

Official

MINUTES OF THE ESCAMBIA COUNTY CHARTER COMMISSION MEETING
HELD JANUARY 16, 2003
BOARD CHAMBERS, THIRD FLOOR, ESCAMBIA COUNTY COURTHOUSE
223 PALAFOX PLACE, PENSACOLA, FLORIDA
(5:30P.M. – 7:55P.M.)
(Fourth Meeting)

Members

Present:

M. J. Menge, Chairman	Denis McKinnon, Jr.
Rita Riffel, Vice Chairman	Francis A. "Frank" Montenes
Charles F. Beall, Jr. (Entered at 5:37 p.m.)	E. P. "Ted" Nickinson, Jr.
Johnny Blackmon	Lucy Rentz
Barbara Forehand "Bobbie" Brown	Phyllis D. Sims
Laurel Dick	Lamar Smith
Elbert Jones	Garrett W. Walton

Members

Absent:

LeRoy Boyd

Others

Present:

Marie Young, County Commissioner
Bill Dickson, County Commissioner
Cliff Barnhardt, County Commissioner
Adm. Tim Wright, Former Commissioner
George Touart, County Administrator
Janet Lander, County Attorney

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1. Call to Order- Chairman Menge.
2. Approval of the Minutes of January 7, 2003.

Mr. Nickinson moved approval of the minutes of the January 7, 2003 meeting, with corrections. Mr. Nickinson pointed out that the language in 5C on page 4 of the submitted minutes did not correctly reflect the information the Commission received from Mr. Kurt Spitzer. He moved that the language in 5C(1)(b) "A Special Act of the Legislature" be deleted and be replaced with "Charter Review Commission."

Mr. Montenes stated that paragraph 6 on page 5 should indicate that the revised "Proposed Work and Meeting Schedule for the Charter Commission" was a "living

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dynamic document.” He moved adoption of the following additional language: “The Commission approved the ‘Proposed Work and Meeting Schedule for the Charter Commission (Revised),’ with the understanding that it was a living dynamic document subject to revision at the discretion of the Commission.”

Ms. Riffel stated the minutes under paragraph 6 on page 5 needed to reflect that the Commission would consider holding its meetings at other times besides Thursday, at 5:30 p.m. After some discussion, it was agreed that the minutes would be modified by adding the following language to paragraph 6 on page 5: “The meetings of the Commission will be held on Thursday at 5:30 p.m. to utilize the Board Chambers and to accommodate the County officials appearing before the Commission. When the Commission begins hearing from the public, other meeting dates, times and places will be considered.”

Mr. Montenes indicated it was his understanding that the Commission had requested that the minutes of our meetings be provided to the Commission within three days of our meetings. After discussion, it was agreed there was no three-day turn around specified but that the Commission did expect to receive its minutes in a timely fashion.

Chairman Menge requested that the minutes under paragraph 11 on page 7 be expanded to include his comments at the time regarding the reason the Commission would not be addressing consolidation. He suggested the addition of the following language: “Mr. Menge pointed out the primary reason this Commission will not propose a ‘Consolidation Charter’ is that Chapter 125, Part II, Florida Statutes, pursuant to which this Charter Commission was appointed, does not provide for the drafting of a ‘Consolidation Charter.’ ”

Chairman Menge also indicated that paragraph 3 on page 2 of the minutes needed to reflect the additional handout furnished to the Commission by Mr. Dick at the last meeting. He suggested adding the following language as 3C: “Mr. Dick provided the Commission with additional language regarding the Commission/Manager form of government.”

Mr. Nickinson readdressed the language in paragraph 5C to ensure that all the corrections needed were made. After discussion, it was agreed that 5C (1) would read as follows: “C. Mr. Spitzer advised that:

- (1) The provisions of the charter cannot supersede the provisions of general law, and that an adopted charter can only be amended by:
 - (a) Voter-initiative,
 - (b) Board of County Commissioners-initiative, or

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- (c) Charter Revision Commission-initiative. All amendments must be approved by the electorate.”

Mr. Nickinson amended his motion to approve the minutes of the January 7, 2003, meeting to include all of the proposed modifications. Ms. Rentz seconded the motion and it was approved 14-0.

3. Communications.

The following communications were brought to the attention of the Commission:

- A. A letter from Commissioner Tom Banjanin that he was unable to attend tonight’s meeting.
- B. Chairman Menge advised the Commission that Commissioner Gilley had a conflict and could not attend tonight’s meeting.
- C. A document was furnished to the Commission by Ms. Brown entitled “Issues and Thoughts.”
- D. Mr. Dick handed out a document from Florida Counties Foundation regarding Educational Programs available to County Commissioners.

4. Approval of the Agenda.

Motion was made, seconded and carried by a vote of 14-0 to approve the agenda as presented.

Mr. Nickinson commented that it was distracting to have documents passed out while presentations are being made. It was agreed that any handouts by Commission members would either be distributed prior to commencement of the meeting or immediately prior to adjournment of the meeting.

Mr. Montenes expressed appreciation for Ms. Brown’s “Issues and Thoughts,” and stated it would be helpful if all the members would compose their thoughts on Charter. Chairman Menge commented that the members of the Commission may desire to wait until they have heard from the County Officials and the public before putting their thoughts in writing, but that the Commission members surely had the right to compose their thoughts at any time and provide the Commission with their written comments.

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Mr. Montenes also stated he believed we needed to update Mr. Spitzer's "Basic Options" list from time to time. Chairman Menge responded that the Commission is surely not limited to the options listed by Mr. Spitzer and that as the Commission goes through the process of studying local government other options may be considered.

5. Presentations by Escambia County Board of Commissioners.

A. Commissioner Marie Young, Chair of the Board of County Commissioners, addressed the Commission. Commissioner Young stated she felt it would be inappropriate for her to make specific recommendations to the Commission. The Commission has been given the task of studying county government and preparing a Charter for submission to the voters and she was confident the Commission would do that. Commissioner Young did state that the job of County Commissioner is a full time job, and this should be taken into consideration by the Commission in drafting the Charter.

In response to questions asked by the members of the Commission, Commissioner Young stated:

- (1) She had attended or would be attending five meetings today:
9:30 am-WSRE Foundation (She is on the Board)
10:30 am-Strategic Planning with County Staff
4:00 pm- YMCA Board (She is on the Board)
5:30 pm-Charter Commission
6:30 pm-Kiwanis
Many of the meetings she attends are as Chair of the Board to bring greetings on behalf of the Board.
- (2) She voted in favor of establishing the Charter Commission because she felt voters of Escambia County had the right to determine whether they wanted Charter Government.
- (3) Even though the position of City Councilman is considered a part time position, the workload is full time. With the present structure and organization of the County, the job of County Commissioner is a full time job.
- (4) All three of her appointees for the Commission came from her district. She has not discussed the work of the Commission with her appointees, but believes her appointees and the entire Commission will be sensitive to the issue of "voter dilution."

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- (5) She did not have an opinion on whether a ten-member board or a five-member board would function better. She commented that the make up of the Board would have a lot to do with it.
 - (6) Some constitutional officer's budgets are mandated by the State, while others are fee driven. She believed the Sheriff had the right to appeal his budget to the Governor and cabinet, but left it up to the Commission to determine if any changes were necessary.
 - (7) She operates the same way as a County Commissioner as she did as a City Councilman regarding contract with governmental employees; she goes to the County Administrator with constituent concerns.
 - (8) Because her district as County Commissioner is larger than her district was as City Councilman, she has more constituents, and the issues are more involved, she does spend more time with her county constituents.
 - (9) She has never calculated her hourly pay from the County by dividing her salary by the actual time worked.
- B. Commissioner Bill Dickson addressed the Commission.
Commissioner Dickson stated that since he was elected only recently there were a number of items on the "basic options" list the Commission has received from Mr. Spitzer that he felt he should not comment on. Commissioner Dickson, however, did make the following comments regarding certain of the options:
- (1) If the Commission retains only five County Commissioners, all of them should be elected at large.
 - (2) If the Commission retains five County Commissioners elected from districts, two County Commissioners elected at large should be added.
 - (3) There is no need for party politics in the County Commissioners election; they should run non-partisan.
 - (4) The basic term for a County Commissioner should remain at four years.
 - (5) He had no opinion regarding term limits.
 - (6) The position of County Commissioner is a full time position and the salary for a County Commissioner needs to reflect that it is a full time position.

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- (7) The position of County Administrator should be appointed, not elected.
- (8) He would support the County Attorney being hired by the County Administrator and confirmed by the Board.

In response to questions asked by the members of the Commission, Commissioner Dickson stated:

- (1) In the past, there have been problems with adequate checks and balances, but he believes the proper checks and balances are in place now.
- (2) At the present time, the Board of County Commissioners does not allow late add-ons to the agenda, unless the add-on is of a matter having no real significance.
- (3) If the position of County Commissioner were made part time, various issues he now handles could be turned over to the County Administrator.
- (4) If the job paid only \$20,000, he would still have run for the position because he is in a financial position to do so and the reason he ran was to make a difference.
- (5) He favors the Board of County Commissioners having its own civil service system with proper procedures for the hiring of personnel and safeguards for the employees.
- (6) The salary paid for the position of County Commissioner could have an impact on the quality of the individual choosing to run for the position.

C. Commissioner Cliff Barnhardt addressed the Commission.

Commissioner Barnhardt stated that he had reviewed the “basic options” list and had nothing to add to the list. He told the Commission that presently each of the five county districts has between 58,000 to 60,000 people in them. Serving all of the constituents within a district is a full time job.

In response to questions asked by the members of the Commission, Commissioner Barnhardt stated:

- (1) He voted to establish the Charter Commission because he believed a Charter could help to eliminate problems encountered in the past.

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- (2) He doubted the position of County Commissioner could be made part time because of the amount of reading required to prepare for meetings that a Commissioner has to attend.
- (3) If the Board of County Commissioners was expanded to ten members that would relieve some of the time requirements.
- (4) There are some constituent concerns that he discusses directly with staff rather than involving the County Administrator.
- (5) He believes the hiring and firing of county personnel reporting to the County Administrator should be left to the County Administrator.
- (6) The administrative assistants to the County Commissioners are exempt from the civil service systems and their salaries are set by the Board of County Commissioners.

In response to questions raised about the Civil Service System for the county, George Touart, County Administrator, advised the Commission that the Board had asked the Legislative delegation to allow the Board of County Commissioner's employees to withdraw from the present Civil Service System. The cost to the county for the services of the Civil Service System is excessive and Mr. Touart believes the county's Human Resources Department can do a better job for less money.

D. Former Commissioner Tim Wright addressed the Commission.

Admiral Wright stated that the existing Escambia County government system needs to be modernized. "Pothole" government can no longer get the job done. He pointed out that according to information from the Bureau of Labor, a survey of 332 communities around the county revealed that Escambia County was ranked within the top 50 as having people classified as being in the creative class. Escambia County has a tremendous opportunity to attract even more of the creative class, which in turn will create better economic opportunities for our people if we can modernize our government. Escambia County needs to be more visionary. Admiral Wright said that although he had served as a commissioner for only six months, he feels strongly that the Board of County Commissioners should serve more as a Board of Directors and charge the CEO, who is the County Administrator, with the task of administering day-to-day operations. With regard to the work of the Charter Commission, Admiral Wright noted the media had reported that some members were opposed to a charter. He reminded the Commission that it had been tasked to produce a charter and all the members

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of the Commission should work together to draft the best charter possible for Escambia County. On the issue of consolidation, Admiral Wright stated that consolidation should be explored but not by the Charter Commission. Addressing items on the “basic options” list, Admiral Wright made the following comments:

- (1) The size of the Board of County Commissioners needs to be expanded to at least seven Commissioners with five being elected from within districts and two at large. He would also support a nine member Board with six being elected from within districts and three at large.
- (2) A four-year term of office is fine; however, the Commission might consider two-year terms for Commissioners elected from within districts and four-year terms for Commissioners elected at large.
- (3) The Commission should consider reducing the salaries paid to County Commissioners.
- (4) If the size of the Board of County Commissioners is expanded, the Board becomes more of a policy making body, and the County Administrator becomes the administrator for the County, there is no reason why the position of County Commissioner could not be part time with the salary for the position being adjusted accordingly.
- (5) As to whether the salary paid will impact the quality of the individuals seeking election to the position of County Commissioner, we should not be electing people running for the money rather than the opportunity to serve.
- (6) The County Administrator should be appointed, not elected, and it should take a super majority vote to select and terminate the County Administrator.
- (7) Constitutional Officers need to be left as they are, with the exception that the Board of County Commissioners should have ultimate control of its budget.
- (8) The present procedure of having the Board of County Commissioners hire the County Attorney does not need to be changed.
- (9) There should be a Charter Revision Commission, which would review the Charter every eighteen to twenty four months to determine whether any amendments should be initiated.

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In response to questions asked by the members of the Commission, Admiral Wright stated:

- (1) He favors having the County Administrator appointed because having the position elective would make it more of a political position.
- (2) It was pointed out that Hillsborough County has seven Commissioners with four being elected within districts and three at large, thus allowing each voter in the county to vote for a majority of the members of the Board. Admiral Wright had not considered that proposition, but did state that 60,000 people in a district were too many to adequately represent.
- (3) Admiral Wright had an exchange with Ms. Riffel regarding his comments that the media had reported some members of the Commission were opposed to a charter. Ms. Riffel stated she was opposed to some provisions in the proposed 1995 charter and would be pointing out those provisions to this Commission, but she advised Admiral Wright it was her intent to help write the best document possible. Ms. Riffel said she should not be judged by what others had to say about her. Admiral Wright clarified that he did not personally believe that the members of the Commission did not take their task seriously, but he said there are people in the community who are of the impression that some members of the Commission were appointed for the sole purpose of sabotaging the charter, and all of the members of the Commission need to make it clear to the public that impression is wrong.
- (4) Admiral Wright had no disagreement with the County Administrator being considered to be the Chief Operating Officer as opposed to the Chief Executive Officer.
- (5) Admiral Wright agreed that if staff did not adequately resolve a constituent's complaint that a constituent should have unfettered recourse to his or her County Commissioner, but he emphasized that most concerns should be addressed directly to staff and resolved by staff. He mentioned that he had talked to a number of county employees who felt in the past that they were having to answer to six administrators, five county commissioners and the county administrator.
- (6) The County Administrator has established a Customer Service Group to serve as a single point of contact for the citizens. A citizen contacting the Customer Service Group will be put in contact with those staff members having the capability to resolve the citizen's problem.

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- (7) County Commissioners should not be handling “pothole” situations. If County Commissioners are involved in operational decisions then the policy-making issues with which they should be concerned will go lacking.
- (8) He reiterated his support for at large representation on the Board of County Commissioners, and did not have a problem with the structure of the Pensacola City Council which has ten members, seven elected within districts and three at large.

6. Unfinished Business.

A. Janet Lander, County Attorney, informed the members of the Commission that it would not be necessary for them to file Financial Disclosure statements.

7. Items Added to the Agenda.

None

8. Discussion regarding the next meeting date, place and topics for discussion.

Chairman Menge announced that the next meeting of the Commission is scheduled for January 30, 2003, at 5:30 p.m. in the Board’s Chambers, at which time the Commission will begin hearing from the Constitutional Officers.

Mr. Blackmon stated that at some point he desired to have the Charter Commission address the issue of Affirmative Action.

Mr. Montenes inquired whether the Charter Commission would receive a report of our findings after completion of the County Officials’ presentations, which would assist the Commission in drafting the Charter. Mr. Montenes suggested that we discuss this matter further at our next meeting.

9. Public Forum.

Mrs. Montenes advised the members of the Commission that the public sitting in the audience were unable to clearly hear what was being said by those members of the Commission who did not turn on their mikes and speak clearly into the microphones.

10. Any Commission Response.

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None

11. Adjournment.

Chairman Menge adjourned the meeting at 7:55 p.m.

APPROVED BY:

THE CHARTER COMMISSION

PREPARED BY:

UNIVERSITY OF WEST FLORIDA WHITMAN CENTER FOR PUBLIC SERVICE