feels the Sheriff's Office and Police Department should be able to appoint someone to the board. She feels there should be some continuity by bringing over members of CLELG. She stated the meetings should be public, and that the board should do all those functions mentioned by the other speakers. She feels the board should get its funding from the County Commission and not the Sheriff's department. She provided a list of functions the group could take on. She reminded members that all of the complainants are not thugs. We owe it to the citizens of Escambia County to have meaningful oversight. There is something in place which she

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

never knew existed and she asked how many of the commission members knew it existed. Let's beef it up. Let's see what it can do. It is the government's role to protect the citizens of this community. She feels that with some modifications, the system can work.

Mr. Menge stated he understood what she has presented, but one of things he is looking at is that under Chapter 112 Section 533. It seemed to him that what Mr. Lowman did in response to that section – he remembers when it was formed and the reasons behind it – and when he reads the mission statement and procedures, there are some very good things on paper such as allowing anyone who wishes to apply to do so. Also, they would conduct investigations in the manner that is proposed for the CIB. He continued to outline the mission and procedures. He explained that his concern was that there is a statutory mandated group. Based on what is available, it seems to him that what they are asking is to create another board that is going to do many of the things the other group is charged with doing.

Ms. Watson stated it doesn't say in the statutes that the Sheriff's department has to be in charge of this group. She doesn't see where there is a prohibition on taking the current CLELG out from under the jurisdiction of the Sheriff's department into something a little more independent. Also, move the funding from the Sheriff to the County Commission.

Mr. Menge inquired if her group had thought of going before this group that has been formed and ask them to change some things?

Ms. Watson stated she had talked to some of the members, and that she felt they should look at preserving some of the history that is on CLELG, but she feels it can be improved.

Mr. Menge inquired why they can't improve the CLELG internally.

Ms. Watson stated that if they could – and maybe they can – but the truth is that if they were so wonderful, she wouldn't be standing there with a stack of complaints. When asked, she stated the complaints she brought with her have not been filed yet. Others have been turned in. She had been told by Mr. Jackson that the reports should be filed with the Sheriff's Office. When she asked CLELG members about their status, they had not seen them – what happened to them? At the last Charter Commission meeting she attended, Mr. Jackson told her that people should notify CLELG if they have a problem. How can they do this if they don't even know it exists?

Mr. Beall inquired if she or any other groups that have addressed the commission tonight have gone to the Board of County Commissioners and requested the adoption of an ordinance creating a CIB? The answer was yes, and he then inquired if the BCC had voted on it.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

Ms. Watson stated she did not remember a vote, and that it had not been on the agenda. But, they had spoken with the County Commissioners asking them to do this.

Mr. Menge recommended that because they knew the new Chairman of the CLELG, they should go to him and present their complaints, and ask when the next meeting was, and that they wanted to see what action will be taken.

Mr. Menge stated after the members heard from the speakers, they would discuss the issue among themselves.

Ms. Porter inquired that prior to receiving these documents from Captain Jackson, how many of the members have heard of CLELG? She noted only two, and stated that was sad.

Mr. Boyd moved that a CIB board be established under the Charter with subpoena powers and Mr. Jones seconded the motion. Mr. Boyd then provided discussion on the motion. He reviewed actions he had taken concerning complaints filed against law enforcement. He stated that CLELG does not have parameters on qualifications. There must be qualified individuals on the CLELG. He lauded the changes taking place in the Police Department. He then discussed the Officer Green case, and provided his opinions on how the case was handled. It was his genuine concern that if something is not done soon, the black community will explode. This is why the county needs a CIB. If people do not want to get rid of CLELG, put some teeth into it. Rewrite the ordinance, and give it the powers needed to investigate these complaints. There is no credibility in that group within the black community. He stated what he is asking of the commission is to adopt either an improved CLELG or CIB independent of law enforcement.

Mr. Blackmon stated the way he sees the situation is that CLELG has everything that is needed. He supports Mr. Boyd's motion if in fact subpoena power is included. CLELG is the vehicle that is needed, but it has problems in the way people are appointed to it.

Ms. Canada-Wynn stated in its inception, she had problems with CLELG. A main problem was that the accountability laid with the Sheriff's department. The problem is not just with the current Sheriff, this has been going on for a long time. She provided a very personal example. Nothing is going to change unless an agency is put in place that can address the issue fairly. The CLELG does not have consistent meeting times. The only way issues are going to be addressed is through an independent board. Therefore she supports the motion.

Mr. Montenes felt that what is being stated is that if the commission could put the appropriate words in the Charter to elevate the CLELG, and make them responsible to the County Commission and the Sheriff maybe some of these issues would be taken care of.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

Mr. Beall stated that the question is not whether there is a problem; the question is what is the solution to that problem. Is the CIB the solution, and is the Charter the place for the CIB? He explained that the CIB cannot force the Sheriff to change any policy. He is a Constitutional Officer, with independence. He explained the reasons many of the things discussed cannot be done. The CIB ends up being a feel good organization that can make recommendations. There are political, legislative, and legal processes to take care of these issues. If this is to be adopted, the BCC should create an ordinance.

Mr. Jones stated he could support the motion. The system is currently flawed. He doesn't feel that the commission is being requested to do something radical. He feels this venue is a good place to address the changes needed. He feels these issues should be included in the Charter in some form. The problem is that this issue is a well kept secret. It needs to be out in the open. Something needs to be included in the Charter.

Mr. Dick felt the issue needs to go to the BCC. They should feel the heat when things go bad. The group should be responsible to the Board.

Mr. Walton inquired if there had been any press coverage of the meeting at city hall discussed earlier? Newspapers can jump on things like this, and he wants to know what is going on that there hasn't been any coverage.

Mr. Smith stated he wasn't going to say there isn't a problem, but the last two meetings the commission had voted to maintain the Sheriff's Office as an independent Constitutional Officer. He feels this is violating the spirit of that.

Mr. Montenes feels there is an opportunity to put this in the Charter to give it focus.

Mr. Dick inquired if the CLELG met in the sunshine?

Mr. Smith stated it could not be in the sunshine because it addresses personnel issues.

Mr. Nickinson inquired if they can move the funding from the Sheriff's Office to the BCC – legally. Second, what is the legality of having personnel hearings public, and can it happen? He wants answers before a vote is taken on the motion. Who started this thing, and how can it be changed? He feels the idea of taking an existing vehicle and make it work better will be better than creating a separate independent group and leaving the other one in place. He feels the words are there for the CLELG, but the people aren't. The way people are selected is not functional. The BCC should be made to acknowledge there is a problem and fix it. He could support the idea, but not without some answers to his questions.

Mr. Walton agreed that he was not ready to vote on this tonight. If he has to vote, he will vote against it. He requested the vote be postponed until the next meeting.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

Mr. Walton moved that the motion be tabled and it was seconded by Mr. Nickinson. The motion to table passed 12 – 1 with Mr. Boyd voting against.

A. Report from the committee chaired by Garrett Walton (Continued)

Mr. Montenes read the draft language concerning the performance review for the County Administrator.

Mr. Walton stated he would put that language into the committee's draft along with other changes that are needed. He made a motion to accept the language with some modifications. Mr. Jones seconded the motion. Motion passed. He went back to his report and informed Mr. Menge that the Budget Officer is the County Administrator, and it is mentioned twice -- Section 403 and Section IX. He then moved to Article VII which was assigned to his group, but noted the bulk of that Article was taken up by the Administrative Code which has been moved to another article.

Mr. Menge provided a copy of draft language addressing establishment of departments by the County Administrator which have to be approved by the County Commissioners. He stated that if Mr. Walton had no objections, he would massage the language and reinsert it and his language on the Administrative Code into Article VII.

Mr. Walton had no problem with Mr. Menge's request. He then addressed Article IX. He asked Mr. Nickinson to speak to the first section.

Mr. Nickinson stated that almost everything in the draft is based on Florida Statutes, except the Audit Committee. He stated that Section 904 – Bonds had been reviewed by a qualified lawyer who had no problems with the language.

Mr. Jones inquired if the Bond section would affect the issue of bonds by the Housing Finance Authority?

Mr. Nickinson stated if the Housing Finance Authority has statutory authority it will not change that status.

Mr. Walton addressed Section 905 – Audit Committee. He gave the background on how the committee approached this section. He described the Audit Selection Committee requirement and the Florida Auditor General's recommendations for changes to legislation. He explained the changes he made. He then reviewed and read the draft text. The composition of the committee includes 5 voting and 4 non-voting members as follows: Clerk of the Circuit Court, one County Commissioner, and three independent appointed members that vote. The other Constitutional Officers constitute the non-voting members.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

He stated that the Audit Committee, as established, is consistent with the Auditor General's recommendations. He stated there are concerns, which the commission should hear now.

Janet Holley, Tax Collector stated her original concern was the loss of a vote on who audits the county. She inquired what entities were included in the section that addresses periodic auditing of the county's internal audit. Is it just the county, or does it include the Constitutional Officers?

Mr. Menge stated that according to the statute, local government includes the County Officers. He inquired if she went through an audit every year? Because it was an external audit and not an internal audit, it did not apply to the County Officers.

Ms. Holley stated she didn't know what she felt about being an ex officio. She stated she would still like to have a vote on who audits the county, but she will wait to hear what the other County Officers have to say.

Wanda McBrearty, Clerk of the Circuit Court representative stated she wasn't sure how to fix the problem, but could only make recommendations on who should select the annual auditor. She does feel that this is a good model and appreciates the time and effort of all.

Chris Jones, Property Appraiser basically agreed with Ms. Holley's comments, but wasn't altogether sure how he felt about the Audit Committee, except that he would be concerned if his office will be commented on by a group where he doesn't have a vote. He would like to be involved in the selection of the auditor. He would like to get back with the commission before this section is finalized.

Mr. Walton recommended that because no one has had the opportunity to study Section 905, the commission should table this language until next meeting.

Mr. Menge stated that what he wanted to do is have something placed before the commission at its next meeting so they can get the charter printed and distributed to the public. He suggested that Mr. Walton and his committee meet with the County Officers and hammer out acceptable language so that it could be sent to the Commission members prior to the next meeting.

Mr. Nickinson recommended that the County Officers meet and put together something that is acceptable to each of them. He requested that they do this not later than Monday so the language could be included in the first printing of the Charter. He felt that the language was close, and there wasn't much between them to overcome.

Mr. Chris Jones inquired if the language "Constitutional County Officers" is used throughout the text for uniformity.

Mr. Menge explained the reasons behind using County Officers throughout the Charter. The correct nomenclature is County Officers.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

Ms. Holley recommended the original reference to Constitutional County Officers should include the qualifying statement “hereafter referred to as County Officers.”

B. Report from the committee chaired by Lamar Smith

Mr. Smith addressed Article VI. He stated the suggested changes have been made. Next, he reviewed and read each section, along with identifying the changes made within the section. Next, he covered Article V – County Attorney. He stated there were no changes to this Article. Concerning the Transition Article relating to the establishment of the Personnel Administration System, there were no changes made. The recommended language for creation of Department of Human Resources had one change involving the SRIA employees. He then covered Article VIII – Personnel Administration System. He again reviewed changes made since the last review. He stated that was all the changes made from last time, and asked if anyone had any questions. There were no questions.

C. Report from the committee chaired by Charles Beall

Mr. Beall first recommended that sections be renumbered for clarity. He then started with Article I which he had given copies out at the beginning of the meeting. He stated there were only a couple of changes. None to Article I. In Article X there are two changes. First is the legislative body for the ECUA. After he discussed this with the Supervisor of Elections, he drafted new language which he read to the members. In Article XI – Santa Rosa Island Authority, he explained the only change made. Next, he addressed Article XIII – Miscellaneous Provisions. He explained the contents including Charter amendments, Petitions, Charter Review Commission appointments, Referendums, Ordinances, Conflict of County and Municipal Ordinances, Political Activity was left out, Ineligibility for Appointment, and Special Acts.

Mr. Menge stated he thought that the ECUA and SRIA were two separate ones that can not be abolished or amended by the BCC – it takes a Charter amendment. Is that the way is still is?

Mr. Beall stated it was. Section 1310 is a referendum to initiate language taken from the Polk County Charter. He then read the language as drafted that will be added. He stated that Polk County put limits on what could be put to referendum including, County Budget, Debt Obligations, Capital Improvements, Constitutional Officer employee salaries, and the assessment or collection of taxes or re-zoning of land. Two have been struck from the report: Capital Improvement Programs – issues such as the Trillium Project and the new Court

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

House would be affected. Citizens should have a voice in these issues. Second, the salaries of County Officers employees was also stricken. Next is Article XIV – Transition Provisions. The only change was the effective date of the Charter, which will be November 16th – the same day the BCC takes office. The final issue to be discussed will be redistricting. As explained by the Supervisor of Elections, waiting till June to redistrict is too late. The date recommended is April 30th. This will give candidates over two months to get their petitions in place.

Mr. Walton explained his concern with ensuring the districts were numbered correctly because of the election schedule. Using Hillsborough County as an example, he explained how they go step-by-step in the transition process. He stated he had worked on this some, and would be willing to provide his notes.

Mr. Menge stated there were other transitional articles which he would be glad to draft. He discussed provisions for ECUA, SRIA, and Civil Service. He also reminded members that the legislative delegation had voted to change the name of ECUA to Emerald Coast Utilities Authority. He stated he would draft language to provide for the name change if it was approved. Until then, it still has to be called the Escambia County Utilities Authority. In response to a question, he stated that the action of the legislature sun-setting the Civil Service Board, Santa Rosa Island Authority, ECUA is not going to be subject to a referendum vote.

Mr. Menge stated he would start to put the document together tomorrow with UWF help. He wants to have something by Friday to send to the members understanding that there are still some issues unresolved.

Mr. Menge stated that what is being stated is that there are other boards created by Special Act other than the ECUA and SRIA, and those boards can be massaged by the Board of County Commissioners if they want to. But, for the SRIA and ECUA the only way they can be changed is by an amendment to the Charter. He then explained how the amendment could happen. He inquired if there was any more discussion or comments. There were none.

9. Public Forum

Moved to an earlier part of the meeting to accommodate the citizen's that were present to speak before the Commission.

10. Unfinished Business

There was no unfinished business.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

11. Items added to the Agenda

There were no items added to the agenda.

12. Announcement regarding the next meeting

The next meeting will be next Tuesday November 25, 2003 at 5:30 in the Baroco Center Room #2142 at Pensacola Junior College.

13. Adjournment

The meeting was adjourned at 10:45 p.m.

APPROVED BY:

THE CHARTER COMMISSION

PREPARED BY:

UNIVERSITY OF WEST FLORIDA WHITMAN CENTER FOR PUBLIC SERVICE