

**Escambia County Charter Commission  
Minutes of August 28, 2003 Meeting  
Escambia County Courthouse – Third Floor  
(Twenty – Third Meeting)  
(5:30 P.M. – 7:08 P.M.)**

Members

Present: M. J. Menge, Chair  
Rita A. Riffel, Vice Chairman  
Charles F. Beall, Jr.  
Johnny W. Blackmon  
LeRoy Boyd  
Barbara Forehand“Bobbie”Brown  
Elbert Jones, Jr.

Frank Montenes  
E. P. “Ted” Nickinson, Jr. .  
Lucy Rentz  
Lamar Smith  
Garrett W. Walton

Members

Absent: Laurel Dick (schedule conflict)  
Denis McKinnon, Jr. (schedule conflict)  
Phyllis D. Sims (schedule conflict)

**AGENDA NUMBER**

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

**Motion made by Mr. Beall and seconded by Mr. Montenes to approve the agenda. The motion carried 10 – 0 with Ms. Riffel and Mr. Smith arriving late and Mr. Dick, Mr. McKinnon, and Ms. Sims absent.**

3. Presentation by Bonnie Jones, Supervisor of Elections, regarding districting.

Ms. Jones stated that according to the constitution, each commissioner’s district is to be divided into contiguous territories as nearly equal in population as practical. Currently, we have five districts, one of which is majority/minority in population, majority/minority in population age eighteen and over, and majority/minority in the number of registered voters. The Department of Justice has contacted Ms. Jones to ensure that such a district does indeed exist. Neither six nor seven districts can be drawn and maintain the same majority/minority percentage as we have with five districts.

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AGENDA NUMBER-Continued

District three can be divided into two districts and the county would have two majority/minority districts and two majority/minority districts in population, voting age, and two majority/minority districts in registered voters. The remaining four districts would also be divided, which would give the county a total of ten separate districts.

Mr. Menge mentioned a conversation he had with David Tucker regarding the constitutionality of having two representatives elected from five districts as opposed to creating ten separate districts. If you have two groups, group one and group two in each of the five districts and the members in group one are elected for two years initially and those in group two are elected for four years, there would be staggered terms and there would not be two members from any one district being elected at the same time. There would not be lines drawn within the districts themselves, just two commissioners from each district who are elected from each district for staggered terms.

The districts were drawn in the manner they are in response to the court order received by Escambia County in the early 1980's and they have to meet the requirement of ensuring representation of the minority voter. It is difficult to get a majority in minority population in one district at the current time as people have spread out, but it was still able to be done in the year 2002. There is a difference of only 3,000 registered voters in the majority of minority population in district three.

Ms. Jones urges the Commission to stagger the terms if they chose to increase the number of the BCC. This is easier because of the lengthy ballot and for monetary reasons.

4. Presentation by Ron Jackson, Mike Adkins and Wanda McBrearty regarding "Recommendations for Changes in the Financial Reporting Systems as a result of Implementation of Charter Government in Escambia County."

Ron Jackson reviewed his written recommendations with the Commission. In his previous verbal report to the Commission, he was of the impression that the BCC had formed an Audit Committee, but later learned that the BCC had not taken such action.

He believes that there is a lot of commonality in the two reports but there are some differences. They have gone into more detail regarding the audit committee in their written recommendations. The auditor general has published a report recommending that BCCs be required, as a matter of law, to form audit committees. The internal audit function would be under the audit committee; this provides additional controls and strengths to the audit process. They are also recommending that the general accounting functions stay in the Clerk of the Courts office. The long-term goal would be to move the accounting and finance function to the administrator's office.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

An enhanced centralized purchasing office would fall under the Administrator's office. This would allow the county to take advantage of bulk pricing for major purchases, such as paper. The accounting functions would be under the Clerk's office. They are looking at eliminating a budget officer for a cost savings. The budget would be managed and prepared by the Administrator's office with the Clerk's office providing the support staff. No changes in the Clerk's office with them recording the minutes and remaining the official record keepers.

The Supervisor of Elections, Property Appraiser, Tax Collector, and Sheriff would continue to operate their offices as in the past. The only difference would be the fiscal operations discussed above which would be consolidated under the Clerk. Elected officials would retain the same budgetary control with regard to setting funding priorities as they have under the present form of government. This would prevent duplication of effort.

They recommend that the audit committee report directly to the BCC and be separate from the Clerk's office to give segregation of duties and a set of checks and balances. They believe that the strength ought to lie in the pre-audit process because of the volume of transactions that flow through the county. It adds another step of controls and another official responsible for the accounting function. The audit committee would not be compensated; the members would be voluntary. One member of the audit committee would also be a member of the BCC.

The county is required by state law to be audited every year. Each elected official has to be audited as part of the audit function. The auditor compiles a comprehensive, annual, financial report. The auditor then submits findings to the elected officials for response; those findings are also submitted to the state.

Human Resources would be under one office. Ideally, it would be under the Administrator's office. The elected officials would still hire and fire as needed. All of the legalities, paperwork, recruiting, and advertising would be handled by one office for a substantial savings. In the finance area, a common accounting system that could be managed efficiently would be developed. This would eliminate the duplicate positions around the county.

Wanda McBrearty read a letter from Mr. Magaha regarding the recommendations for changes in the financial reporting system. Copies were provided to all members of the commission. The Clerk's office agrees with most of the recommendations made by Ron Jackson and Mike Adkins, but does not agree that a long term goal should be to move the accounting and finance functions to the administrative office.

Under the proposal, there would be a unification of payroll of all of the county employees.

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AGENDA NUMBER-Continued

There are three types of audits completed at this time:

- 1) The independent audit completed by a CPA firm hired by the BCC to audit the County, including the Constitutional Officers each year. An audit report is produced for each individual Constitutional Officer. There are management comments written in each report. The audit firm then meets with each Constitutional Officer. The reports are filed with the BCC under the Clerk's agenda and with the state of Florida. One book contains the audit of the County and of each individual Constitutional Officer, with the individual financial statements and the individual management comments. The second step to this is: the clerk's office consolidates all of the financial statements for the County and all of the Constitutional Officers. This creates a consolidated financial statement for Escambia County. This then creates the comprehensive annual financial report (CAFR), to provide the information for Escambia County as a whole.
- 2) The internal audit function resides with the clerk. A different CPA firm is contracted to complete this function. The Clerk's office selects areas that it believes need to be reviewed. The firm will then audit the areas chosen and make the report to the Clerk's office and it is then filed with BCC along with recommendations.
- 3) The pre-audit function is completed before any check is cut. The Clerk's office will make sure there is money budgeted, the request is legal and in compliance with the various grants and policies in purchasing.

The procedures for addressing the findings in the audits are: they are presented to the County and to the Constitutional Officers in a meeting and written responses regarding the findings are then provided by the County and Constitutional Officers. When audited the following year the problem will be addressed and if it has not been taken care of, the minor concerns will drop off the list after two years. The auditors hired by the County are selected in accordance with the procedures provided by Florida law. The CPA firms are selected every five years.

5. Presentation by Legal Advisory Team (Don Partington and David Tucker) on legal advise provided to the Charter Commission

Don Partington reviewed the legal advise the Legal Advisory Team had furnished to the Commission in his letter of August 5, 2003. The first question regarding the Constitutional Officers is, can the charter provide for changes in the duties of the Constitutional Officers without making the Constitutional Officers Charter Officers? As long as they are made Charter Officers, the charter can then specify their duties. If they stay as

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Constitutional Officers, the charter cannot change a few duties here and there. If they are not brought under the charter then they will not be subject to the governance of the charter. The Statute that deals with the Tax Collector and Property Appraiser states regardless of the form of county government, they will be allowed to appeal their budgets to the Department of Revenue. A charter cannot take the right of the budget appeal away from the Property Appraiser or Tax Collector.

The charter can provide for the restructuring or abolishing of the Civil Service Board or other agencies created by special acts contingent upon Legislative action. They are not able to give the Commission a list of items that cannot be subjected to voter appeal or referendum.

The charter can provide for the manner of elections for some or all of the Constitutional Officers, if there are no changes in their duties. The charter can provide for lobbyists to be registered, and provide for meetings of the whole that are focused on policy, long-range planning and structured in a manner that the public can participate in.

David Tucker elaborated on a conversation he had with County Attorney Janet Lander regarding the requirement for “single member districts.” Ms. Lander had expressed the opinion that chartered counties as well as non-chartered counties are required to elect their commissioners from single member districts. Although Mr. Tucker and Ms. Lander were not in agreement on this matter, Ms. Lander did agree with Mr. Tucker that if there are five separate districts and two representatives are elected from each of the districts on a staggered term basis, such procedure would satisfy the single member district rule.

District three was drawn under the federal voting rights act. This provides a remedy that allows for a minority population that is geographically compact to elect a candidate of their choice. There are provisions if district three cannot support the act at some point in the future. A minority influence district with the numerosity to control an election would suffice.

6. Approval of the minutes of the August 5, 2003 meeting.

**Motion made to approve the minutes of the August 5, 2003 meeting by Mr. Montenes and seconded by Mr. Jones. Motion carried 12 – 0 with Mr. Dick, Mr. McKinnon, and Ms. Sims absent.**

**Mr. Nickinson moved that the balance of the agenda previously adopted be delayed until the next scheduled meeting. The motion was seconded by Ms. Brown. Mr. Beall requested the motion be amended to allow anyone present who wished to speak to the Commission be given an opportunity to do so before adjournment. The amendment was agreed to**

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AGENDA NUMBER-Continued

**unanimously. After a brief discussion, the amended motion passed unanimously.**

7. Public Forum

No one addressed the Commission.

8. Announcement regarding the next meeting

**The next meeting will be held at Pensacola Junior College, Baroco Center, Room 2142 on Thursday, September 4, 2003 at 5:30 p.m.**

9. Adjournment

The meeting was adjourned at 7:08 p.m.

**Action Items:**

- 1) **Legal Advisory Team agreed to provide additional information on the districting issue to the Commission.**

**APPROVED BY:**

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**THE CHARTER COMMISSION**

**PREPARED BY:**

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**UNIVERSITY OF WEST FLORIDA WHITMAN CENTER FOR PUBLIC SERVICE**