

Official

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

Members

Present:	M. J. Menge, Chairman	Elbert Jones, Jr.
	Denis McKinnon, Jr.	Francis A. "Frank" Montenes
	Johnny W. Blackmon	E. P. "Ted" Nickinson, Jr.
	LeRoy Boyd	Phyllis D. Sims
	Barbara Forehand "Bobbie" Brown	Lamar Smith
	Laurel Dick	Garrett W. Walton

Members Rita A. Riffel, Vice Chairman
Absent: Lucy Rentz
Charles F. Beall, Jr.

Others

Present: Janet Holley, Tax Collector
Ron McNesby, Sheriff
George Touart, County Administrator

AGENDA NUMBER

1. Call to Order – Chairman Menge at 5:30 p.m.
2. & 3. Chairman Menge suggested that the order of the Agenda be revised to allow the Commission guests to proceed with their presentations prior to considering the minutes of January 16, 2003 meeting and any Communications. Upon motion made, seconded and unanimously approved the Agenda was revised to proceed with Items 4, 5 and 6 of the Agenda prior to considering Items 2 and 3.
4. Approval of the Agenda.
The revised Agenda was approved.
5. Presentation by Janet Holley, Tax Collector

Ms. Janet Holley appeared before the Commission. Ms. Holley stated she had no recommendations on how County government might be improved. She stressed, however, that part of the success of the Tax Collector's office is that it functions independently and it should remain that way. The office of Tax Collector should

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER – Continued

be directly responsible to the citizens of Escambia County. Many people believe that the Tax Collector's office serves only the County, but most of the work performed by the office is for the State of Florida. The budget for the Tax Collector's office is approved by the Department of Revenue of the State of Florida. The budget is determined by the fees collected by the Tax Collector's office; the office receives a percentage of the fees charged for vehicle registration, tag purchases, hunting and fishing licenses, occupational licenses, going out business licenses, the collection of non ad valorem taxes and tangible property taxes, and the conducting of road tests. The Tax Collector's office also charges the County a fee for collecting ad valorem real property taxes. The office also collects taxes for the School District and fees for the Florida Department of Transportation. The Tax Collector's Office has 89 employees and five offices located in Century, Cantonment, Brent, Downtown and Warrington. The office's budget is approximately \$5M annually, of which \$4M is for personnel costs. The annual cash flow handled by the office is approximately \$380M. Ms. Holley stated she could not support changing the office of Tax Collector from Constitutional to Charter. She further stated that the establishment of another level of bureaucracy between the offices of Tax Collector and the people of Escambia County would be cumbersome and make it harder for the office to function effectively.

A comment was made by Ms. Brown that the tax collector's signs look like a billboard. Ms. Holley responded that the letters in the sign are the same size and the reverse color makes her name appear larger.

The following questions were asked of Ms. Holley:

- (1) What are your objections to becoming a Charter Officer if all duties and rights remain the same?
- (2) Who mans your Web Site?
- (3) Are there services or systems that can be shared in your office in order to cut cost?
- (4) Where does the money come from to open your offices in the County?
- (5) Do your employees fall under Civil Service and does the system work for you?
- (6) In your office, is there anyone beyond you that the employees can go to for an appeal?
- (7) If various offices have the same position available, is there a chance of one office offering one salary and another office offering a higher one for the same position?
- (8) What agency audits the Tax Collector's Office?
- (9) Could attorney's fees, information services, and garage be combined with other Constitutional offices?

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER – Continued

(10) What is the source of funding for these new offices?

In reply to the questions asked, Ms. Holley responded as follows:

- (1) I have not considered the question as asked, but do not understand why the position should be changed from Constitutional to Charter if all the duties and rights were to remain the same.
- (2) The Website is a joint effort of the Board of County Commissioners and the Tax Collector's Office. The site's main function is to offer information and allow persons to pay for any of the services offered over the Internet. This keeps down the foot traffic and has worked very successfully.
- (3) I would be afraid of losing control for what I am held responsible if that were to happen. That type of system has not worked in the past.
- (4) The Tax Collector has the authority to open offices. The County Commission is responsible for the county seat, which is downtown. The Century office is a county facility but the rest of the offices are leased. The lease costs are paid out of my budget.
- (5) I was against Civil Service, as it now exists. Therefore, when given the opportunity, I opted out. Civil Service did not grow with the needs of my office. By the time that I opted out, because the service was so bad, we had created our own system. In Civil Service, we could not get laws changed or needed legislation passed. We did not have control over promotions or when to promote. Now our employees are treated fairly.
- (6) No, there is no one above me for an Appeal.
- (7) I have specialized positions. I do not have this occurring. However, in Civil Service, it was difficult for me to have the bar raised, in order to obtain persons in the positions of Accounting, IT or Data Processing.
- (8) Our office is audited pursuant to State law. We are audited on money as well as procedures.
- (9) Information services were combined in the 70's and it did not work. Our office was the low man on the totem pole. Attorneys are outsourced at a cost of \$30,000 per year. I do not believe that the county could supply that service at such a low cost, also the county attorneys do not have the time to give to my office. Transit bills my office for their services.
- (10) Money comes out of my budget.

Note: Ms. Holley stated that she felt that Civil Service was a very expensive animal to feed. She had had success in not being in the present system and felt that the County would definitely save money if it would establish its own system. The biggest concerns from the employees would be:

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER – Continued

- (a) Discipline: will they be treated fairly
- (b) Is there an Appeal Board
- (c) Can they go to someone unbiased and state their case

Note: Mr. Menge, Chairman requested that Ms. Holley provide to UWF/Dr. Teasley a copy of her Employees' Manual for review by the Charter Commission if needed.

6. Presentation by Sheriff Ron McNesby before the Commission.

Sheriff McNesby appeared before the Commission and provided the Commission with the following information:

The Sheriff is responsible to the people of Escambia County. The Sheriff's job is that of Chief Jailer, Law Enforcer and Executive Officer of the Court for the County. The duty of the Sheriff's Office covers all of Escambia County, City of Pensacola, Pensacola Beach and Century and the duties are:

- (1) Apprehending Criminals
- (2) Criminal Investigation
- (3) Maintain and Operate the Jail
- (4) Protect lives
- (5) Keep peace
- (6) Protect property of individuals
- (7) Control evidence received
- (8) Traffic enforcement
- (9) Training of crime prevention in the jails
- (10) Maintain prisoners, while waiting trial
- (11) Care and Custody of all County and Municipal prisoners.

The Judicial duties are:

- (1) Enforce all the actions of the courts
- (2) Responsible for the execution of writs, warrants, and papers of process issued by the Court, Board of County Commissions and other Government agencies.
- (3) Appoint Bailiffs
- (4) Staff polling places
- (5) Attend all meetings of County Commissioners to maintain and execute law and order.

The Sheriff derives his power from the Constitution to appoint Deputies and the Deputies derive their power from the Sheriff. The current organization is composed

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER – Continued

of eight divisions responsible for the public safety. There are 1106 employees both men and women, and a budget of \$65.6M per year. From the questions asked by the Charter Commission of Ms. Janet Holley, The Sheriff understood the Commission was interested in the County's Civil Service System. He explained that the Sheriff's office was in a unique situation in that his employees were under the Civil Service System but there were also a Union and a Fraternal Organization that he had to consider. At present, the only service the Civil Service provides to the Sheriff's Office is the maintenance of a personnel roster. His office is encountering difficulty in hiring personnel within the pay ranges authorized by Civil Service. Sheriff McNesby stated he would support the withdrawal from the Civil Service System and the establishment of a separate system under the County Administrator.

The following questions were asked of Sheriff McNesby:

- (1) Who sets your salary scale?
- (2) Are some of your employees under Civil Service and others not?
- (3) If the Civil Service controls the scale, can the Union override?
- (4) Why have two systems for your employees?
- (5) What is your opposition to becoming Charter if all of your duties and privileges remained the same?
- (6) How does the Fraternal Organization fit into your system?
- (7) Does the County provide money to the Civil Service?
- (8) How many contract employees do you have and who pays them?
- (9) What is the salary range? Do you have Federal funding for positions?
- (10) Are all of your positions filed at present?
- (11) The Clerk of Court is handling paying your bills at present. Can any processes such as payroll, information services, attorneys, and garage be combined to save money?
- (12) At present, if you do not reach an agreement with the Board of County Commissioners on a budget, is it not true that you can then go to the Governor to have this matter resolved?
- (13) What type of training is required for a Law Enforcement Officer?
- (14) Have you lost any officers in regards to pay?

In reply to the questions asked, Sheriff McNesby responded as follows:

- (1) The Constitutional Officers along with the Civil Service sets the Scale. However, there is a time when the money is not there and having a Union, there are times when the two scales are not concurrent and that is when there is a problem.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER – Continued

- (2) Some of my contract employees are not Civil Service. They are in the Union and the Union Contract rather than Civil Service governs them.
- (3) The Union can override Civil Service and their scale.
- (4) The legislation that was passed allowing the School District and some Constitutional Officers to opt out of the Civil Service System excluded the Sheriff. The Sheriff's office is still covered by the Civil Service law and, as a matter of general law, our Deputies have the right to form or join a Union.
- (5) My caution comes from other Sheriffs throughout Florida, who have cautioned me against any move to make the office of Sheriff a Charter Officer. It has not worked for them and I do not know how it would work until I see a document.
- (6) It is a member-based organization and it offers insurance and attorney representation when needed to the employees. They do not get into bargaining for positions or working conditions.
- (7) The County does supply money to the Civil Service but not the Union or Fraternal Organization.
- (8) We have 10-12 Contract employees. The county pays all of the employees.
- (9) The range of salary for these individuals is \$30,000-\$90,000 per year. We have partial Federal funding.
- (10) All our positions are never filled. We are presently trying to fill those positions that will be left vacant in June due to the "Drop Program". We cannot wait until June 30th to fill these positions.
- (11) That is the present system, however, we are considering taking back our payroll due to problems that have occurred. It is a mess the way it is now with the Clerk of the Court handling our payroll.

Our payroll is very large and needs to stand-alone. One of the problems that exist is paying an employee for a position once they have been transferred to another, which requires retrieving money from that individual. Centralized services did not work in the past. It is controlled by law as to who can have access to information in our computer system due to the sensitivity and privacy of material. It would never work combining services for the garage. I have skilled mechanics available to me 24-7 if I need them. It has been proven that it is cheaper to have the Sheriff's Department repair their own vehicles.
- (12) I have not nor would I exercise the option of going to the Governor to settle a budget for this County. I feel that we can work together to get this resolved; however, I do have the legal right to appeal my budget to the Governor and Cabinet.
- (13) Training at the Academy and then going before the State to be certified. The local office year to year does additional training.
- (14) I have lost one to an outside company and some have applications in other counties. However, in a number of situations officers have returned to us because it did not work out.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER – Continued

George Touart, County Administrator, requested permission to address the Charter Commission on the subject of Civil Service. The Board of County Commissioners has requested that the Legislative Delegation have legislation passed which will allow the County to opt out of the present civil Service system. The County is in the process of drafting a proposed ordinance, which will establish a Civil Service System for the County. Under the proposed ordinance, the Appeal Board would consist of both County and employee appointees, rather than individuals appointed by the Governor. If they desired to do so, the Constitutional Officers and the Escambia County Utilities Authority could join the system to be established by the County. The system would be administered by the County's Human Resources department and would provide for the proper testing and hiring of personnel and a grievance procedure protective of employee rights.

Mr. Touart answered the following questions of the Commission:

- (1) Will the Civil Service System established by the County be less costly?
Yes, it will be cost effective. It will streamline positions under the Civil Service. The important question is the level of salary.
- (2) Will your proposed Civil Service plan be ready in time to be reviewed by the Constitutional officers and incorporated into the Charter by the Charter Commission?
You will have a document in the next 30–45 days and will be able to ask questions at the March 27th meeting.
- (3) Will the general public have a chance to have input in this document?
This document will be provided to the County's 2600 employees. The media will also be provided with a copy of this document and it will appear in print and everyone will be aware of this document.

2. Approval of Minutes.

Mr. Menge asked for a motion to approve the minutes of January 16, 2003. A motion to approve the minutes was made by Mr. Jones and seconded by Mr. Dick.

Mr. Montenes suggested that the minutes contain the Meeting number and he requested that the minutes of the January 16, 2003 meeting be modified to indicate that the Commission referred to in Item 8 on page 10 was the Charter Commission. The motion to approve the minutes was amended to incorporate Mr. Montenes' suggestions. The motion, as amended, was passed unanimously.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER – Continued

3. Communications.

- A. Mr. Menge stated he has received four papers form Mr. Dick. One paper entitled “Constitutional Officers” had been distributed to the members of the commission. The other three papers were publications from Florida Tax Watch and would be filed with the Whitman Center.
- B. Mr. Menge had a verbal conversation with Commissioner Banjanin regarding his appearance before the Commission. Commissioner Banjanin said he did not have anything to add to what had already been stated by the other Commissioners and in his letter. He believes the position of County Commissioner is a full time job and as stated in his letter to the Commission, he feels the present Board is functioning well and he sees no changes that need to be made in the structure or conduct of Escambia County government.
- C. Mr. Menge was advised by Commissioner Janet Gilley’s assistant that she might not be able to attend the February 27th meeting because her father is scheduled for a medical procedure on that date.
- D. Mr. Menge brought a letter that he had received from Robert Davis to the Commission’s attention. Mr. Menge questioned whether it was appropriate for the Commission, or for him as Chairman, to respond to “Letters to the Editor,” while the Commission was engaged in its study of local government. The Commission concurred that no response should be made to the “Letter to the Editor”, and Mr. Menge stated he would send an appropriate response to Mr. Robert Davis.
- E. Mr. Menge requested approval of the statement for \$610.39, he had received from Kurt Spitzer and Associates, Inc., for Mr. Spitzer’s services and lodging. Mr. Dick moved that payment of the statement be approved, the motion was seconded by Mr. Boyd, and carried unanimously.
- F. Mr. Menge stated the Agreement for Services with the University of West Florida under the terms of which the University had agreed to

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER – Continued

provide Administrative Support to the Commission for \$36,375.00, including estimated expenses, had been signed. Copies of the correspondence between Mr. Menge and Mr. Touart regarding the Agreement were provided to the members of the Commission.

G. Mr. Menge provided the Commission with copies of three letters he proposed to send out. One letter was to Don Partington, Chairman of the Legal Advisory Team, requesting research on various legal issues, the other two letters were to Dr. Teasley with the University. One letter listed all the public records of the Commission, which were being furnished to the University. The other letter discussed various research projects to be performed by the University. The Commission had no objections to the proposed letters.

H. Mr. Menge announced that he desired to appoint Mr. Charles Beall to serve as Parliamentarian for the Commission and Mr. Frank Montenes as the representative from the Commission to work with the University to establish a website for the Commission. The Commission had no objections to the proposed appointments.

NOTE:

Mr. Montenes stated that in addition to the services Mr. Menge had requested the University to perform in his proposed letter that the University also be requested to provide the Commission with a proposed “Set of Operating Procedures for the Charter Commission”, and that the University research the Charters adopted by other counties to determine whether any county besides Miami-Dade had included a “Bill of Rights” in their Charters.

7. Discussion of revised Work and Meeting Schedule.

Mr. Menge reviewed the Second Revision to the Proposed Work and Meeting Schedule with the Commission. All of the Officials and Authorities listed on the second revision have been contacted and have agreed to appear at the designated times, with the exception of Commissioner Gilley, who may not be able to attend at the designated time for the reasons previously stated. With regard to “Present and Past County Administrators”, Mr. Touart, Mr. Rod Kendig and Mr. Wayne Peacock will appear before the Commission. Mr. Menge is also attempting to contact Mr. Bob Koncar to see if he can appear. Mr. Boyd suggested the Commission also contact Mr. Barry Evans to see if he would appear before the Commission.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER – Continued

Mr. Menge stated he believed the Commission should also meet with representatives of the City of Pensacola, and attempt to receive reports from the Human Resource Department on the County's Affirmative Action Program, the Whitman Center on its research projects and the Legal Advisory Team prior to commencing our meetings for public input. Mr. Nickinson stated he would also be interested in hearing from other Charter Commissions and other county officials in Chartered Counties regarding their experiences. He suggested the Commission invite an official from Polk County to meet with the Commission since that County's Charter Revision Commission had recently suggested amendments to that county's Charter. Mr. Menge agreed to see what arrangements could be made to have such officials appear before the Commission. Ms. Brown stated that the Commission should also request other former County Commissioners to address the Commission, Mr. Menge stated that other former County Commissioners would be contacted and invited to appear before the Commission during the public input meetings.

The Commission agreed to schedule two additional meetings during the weeks of March 17th and March 31st on either a Tuesday or Thursday to meet with representatives of the City of Pensacola and to receive reports from the Human Resources Department, the Whitman Center and the Legal Advisory Team.

8. Unfinished Business-None.

9. Items added to the Agenda-None.

10. Public Forum.

No one asked to appear before the Commission during the Public Forum

11. Any Commission Response- None.

12. Adjournment.

The meeting was adjourned at 7:55 p.m.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

APPROVED BY:

THE CHARTER COMMISSION

PREPARED BY:

UNIVERSITY OF WEST FLORIDA, WHITMAN CENTER