

Official

MINUTES OF THE ESCAMBIA COUNTY CHARTER COMMISSION MEETING
HELD DECEMBER 16, 2002
BOARD CHAMBERS, THIRD FLOOR, ESCAMBIA COUNTY COURTHOUSE
223 PALAFOX PLACE, PENSACOLA, FLORIDA
(5:32 p.m. – 10:35 p.m.)
(Second Meeting)

Members

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

Denis McKinnon, Jr.
Francis A. "Frank" Montenes
E. P. "Ted" Nickinson, Jr.
Lucy Rentz
Phyllis D. Sims
Lamar Smith, MS
Garrett W. Walton

Others

Present: George Touart, County Administrator
Janet Lander, County Attorney
Doris Harris, Deputy Clerk to the Board of County Commissioners

AGENDA NUMBER

1. Call to Order – Chairman Menge.
2. Approve the Minutes of the November 14, 2002, Meeting.

Motion made by Mr. Montenes, seconded by Mr. Beall, and carried 14-1, with Mr. Blackmon voting "no," approving the Minutes of the November 14, 2002, Meeting, as amended to add to Item 3 that, in accordance with Chapter 125.63, Florida Statutes, the Charter Commission has a two-fold purpose, as follows (*noting that Mr. Blackmon's concern is that the Minutes are not verbatim*):

- A. To conduct a comprehensive study of the operation of County government and the ways in which the conduct of County government might be improved; and
- B. To produce a proposed charter (*within eighteen months of its initial meeting and forward same to the Board of County Commissioners for the holding of a referendum election*).

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER – Continued

3. Communications.

FOR INFORMATION:

- A. Chairman Menge advised that the following communications had been received and/or distributed to the Commission Members:**
- (1) A letter from Mr. Walton, which would be addressed at the appropriate time;**
 - (2) Communications had been sent to Ms. Brown and would be submitted to whomever the Commission designates as custodian of the records;**
 - (3) Correspondence that was actually written to the County prior to formation of the Charter Commission, from Mr. Kurt Spitzer, which would be addressed under “support staff”;**
 - (4) Communication from Henry Hicks Moore relative to consolidation, which would be addressed under “other unfinished business”; and**
 - (5) Correspondence regarding the election dates for 2004, as well as the filing of financial statements;**
- B. Chairman Menge advised that both he and Ms. Riffel had written viewpoint articles, at the request of the Pensacola News Journal, which would possibly be published in the upcoming weekend edition, and the information had been distributed to the Commission Members, and it was his understanding that Mr. Bill Davison had also been asked to write a viewpoint article; and**
- D. Ms. Brown advised that she had received paperwork from people regarding the charter, and that she would provide the paperwork to the Chairman for filing with the public records.**

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER – Continued

4. Approve the Agenda as prepared.

Motion made by Mr. McKinnon, seconded by Mr. Montenes, and carried unanimously, approving the agenda as prepared.

5. Presentation, led by George Touart, County Administrator, of the existing structure, organization and operation of County government.

FOR INFORMATION:

- A. From approximately 5:50 p.m. to 8:00 p.m., the Commission Members viewed a power point presentation, a hard copy of which was also provided, in a three-ring binder, to each Commission Member, and heard comments from the corresponding Directors concerning the following sixteen County Departments:

- (1) Administrative Services, Jean A. Kassab, with 8 employees and a budget of \$21,497,535;
- (2) Building Inspections, Donald R. Mayo, with 63 employees and a budget of \$4,586,191;
- (3) Community Services, Marilyn Wesley, with 25 employees, plus 9 leased positions, and a budget of \$3 million;
- (4) Engineering, Richard Duane, with 70 employees, including 18 leased positions, and a budget of \$12 million;
- (5) Extension Services, Lamar Christenberry, with (6 employees and) a County Budget of \$411,482, and \$350,000 in State and Federal grant funds;
- (6) Facilities Management, John Hartman, with 74 employees and a budget of \$8.4 million;
- (7) Growth Management, Nancy Stuparich, with 23 employees and a budget of \$1.2 million;

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MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER - Continued

5. Continued...

FOR INFORMATION: - Continued

A. Continued...

- (8) Human Resources, Susie Williams, with 15 employees and a budget of \$16,306,218;**
- (9) Information Resources, Robert “Bob” Jacobson, with 22 employees, plus 3 students, and a budget of \$5,005,840;**
- (10) Neighborhood and Environmental Services Department, Keith Wilkins, with 54 employees, including 5 students and 5 volunteers, and a General Fund budget of \$2.4 million and \$8 million in restricted funds from State and Federal grants;**
- (11) Parks and Recreation, Kevin Briski, with 27 full-time employees and an operating budget of \$1,659,091;**
- (12) Office of Public Information and Communication, Sonya Smith, with 4 employees and a beginning budget of \$339,181;**
- (13) Public Safety, Janice R. Kilgore, with 323 employees and a budget of \$30,544,191;**
- (14) Purchasing, Joe Pillitary, Jr., with 13 employees and a budget of \$703,570;**
- (15) Road Department, Robert T. “Bob” Halfhill, with 248 employees and a budget of \$16,934,969; and**
- (16) Solid Waste Management, R. Mark Triplett, with 52 employees and a budget of \$13.6 million;**

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MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER - Continued

5. Continued...

FOR INFORMATION: - Continued

- B. Wanda M. McBrearty, Clerk's Deputy Finance Director, provided a brief synopsis of the duties and responsibilities of the Clerk of the Circuit Court and advised that a full presentation will be made at the appropriate time;**
- C. George Touart, County Administrator, advised that:**
 - (1) He will provide the Commission members with a list of the Board of County Commissioners' appointments to other Boards and Committees;**
 - (2) The County has five enterprise funds: 1) Solid Waste; 2) Recreation (*Economic Development and Industrial Parks*); 3) The Pensacola Civic Center; 4) Building Inspections; and 5) Emergency Medical Services; and**
 - (3) Escambia County and City of Pensacola staff have been directed to investigate the feasibility of combining certain services that are provided by both the County and the City to more efficiently and effectively serve the citizens;**
- D. Sonya Smith, Public Information Officer, provided a brief synopsis of the Vision for the Future of the Board of County Commissioners, which includes: (1) a strategic plan; (2) departmental reorganization; and (3) rezoning a portion of the County;**
- E. County Administrator Touart advised that the Constitutional Officers must comply with the same rules and regulations for purchasing as the Board of County Commissioners, relative to questions generated by Item A.(14), and he requested that any questions regarding the Constitutional Officers' annual purchases be directed to them when their presentations are made to the Commission;**

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MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER - Continued

5. Continued...

FOR INFORMATION: - Continued

- F. Wanda M. McBrearty, Clerk's Deputy Finance Director, advised that the Clerk's Office seldom solicits services, but does use the Purchasing Department when applicable;**
- G. Robert T. "Bob" Halfhill, Director, Road Department, advised that he will provide additional information, as requested by Mr. Montenes, that links the funds in the budget to the Road Department's goals and objectives; and**
- H. Thomas J. Bonfield, City Manager, City of Pensacola, advised that he would not make specific comments concerning combination of County and City services until the City of Pensacola's presentation is made to the Commission.**

CHAIRMAN MENGE RECESSED THE MEETING FROM 8:00 P.M. TO 8:13 P.M.

- 6. Discussion, led by George Touart, County Administrator, of the Special Acts affecting Escambia County.

FOR INFORMATION:

- A. County Attorney Lander advised that information [*a five-page document which explains: (1) Municipal and County Power of Local Self Government; (2) County Home Rule Power; (3) distinctions between Charter and non-Charter Counties; and (4) Municipal Home Rule Power, and provides a bulleted summary of the constitutional and statutory home rule power of Counties and municipalities*] had been provided to each Commission Member, for review, and she provided an overview of charter government, under which Counties shall have all powers of local self-government not inconsistent with general law, and non-charter government, under which Counties shall have such power of self-government as is provided by general or special law; and**

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MINUTES OF THE CHARTER COMMISSION MEETING – Continued

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6. Continued...

FOR INFORMATION: - Continued

B. Chairman Menge requested that each Commission Member be provided with a list of all active authorities that were created by special legislative acts; e.g., the Santa Rosa Island Authority, Escambia County Utilities Authority, Health Facilities Authority and Housing Finance Authority.

7. Discussion of public records, led by Janet Lander, County Attorney.

FOR INFORMATION:

A. Chairman Menge advised that any correspondence or documentation that relates to the performance of a Commission Member's duties should be provided to the Chairman, until such time as the Commission designates a records custodian;

B. County Attorney Lander explained that any records, which includes e-mail messages, that are associated with the performance of a Commission Member's duties are defined as public records and advised that anyone who has custody of public records has the duty to disclose that he or she has those records and is obligated to provide copies of the records upon request; and

C. Mr. Dick asked if a letter he had received from the Executive Director of the Florida Association of Court Clerks would be considered a public record, and County Attorney Lander concurred that the letter should be submitted for the record.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER – Continued

8. Brief review of the materials provided to the Charter Commission members and further discussion of the constitutional provisions and the State Statutes applicable to the work of the Charter Commission.

FOR INFORMATION: - Chairman Menge advised that:

- A. **The following materials were initially provided to the Commission Members in four notebooks:**
 - (1) **Copies of the Special Acts;**
 - (2) **A copy of a booklet containing copies of charters adopted by other counties, including Jacksonville, Duval and Miami-Dade;**
 - (3) **A copy of the County Budget; and**
 - (4) **A notebook which consisted of the following items:**
 - (a) **Copies of a proposed Ordinance containing a charter that had been proposed by Commissioner Thomas G. “Tom” Banjanin to the Board of County Commissioners, and the draft of a simple charter for Leon County, which Commissioner Banjanin had modified for his proposed charter for Escambia County;**
 - (b) **Copies of proposed charters, developed by previous Charter Commissions, which were submitted to referendum in 1979 and 1995;**
 - (c) **A copy of Chapter 125, Florida Statutes, Parts II, III and IV, dealing with self-government, County administration, and optional County charters;**
 - (d) **A copy of Article 8 of the Florida Constitution relating to local government;**

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MINUTES OF THE CHARTER COMMISSION MEETING – Continued

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FOR INFORMATION: - Continued

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(e) Copies of two opinions that were provided by County Attorney Lander; and

(f) A copy of a Grand Jury Report;

B. Additional materials that were mailed to each Commission Member, along with the Memorandum (*dated December 3, 2002*) included:

(1) A copy of Chapter 112, Florida Statutes, Part III, dealing with the Code of Ethics for Public Officers and Employees; and

(2) A copy of Section 100.361, Florida Statutes, dealing with the recall of municipal and charter County officials; and

C. Additional materials that were distributed during this Meeting included:

(1) A copy of Chapter 125, Florida Statutes, Part I; and

(2) Copies of the Ordinance (*Number 85-47*) adopted by the Board of County Commissioners in 1985 establishing the position of County Administrator, and the two Ordinances that amended that Ordinance.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER – Continued

9. Report from the Chairman on the retention of support staff.

Motion made by Mr. Montenes, seconded by Mr. Walton, and carried 11-4, with Mr. Blackmon, Mr. Boyd, Mr. Jones and Ms. Sims voting “no,” approving to enter into a contract with the Whitman Center for Public Service/Institute of Government at the University of West Florida (*which is an outreach unit that provides services specifically to government and non-profit agencies*) for the necessary administrative assistance and support staff, and authorizing the Chairman to negotiate with legal counsel at UWF any technical changes to the letter of agreement, with the letter of agreement and the job description to be integrated into one document, noting that an amended motion made by Mr. Boyd and seconded by Mr. Blackmon to announce the position and consider at least two other persons or groups, failed by a 5-10 vote, with Mr. Blackmon, Mr. Boyd, Mr. Jones, Mr. Dick and Ms. Sims supporting the amendment.

For Information:

- A. Chairman Menge advised that:**

(1) Dr. Wynn Teasley, Whitman Center, had prepared an advance proposal, as well as copies of the Contract between the University of West Florida (UWF) and the Charter Commission of 1994-1995, which were included in the agenda package; however, Dr. Teasley had requested that the proposed agreement include a disclaimer that the Whitman Center would not include a management survey as one of its duties; and

(2) Someone Chairman Menge contacted in the temporary employment business had advised that a proposal from the temporary agency for the necessary administrative assistance and support staff would be at rates similar to those quoted by UWF, relative to Mr. Blackmon’s concern that entities other than the Whitman Center should also be given an opportunity to provide the services; and

- B. Dr. Wynn Teasley advised that background material had been provided regarding prior contracts involving the Whitman Center’s involvement with charter efforts.**

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER – Continued

10. Report from the Chairman on the retention of legal counsel.

Motion made by Mr. Montenes, seconded by Mr. Walton, and carried unanimously, approving to proceed with forming the advisory team as outlined by Chairman Menge, *consisting of John Allbritton, Allbritton and Gant; Don Partington, Clark, Partington, Hart, etc.; David Tucker, former County Attorney; Mary Jane Thies, Beggs & Lane; and Alan Bookman, Emmanuel, Sheppard and Condon*, noting that Mr. Partington has agreed to serve as Chairman of the group.

11. Discussion of the timetable for the work of the Charter Commission.

Motion made by Mr. Beall, seconded by Mr. Montenes, and carried 10-5, with Mr. Boyd, Mr. Jones, Ms. Riffel, Mr. Smith, and Ms. Sims voting “no,” approving to invite Mr. Kurt Spitzer to provide an orientation concerning his work with charter commissions of other Florida Counties, with a consensus that the orientation will take place on January 7, 2003, in Board Chambers, with Chairman Menge advising that Mr. Spitzer had agreed to present the orientation for \$500 plus expenses.

For Information:

A. Chairman Menge advised that:

- (1) In order to meet the January 23, 2004, deadline, Commission meetings will need to be scheduled every other week beginning in January 2003, and that the revised proposed schedule of meetings that was provided to the Commission Members would allow the Commission to use the Board Chambers, with rare exceptions;**
- (2) He had contacted someone at Pensacola Junior College (PJC) about the possibility of utilizing PJC’s Downtown Center or PJC’s Board Room (*for those occasions when the Board Chambers are not available*); and**

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MINUTES OF THE CHARTER COMMISSION MEETING – Continued

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11. Continued...

For Information: - Continued

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(3) Audio recordings must be made of all Meetings; therefore, a facility in which there is a sound system to accommodate that requirement will be needed; and

B. Chairman Menge requested a show of hands for those who would support issuing an invitation to Mr. Henry Hicks Moore to appear before the Commission on January 7, 2003, to share his experience with consolidation, and the consensus was that Mr. Hicks Moore would not be invited; however, he would not be precluded from speaking during Public Forum.

12. Discussion of the proposed budget.

Motion made by Mr. Nickinson, seconded by Mr. Dick, and carried unanimously, approving the proposed budget of \$49,000.

For Information: Mr. Montenes requested earlier in the Meeting that the budget include a \$10,000 contingency, as opposed to the proposed \$3,000.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER – Continued

13. Other unfinished business.

FOR INFORMATION:

A. Chairman Menge advised that the unfinished business included:

(1) Correspondence regarding financial disclosure, which would be deferred until a later meeting, since the County Attorney had already left the Meeting; and

(2) Information concerning rules of procedure other than Roberts Rules, which Mr. Montenes was to provide, and he suggested that Mr. Montenes review the bylaws of the Columbia County Charter Commission, which was included in the charter document; and

B. Chairman Menge advised that the proposed work (*meeting*) schedule will be discussed at the January 7, 2003, Charter Commission Meeting.

14. Items added to the agenda – None.

15. Determination of the next meeting date, place and topics of discussion.

Scheduled for Tuesday, January 7, 2002, at 5:30 p.m., in Board Chambers (see Page 11, Item 11).

16. Public Forum – None.

17. Any Commission response - None.

18. Adjournment – Chairman Menge declared the Meeting adjourned at 10:35 p.m.

APPROVED BY:

THE CHARTER COMMISSION

PREPARED BY:

UNIVERSITY OF WEST FLORIDA WHITMAN CENTER FOR PUBLIC SERVICE