

**Official**

MINUTES OF THE ESCAMBIA COUNTY CHARTER COMMISSION  
MEETING  
HELD FEBRUARY 13, 2003  
BOARD CHAMBERS, THIRD FLOOR, ESCAMBIA COUNTY  
COURTHOUSE  
223 PALAFOX PLACE, PENSACOLA, FLORIDA  
(4:00 p.m. – 8:00 p.m.)  
(SIXTH MEETING)

Members

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

Members Absent:

LeRoy Boyd was absent due to illness.

Others

Present: Honorable Ernie Lee Magaha, Clerk of the Circuit Court  
Wanda McBrearty, Deputy Finance Director/ Media Supervisor  
Bonnie Jones, Supervisor of Elections  
V. Keith Wells, Attorney for Civil Service  
Kay House, Interim Director of Personnel for Civil Service

**AGENDA NUMBER**

1. Call to Order – Chairman Menge at 4:00 p.m.
2. Chairman Menge asked for the Approval of the Agenda by the Commission. Motion was made by Mr. Jones and seconded by Mr. Dick for the Agenda to be approved. The Motion was carried unanimously.
3. Presentation of Ernie Lee Magaha, Clerk of Circuit Court  
Wanda McBrearty, Deputy Finance Director/Media Supervisor

Mr. Magaha stated that he is the Constitutional elected Clerk of the Escambia County Circuit Court. He informed the Commission that the presentation would be focusing on the County side of the Office. Yet, the Court side was of equal importance in that it houses seventeen full time judges as well as six to seven visiting judges. This past year alone, the court heard over 94,000 cases. Mr. Magaha also stated that, this presentation will give all the background information that the Commission would need to get an understanding of that office, yet the information was in no way to be used in regards to any other office other than the Clerk of Circuit Court.

**MINUTES OF THE CHARTER COMMISSION MEETING – Continued**

**AGENDA NUMBER – Continued**

The Clerk's Office has a good and solid reputation that is noted locally as well as statewide. The office has the reputation as being one of the best if not the best office in the State of Florida. The only time that the Clerk's office would take action towards another office is if it recognizes illegal or misused activities and then it would be reported to the State Attorney or law enforcement office. We believe in teamwork to the letter of the law with all offices. Mr. Magaha then turned the floor over to Ms. McBrearty who would be doing the presenting of the information and answering of the questions by the Commission.

Ms. McBrearty stated that she would be following the booklet that was passed out in her presentation and after which she would address any questions that would be addressed to her from the Commission. The presentation would cover the Escambia County Clerk of the Circuit Court office addressing the areas:

- Authority
- Organization, Budget and functions
- Uniform Support Services
- Elected Clerk
- Charter County Comparisons
- Summary

Ms. McBrearty presentation followed the written presentation as written.

**NOTE: The Clerk's Office passed out a 47 page Presentation on that office. The Presentation was used to accompany an overhead presentation, along with the oral statements made by Ms. McBrearty. The Presentation was divided into three sections, Presentation, Budget and Amendments. Each section was accompanied by the appropriate Resolutions, Amendments and or Budget that affects any given area that was to be discussed.**

**Below are the responses to questions that were asked of Ms. McBrearty and or Mr. Magaha:**

Mr. Magaha responded to the question as to what counties the Circuit Court serves by saying only Escambia County.

Ms. Brearty responded to the question as to the breakdown of the FTE's that appeared in the Presentation by stating that there are presently 203 full time and 22.5 part time employees. The office is 90% people yet still maintaining a small overhead.

Mr. Magaha responded to a question in reference to the new Constitutional Ruling and to its affects in his office by saying that, he was not sure as to what effects this Ruling would have upon them. Mr. Magaha said that as soon as they got an understanding they would give the information to the Commission.

Ms. McBrearty answered the question as to the office Opting out of Civil Service by saying they had not wanted to come out of Civil Service but they

## **MINUTES OF THE CHARTER COMMISSION MEETING – Continued**

### **AGENDA NUMBER – Continued**

had not had any other choice. The roster and its inability to offer qualified candidates, was cited as being the problem. She also stated that their procedure that was presently in place is one where the Personnel Director serves as the centralized person for all applications. Once the employee pool is established through running ads, the application is then graded according to experience of the applicant. However prior to hiring, the Director checks to make sure all State and Local laws are in compliance.

It was stated by Ms. McBrearty that their Office does not utilize the County Pool that is maintained through Mr. Touart's Office, the County Commission maintains its own Pool.

Mr. Magaha answered the question as to the duties of preparing the Minutes of meetings by his office, as being one inherited from the abolishment of the Comptroller's Office. Being in the Clerk's Office, however, does offer a check and balance for the people of Escambia County and the Office was capable of handling the operation, stated Mr. Magaha. The Clerk's Office only has one person designated for this position.

Ms. McBrearty explained to the Commission, that they do only the processing of the Action Sheets when it pertains to the payrolls. The office presently handles the processing of the Sheriff's, CSB, The Board and Supervisor of Elections Offices.

Ms. McBrearty stated that no cost that is incurred by any department when the Clerk's Office does the processing of the Action Reports. Additionally, if the Sheriff or any other Constitutional Officers were to do their own reports, she stated, the figures, for developing a department, would depend upon the type equipment and the manner in which they would man the office.

Ms. McBrearty stated that if the Clerk's office was to be used as a centralized Payroll Office, under Charter, that they are equipped to handle all Constitutional Offices, in processing their Action Reports.

Ms. McBrearty stated that all the Financial Reports are produced on figures as required by law. All financial figures are reported as Actual along with Revenue's bottom line.

Ms. McBrearty stated that the fixed assets figures refer to all equipment owned by the BCC and Supervisor of Election offices. The figures appearing on the report are at cost and the End of the Year figure is calculated as of 12/31, rather than when the actual audits are taken.

The procedure for handling Grants obtained on behalf of the BCC, stated Ms. McBrearty is that the Clerk's office actually receives the Grant and signs off on it and then the funds are deposited to the appropriate accounts.

## **MINUTES OF THE CHARTER COMMISSION MEETING – Continued**

### **AGENDA NUMBER – Continued**

Ms. McBrearty stated that an outside firm is hired by the BCC to audit the Clerk's Office, as well as, the other Constitutional Offices, as required by law.

In discussion, as to how the overpayment that had been mentioned in a previous meeting had occurred in the Sheriff's Office, Ms. McBrearty gave the indication this had been an unusual problem. The Sheriff had been informed as to the limitations that existed in the computer software and that the raising of longevity pay could be done but the program would need to be re-written. The increase needed to take place immediately, on the Sheriff's end, therefore, instead of the increase being allocated to the percent of employees in the group it should, the entire group was paid the increase. Yet Ms. McBrearty thought the Sheriff had been informed of what would transpire. The problem has been corrected.

#### **4. Bonnie Jones, Supervisor of Elections**

Ms. Jones stated that the following Florida Laws: Article 8, Section 1B of the Florida Constitution and Chapters 97 through 106 Election Laws of the State of Florida governs her office. Also Chapter 129 covers the budget. Her budget is \$1.7M and remains that fairly constant. There is no appeal for this budget to the State, she would have to take the Board to Court if it did not approve of the budget if she felt she needed more money. Ms. Jones coordinates all County elections and City of Pensacola elections if asked. The town of Century is provided with election equipment and the list of registered voters only. Ms. Jones' position requires that she be knowledgeable of the Florida State election laws at all times. She serves on the Canvassing Board for Escambia County, which certifies each election. Her office generally has 20 permanent employees but usually the number increases to 60 during an election year. The office maintains the entire voter records for the County. There are 3000 registration forms processed each month, this could be updating, removal or additions. This office sends Advance Notices for elections, which are handled through this office, along with the processing of all absentee ballots. The office is the custodian of the voting equipment; they purchase and maintain all of the equipment. In addition, as a courtesy they supply the voting equipment for the Escambia County School Board.

Candidates are qualified through this office to be placed on the ballot, as well as, they file their financial reports through this office. 700 Poll Workers are trained and over 900 applications are maintained on file for this position, along with the training of Poll Deputies from the Sheriff's office. All Polling Places are acquired by the Supervisor's office and maintained through the office; at present there are 90 Polling Places in Escambia County.

## **MINUTES OF THE CHARTER COMMISSION MEETING – Continued**

### **AGENDA NUMBER – Continued**

The Office of Elections being a small office does not handle most of the day to day operation procedures, the office utilizes the Clerk's office, Civil Service, County Commission's Office and County Attorney's office respectively.

#### **Ms. Jones responded as follows to the questions asked of her:**

Ms. Jones stated that the voters of Escambia County could register by Internet, calling her office for the form, or going to over 70 locations to register. She did not know of any way to make it easier for them.

Ms. Jones stated that if the Commission were to change the number of Districts, that the re-figuring would be handled by the computer, the size is calculated according to the population. Population is the only requirement for redistricting.

Ms. Jones stated, her office only charged the City for the entire cost of an election when it does not coincide with the County and then it is cost incurred. The cost is not figured is not in the budget of the Supervisors' Office at all.

Ms. Jones stated that as a part of Civil Service that she uses their Affirmative Action Department when necessary.

Ms. Jones stated that she thought that the Court Orders that had been imposed upon the Districts prior had been removed, but she was not sure.

Ms. Jones stated in closing, the only suggestion she could offer the Commission would be for this office is to make this position of Supervisor of Elections a non-partisan one. Due to the nature of the job it would serve the people of Escambia County as well as f the person serving. She is also for this position to remain Constitutional but she not sure whether changing it to non-partisan would allow that.

#### **5. Presentation of the Civil Service Board, V. Keith Wells, Attorney and Kay House, Interim Director of Personnel**

The Legislator created the Civil Service Board in 1951. This act was created to deter the "spoils system" from being used after an election. This means that, when a particular candidate won, neither he nor she could go into an operation under their control and clean house to be replaced with personal preferences. It is to ensure that at all times, qualified and capable candidates were in the positions. The Civil Service Act has set up an Appeals Board. The CSB was formed with the following departments; District School Board, Tax Collector, Property Appraiser, Clerk of Courts, Supervisor of Elections, Sheriff, Board of County Commissioners, Santa Rosa Island

## MINUTES OF THE CHARTER COMMISSION MEETING – Continued

### AGENDA NUMBER – Continued

Authority, and Escambia County Utility Authority. All are not still a part of the CSB. Over the years since the Civil Service Act was adopted, the Act has been amended several times. Some of these amendments allowed the School District and certain Constitutional Officers to opt out of the system. At present those who remain are Santa Rosa Island Authority, Supervisor of Election, Sheriff, Board of County Commissioners and ECUA.

The Civil Service Board is presently in the process of amending its rules. Each department whether a part of CSB or not was requested to send a representative to the meeting in order to get the input necessary to make it work for all. This process has been and will be going on for a year. It is very detail oriented in that every law is being looked at separately and discussed in detail to see how it can best work for Escambia county.

The Civil Service staff consists of 10 full time employees and one student assistant. The staff provides informational, technical and professional Human Resource Services for 2900 Civil Service employees.

The Civil Service Act sets the Revenues of the CSB. The Act requires that each participating agency pay 1.4% of its payroll to the CSB each year. The Legislative body established the Act.

**NOTE: The Civil Service Board (CSB) passed out to the Charter Commission and Presentation Booklet consisting of 39 pages. This booklet was a complement to their oral presentation to the Commission. The Escambia County Civil Service Act, which governs this Board, is Chapter 83-405 of the State Law. With the following Amendments - Chapters 88-552, 89-492, 91-335, 93-394 and 2001-348, all Laws of Florida as written by the Legislator. The presentation also included Services provided the Escambia County CSB, 2002-2003 Revenues and Expenditure, and 2002-2003 Financial Statement. The presentation is meant to answer questions such as: What is the main function of the CSB? Why is the Board needed? Why is it opposed? How does it save money? (Refer to Section 2, pages 1-4).**

**In reply to the questions asked, Mr. Wells and Ms. House responded as follows:**

Ms. House stated that a roster is formed immediately. Once the position is closed this will allow for the information to be distributed to the appropriate departments within a matter of days. The problem of not being able to fill positions prior, had to deal with the manner in which the Director felt he wanted to direct the department. We have tried to rectify problems that occurred during that time and we feel we have a better handle on the situation. The pass Director was terminated as of July, 2001.

The Civil Service Board is in the process of re-writing the present rules. A final draft should be ready for the Charter Commission by April, 2003 as stated by Mr. Wells.

## MINUTES OF THE CHARTER COMMISSION MEETING – Continued

### AGENDA NUMBER – Continued

Mr. Wells stated that he was not sure if there is any way of preventing any of the problems that had occurred for Civil Service and other agencies under the previous administration from occurring again.

As stated, an elected Board for Civil Service would be too political. However, if the Charter Commission could devise a method of appointment that would have input of all the agencies involved would probably be more feasible.

The explanation for the Allowance that appears on the Financial Statement for Board Members is that each Board member is paid \$800.00/month to serve on the Board. This amount was determined by the Legislature. Actually, it is an allowance for being on the Board, stated Ms. House and Mr. Wells.

#### 6. Approval of the Minutes of the January 30, 2003, meeting.

Mr. Menge stated that he had received comments from Ms. Brown and Mr. Dick in reference to questions that they had asked in the meeting which did not appear in the Minutes, therefore, he would defer the Approval of the Minutes and take under advise their questions and get with the Whitman Center for additions to the Minutes of January 30, 2003.

#### 7. Communications

**Mr. Menge suggested that in response to a question by Mr. Beall that excused absents are to be reported to Tamela Ramos of the Whitman Center and the reason for the absent would be reflected in the Minutes.**

**A legible copy of the Charlotte County Home Rule Charter was provided to the Commission.**

**Copies of Mr. Menge's correspondence to the Civil Service, Santa Rosa Island Authority, and ECUA confirming their appearances were distributed.**

**Mr. Menge also provided copies of his letter to Robert Davis, letter to Mr. Touart, in regards to Kurt Spitzer's Invoice, and a letter to Dr. Teasley in regards to the Escambia County Charter Commission's Public Records to the Commission.**

**A list of the currently active Authorities and Boards created by Special Acts prepared by the Attorney's office was handed out.**

**Mr. Menge announced that he will be making a presentation before the League of Women Voters at the Pensacola Junior College on Saturday, February 15, 2003 at 9:30A.M.**

**MINUTES OF THE CHARTER COMMISSION MEETING – Continued**

**AGENDA NUMBER – Continued**

8. Unfinished Business.

Mr. Menge stated that Mr. Montenes is working with the Whitman Center in developing a website. Ms. Ramos was to make a Power Point Presentation this evening but had to leave for another meeting.

Mr. Montenes also passed out a Memorandum regarding the website; therefore, we will defer this until the next meeting.

Mr. Menge opened the floor for discussion on the issue of alternative times and dates for future meetings. A vote was taken as to the days the meetings would be held: (6 votes for Thursday, 1 vote for Monday and 4 votes for Tuesday). Mr. Menge stated he would take the votes into consideration and form a Revised Schedule to be presented at the next meeting, looking at various days and times.

Mr. Menge informed the Commission that the present Work and Meeting Schedule will be in effect through March 27<sup>th</sup> and the Schedule that will follow will be available by the next meeting.

9. Items Added to the Agenda.

None

10. Announcements Regarding the next Meeting date, place and topics for discussion.

Mr. Menge stated that it was unknown whether Commissioner Janice Gilley would be able to speak to the Commission on February 27, 2003, due to the medical procedure for her father on that day, which had been noted in previous minutes.

The meeting for February 27, 2003 will be held at 5:30 P.M. in the Escambia County Board Chambers, Third Floor, Escambia County Courthouse. The Santa Rosa Island Authority will be speaking before the Commission at that time.

11. Public Forum.

No one asked to be recognized before the Commission

12. Any Commission Response.

None

**MINUTES OF THE CHARTER COMMISSION MEETING – Continued**

**AGENDA NUMBER – Continued**

13. Adjournment.

The Charter Commission Meeting on February 13, 2003 held in the Board Chambers in the Escambia County Courthouse, was adjourned at 8:00 P.M.

**APPROVED BY:**

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**THE CHARTER COMMISSION**

**PREPARED BY:**

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