

MINUTES OF THE ESCAMBIA COUNTY CHARTER COMMISSION MEETING
HELD JANUARY 7, 2003
BOARD CHAMBERS, THIRD FLOOR, ESCAMBIA COUNTY COURTHOUSE
223 PALAFOX PLACE, PENSACOLA, FLORIDA
(5:35 p.m. – 8:05 p.m.)

Members

Present: M. J. Menge, Chairman
Rita A. Riffel, Vice Chairman
Charles F. Beall, Jr.
(Entered at 6:58 p.m.)
Johnny W. Blackmon
LeRoy Boyd
Barbara Forehand "Bobbie" Brown
Laurel Dick
Elbert Jones, Jr.
Dennis McKinnon, Jr.
Francis A. "Frank" Montenes
E. P. "Ted" Nickinson, Jr.
Lucy Rentz
Phyllis D. Sims
Lamar Smith

Members

Absent: 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 December 16, 2002, Meeting.

Motion made by Mr. Nickinson, seconded by Mr. Dick, and carried 13-0, with Mr. Beall not yet present and Mr. Walton absent, approving the Minutes of the December 16, 2002, Meeting, as prepared.

Note: Mr. Montenes advised, regarding Item 13.A.(2) of the December 16 Minutes, that he will not be providing information concerning rules of procedure until such time as the matter is discussed by the Charter Commission.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER – Continued

3. Communications.

FOR INFORMATION:

A. Chairman Menge advised that the following items had been provided to the Commission Members (*as part of the agenda package*):

(1) A copy of the Home Rule Charter for Columbia County Florida;

(2) Copies of the following two (2) articles written by Kurt Spitzer:

(a) “Restructuring Local Government – Legislative/Executive Relationships—The Orange County Experiment”; and

(b) “Charter Counties In Florida”; and

(3) An additional copy of the “Proposed Work and Meeting Schedule for the Charter Commission (Revised)”; and

B. Vice Chairman Riffel provided a copy of a nine-page document entitled “Parliamentary Procedures.”

4. Approval of the Agenda.

Motion made by Mr. McKinnon, seconded by Ms. Rentz, and carried 13-0, with Mr. Beall not yet present and Mr. Walton absent, approving the agenda, as prepared.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER – Continued

5. Presentation by Kurt Spitzer regarding the Work of the Charter Commission.

FOR INFORMATION:

- A. From approximately 5:40 p.m. to 7:05 p.m., the Commission viewed a power point presentation, entitled “Understanding Charter Government – Kurt Spitzer – KS&A – Escambia County Charter Commission – January 7, 2003,” which was provided by Mr. Spitzer to each Commission Member as a hard copy, and the Commission discussed the following five options outlined in a four-page document entitled “*Basic Options List – County Charter Commissions*,” which was also provided by Mr. Spitzer:
- (1) *Legislative Branch - County Commission*, which addresses: (a) districting; (b) on what basis County Commissioners are elected; (c) length of term; (d) limits on terms; (e) full-time or part-time positions; (f) salaries; (g) filling vacancies in office; and (i) general duties;
 - (2) *Executive Branch – County Administrator*, which addresses: (a) appointed administrator; (b) elected position; (c) major departments; and (d) uniform support services;
 - (3) *Constitutional Officers*, which addresses: (a) leaving as in current law; and (b) revising status;
 - (4) *Legal Services – County Attorney*, which addresses: (a) selection; (b) qualifications; and (c) who services are provided to; and

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MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER – Continued

5. Continued...

FOR INFORMATION: - Continued

A. Continued...

**(5) *General Powers and Miscellaneous Provisions*, which addresses:
(a) conflict with municipal Ordinances; (b) Special (Local) Acts of
Legislature; (c) recall provision; (d) initiative (Ordinances);
(e) Charter amendments; (f) Charter Review Commission (CRC);
(g) Special Districts and authorities; and (h) Special, Independent
Commissions;**

**B. Following comments from Mr. Dick concerning the ability of Charter
Counties to levy municipal utility taxes, Mr. Spitzer advised that
municipal utility taxes are similar to franchise fees;**

C. Mr. Spitzer advised that:

**(1) The provisions of a charter cannot supersede the provisions of
general law, and that an adopted charter can only be amended by:**

**(a) Voter-initiative, which requires a certain percentage of the
electorate to sign a petition proposing amendments; and**

(b) A Special Act of the Legislature;

**(2) If the Governor removes someone from office, it is possible for the
official to be reinstated; whereas, removing an official from office
by “recall” is permanent; and**

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MINUTES OF THE CHARTER COMMISSION MEETING – Continued

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5. Continued...

FOR INFORMATION: - Continued

- D. The following four individuals addressed the Charter Commission during the power point presentation:
- (1) Henry Hicks Moore, who advised that there is no County Commission in Duval County; i.e., Jacksonville, Florida, has consolidated government, with the Jacksonville City Council as the Legislative Body;
 - (2) Gail Fournier, concerning the citizens' powers with regard to a County Administrator who is appointed by the Board of County Commissioners (*under Charter Government*);
 - (3) Rita E. Jones, who advised that amending the Charter for Dade County, Florida, requires voter approval; and
 - (4) Ellen Roston, who advised that the County Administrator is not the Chairman of the Orange County Board of County Commissioners.

CHAIRMAN MENGE RECESSED THE MEETING FROM 7:05 P.M. TO 7:17 P.M.

6. Discussion of the work of the Commission and the timetable for the conduct of the work.

Motion made by Mr. Montenes, seconded by Mr. McKinnon, and carried 13-1, with Mr. Walton absent and Mr. Boyd voting “no,” approving, conceptually, the “*Proposed Work and Meeting Schedule for the Charter Commission (Revised)*,” with the understanding that the schedule might need to be revised at a later date in order for the Commission to meet the deadline for presentation of a proposed charter to the Board of County Commissioners.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER – Continued

7. Other unfinished business.

FOR INFORMATION:

A. Chairman Menge:

- (1) Advised that no additional information has been provided by the County Attorney's Office relative to whether or not the Commission Members must file financial disclosure statements;**
- (2) Suggested all public records requests be routed through him, via letter or e-mail, so that the County Administrator's Office is not inundated with telephone calls from those requesting fulfillment of public records requests; and**
- (3) Advised that Dr. Wynn Teasley, University of West Florida (UWF) Whitman Center, had informed him that a revised contract had been submitted to Chairman Menge's Office this afternoon, via e-mail, and that he anticipates that the contract will be approved by the UWF Attorney by the end of this week, or the beginning of next week; and**

B. Upon inquiry from Mr. Nickinson, Dr. Teasley advised that the Minutes of future Commission Meetings can be prepared and presented for Commission approval at the next subsequent Meeting.

8. Items added to the Agenda – None.

9. Discussion regarding the next meeting date, place and topics of discussion.

FOR INFORMATION: Chairman Menge advised that the next Meeting is scheduled for January 16, 2003, at 5:30 p.m., in Board Chambers, at which time the Board of County Commissioners, as well as former Commissioner Timothy W. "Tim" Wright, will be invited to address the Commission.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER – Continued

10. Public Forum.

Speaker: Rita E. Jones

11. Any Commission Response.

FOR INFORMATION: Chairman Menge advised that the Commission will not be addressing consolidation, relative to comments from Rita E. Jones.

12. Adjournment.

Motion made by Mr. Nickinson, seconded by Mr. Boyd, and carried 14-0, with Mr. Walton absent, approving to adjourn the Meeting at 8:05 p.m.

APPROVED BY:

THE CHARTER COMMISSION

PREPARED BY:

ESCAMBIA COUNTY CLERK OF THE COURT OFFICE