

Official

**Escambia County Charter Commission
Meeting of October 16, 2003 at 5:30 p.m.
Pensacola Campus of Pensacola Junior College
Baroco Center – Room 2142
(Thirtieth Meeting)
(5:35 p.m. – 7:55 p.m.)**

Members

Present: M. J. Menge, Chair
Charles F. Beall, Jr
Johnny W. Blackmon
BarbaraForehand“Bobbie”Brown
Laurel Dick
Elbert Jones, Jr.
Frank Montenes
Lucy Rentz
Lamar Smith
Garrett W. Walton

Members Rita A. Riffel, Vice Chairman (schedule conflict)
Absent: LeRoy Boyd (schedule conflict)
Denis McKinnon, Jr. (schedule conflict)
E. P. “Ted” Nickinson, Jr. (schedule conflict)

AGENDA NUMBER

1. Call to Order – Chairman Menge at 5:35 p.m.
2. Approval of the Agenda

Motion made by Mr. Montenes and seconded by Mr. Dick to approve the agenda. The motion carried 8 – 0 with Mr. Beall and Ms. Rentz arriving late.

3. Approval of the minutes of the October 7, 2003 meeting.

Motion made by Mr. Jones and seconded by Mr. Dick to approve the minutes of October 7, 2003. The motion carried 8 – 0 with Mr. Beall and Ms. Rentz arriving late.

4. Communications

- 1) Official minutes of the October 2, 2003 meeting.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

Mr. Menge announced that Commissioner Young intends to nominate Ms. Jewell Cannada-Wynn to take Ms. Sims place on the Commission. It is anticipated that the Board of County Commissioners will select Ms. Cannada-Wynn to replace Ms. Sims at this evening's commission meeting. The Whitman Center will work with Ms. Cannada-Wynn to provide her with the necessary paperwork to inform her of where the Commission currently stands in its work schedule.

Ms. Jennifer Miles faxed a request to the Whitman Center to change the October 2, 2003 official minutes. Copies of the correspondence will be provided to the Commission at next week's meeting. The official minutes will not be changed.

5. Committee Reports

Mr. Walton's committee has not met since the last Charter Commission meeting, so they have nothing new to report. Their next meeting will be October 29, 2003. Mr. Nickinson e-mailed his draft language to the Whitman Center and the committee was provided copies per his request

Mr. Smith's committee had its first meeting on October 13, 2003. Mr. Smith stated that the committee will be discussing the Charter Officers on Monday, October 20 and requested that his committee come prepared to make decisions and possibly vote on this issue.

Mr. Beall's committee will be scheduling its first meeting at the end of this evening's meeting.

6. Discussion of Issues

Mr. Menge reminded the Commission that issue numbers 11, 13, 14, 16, & 17 under General Powers & Miscellaneous Provisions have already been voted on and will not be covered again this evening.

Motion made by Mr. Dick and seconded by Mr. Beall that the charter contain language that the judicial branch of the charter government shall be as provided by general law and this charter. Motion passed unanimously.

The first issue for discussion was item #6, page 7 -Should the Charter contain a "Bill of Rights"? If so, what specific rights that are not covered by federal and state law should be listed?

Charles Beall – does not oppose this, but does not want to set the county up for litigation

Johnny Blackmon – yes

Bobbie Brown – yes

Laurel Dick – agrees with Mr. Beall

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

Elbert Jones – does not feel strongly about having one
M.J. Menge – agrees with Mr. Beall, need to be careful on how you word it,
Frank Montenes – believes that this would be a selling point for the charter,
he likes the Miami-Dade wording that puts the obligation
on the citizens.

Lamar Smith – does not see a need for one
Garrett Walton – wants to look at the language first

Motion made by Mr. Jones and seconded by Mr. Montenes that the question of whether or not this charter should contain a “Bill of Rights” shall be referred to Mr. Walton’s committee to consider and bring back a recommendation to the committee as a whole. The motion passed unanimously.

The second issue for discussion was item # 7, page 8 - Should there be a provision in the Charter allowing the public to petition for the holding of a referendum on the initiation, amendment or repeal of County ordinances? If so, what percentage of registered voters should be required to initiate a referendum?

Charles Beall – agrees with Mr. Menge, he is philosophically against it, the bar needs to be set high, time limit needs to be proposed

Johnny Blackmon – agrees with referendums when it comes to large sums of money.

Bobbie Brown – yes, 10%

Laurel Dick – should be restrictive

Elbert Jones – needs restrictive language and would like more information the percentages needed.

M.J. Menge – opposed to government by referendum, but believes the public desires to have such a provision in the charter; favors 15%.

Frank Montenes – leans towards Mr. Walton’s point of view, bothers him to have the type of government where everything goes to referendum, there needs to be at least a process for citizens to serve notice on the board.

Lamar Smith – agrees with Mr. Walton, should be difficult

Garrett Walton – there needs to be one, Trillium represents this, should not for routine budget items, City of Pensacola is 15% of qualified voters as of the last election.

Motion made by Mr. Montenes and seconded by Mr. Dick that the charter will contain a provision allowing the public to petition for the holding of a referendum on the initiation, amendment or repeal of a

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

County ordinance. The motion passed 8 – 1 with Mr. Beall voting against.

Motion made by Mr. Montenes and seconded by Mr. Jones that it will take a minimum of 15% of the qualified electors voting in the last election to initiate a referendum. The motion passed 7 – 2 with Mr. Beall and Mr. Smith voting against. This issue will be assigned to Mr. Beall’s committee for review of possible restrictions.

Mr. Menge will contact Kurt Spitzer as to any possible legal restrictions on citizen initiated referendums.

The third issue for discussion was item # 8, page 8 - Should there be a provision in the Charter allowing the public to petition for the holding of a referendum on a proposed amendment to the Charter? If so, what percentage of registered voters should be required to initiate such a referendum?

Charles Beall – yes, 15 %, there is no need for a special election for modifying the charter

Johnny Blackmon – agrees with Mr. Beall

Bobbie Brown – yes, 10%

Laurel Dick – yes

Elbert Jones – yes, 15%

M.J. Menge – yes, 15%, most other charters allow the voters to initiate amendments to their charters.

Frank Montenes – yes, under 10%, gives the citizens the ability to make amendments within a reasonable period of time.

Lamar Smith – yes, 20 %

Garrett Walton – yes, 15% of those qualified at last election

Motion made by Mr. Montenes and seconded by Mr. Jones that the charter will contain a provision allowing the public to petition for the holding of a referendum on a proposed amendment to the Charter. The motion passed unanimously.

Motion made by Mr. Walton and seconded by Mr. Montenes that the percentage of voters it takes to initiate a referendum be at least 15% of the qualified electors in the last election. The motion passed unanimously. This issue was assigned to Mr. Beall’s committee to work out the details.

Ms. Rentz arrived at 6:20 p.m.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

The fourth issue for discussion was item #9, page 8 - Should the BCC be authorized to initiate a referendum on a proposed amendment to the Charter?

Charles Beall – yes, likes the ‘95’ language, 7 or 8 votes

Johnny Blackmon – yes, simple

Bobbie Brown – yes, super

Laurel Dick – yes, simple

Elbert Jones – yes, super

M.J. Menge – favors BCC to propose amendments and a super majority vote, likes the ‘95’ language, prohibit BCC from making changes within 3 years of the effective date of charter

Frank Montenes – agrees with Mr. Menge, simple

Lucy Rentz – yes, super

Lamar Smith – yes, super

Garrett Walton – yes, super, does not like the language from the ‘95’ charter regarding the restriction of 3 years

Motion made by Mr. Beall and seconded by Mr. Blackmon that the BCC be allowed to initiate a referendum on a proposed amendment to the charter. The motion passed unanimously.

Motion made by Mr. Jones and seconded by Mr. Walton that to initiate an amendment to the charter it would take a super majority vote by the BCC. The motion passed 9 – 1 with Mr. Blackmon voting against.

Motion made by Mr. Walton and seconded by Mr. Jones that there not be a three year blackout on the BCC’s ability to initiate a referendum on a proposed amendment to the charter. The motion passed unanimously.

The fifth issue for discussion was item # 10, page 8 - Should the Charter provide for the formation of a Charter Revision Commission which would be charged with the responsibility of reviewing the Charter periodically and initiating a referendum on any charter amendments the Commission deemed to be needed? If so, how would the Commission members be selected and how often should such a Commission be convened?

Charles Beall – in favor of 5, 10, if something is truly broken then the BCC should fix it, would like for each of the ten commissioners to appoint one person and each of the five Charter Officers to appoint one person.

Johnny Blackmon – BCC to appoint, first time 3 years, stretch out the next time

Bobbie Brown – BCC to appoint, 5 & 10 years

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

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Laurel Dick – yes, BCC to appoint, 3 years initially

Elbert Jones – yes, 3 years, appointed by the BCC, likes 3, 5, 10

M.J. Menge – appointed by the BCC, likes no more than 15, no less than 11 members, 3 or 5 years initially, not more than 10 years after the initial Commission.

Frank Montenes – in favor of 3, 5, 10 schedule, appointed by the BCC

Lucy Rentz – appointed by the BCC, similar to '95' charter

Lamar Smith – yes, likes 5 years initially

Garrett Walton – definitely a charter revision commission and a follow up cycle, appointed by the BCC

Motion made by Mr. Walton and seconded by Mr. Smith that the charter will provide for the formation of Charter Revision Commission. The motion passed unanimously.

Motion made by Mr. Beall and seconded by Mr. Blackmon that the BCC will appoint a Charter Revision Commission not more than five years from the effective date of the charter, but no fewer than three years and not fewer than every ten years thereafter. The motion passed unanimously.

The Commission then discussed the composition of the Charter Revision Commission and who should appoint the members.

Mr. Montenes stated that the Constitutional Officers are a big influence on the voting population of this county and the county needs to learn how to work together.

Mr. Blackmon does not see the charter receiving any cooperation from the Constitutional Officers.

Mr. Beall believes that giving them one-third of the power to make a change is a good idea.

Mr. Smith stated that this would be a good olive branch to pass to the Constitutional Officers

Motion made by Mr. Montenes and seconded by Mr. Blackmon that the members of the Charter Revision Commission will be made up of fifteen members. Each of the ten BCC members will have one appointment and each of the five Charter Officers will have one appointment. The motion failed due to a tie, with Mr. Blackmon, Ms. Brown, Mr. Jones, Mr. Menge, and Ms. Rentz voting against.

The sixth issue for discussion was item # 12, page 8 - Should the Charter contain a provision expressly stating that this document is not a consolidation charter?

Motion made by Mr. Walton and seconded by Mr. Jones that the Charter contain a provision expressly stating that the document will not

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

be a consolidation charter. The motion passed 9 – 1 with Mr. Beall voting against.

The seventh issue for discussion was item # 15, page 8 -Should the Charter require the County to publish and maintain a current Code of Ordinances?

Motion made by Mr. Jones and seconded by Mr. Dick that the Charter require the County to publish and maintain a current Code of Ordinances. The motion passed unanimously. This matter was referred to Mr. Beall's committee.

The eighth issue for discussion was item # 15, page 8 - Should the Charter contain a "Code of Ethics" for county officials?

Charles Beall – likes the language in the '95' charter

Johnny Blackmon – yes

Bobbie Brown – yes

Laurel Dick – reference to statutes

Elbert Jones – no

M.J. Menge – wants a simple clause that states adoption of state's code of ethics

Frank Montenes – put it there so that people know it is there,
there for checks and balances

Lucy Rentz – no

Lamar Smith – no, state law is adequate

Garrett Walton – state law is adequate unless proven otherwise

Motion made by Mr. Dick and seconded by Mr. Jones that the Charter contain a provision that incorporates state law regarding the "Code of Ethics" The motion passed unanimously.

Mr. Menge would like for Mr. Beall's committee to look at other charters and use their discretion if anything else is needed and bring this back to the Commission as a whole. There were no objections to Mr. Menge's suggestion.

The ninth issue for discussion was item # 19, page 8 - What Transition Provisions should be contained in the Charter?

Mr. Menge stated that one issue for discussion was the continuation in office of existing elected officials and their compensation, specifically Commissioners Banjanin and Dickson's salary in regard to honoring the current rate.

Charles Beall – no contract with them, does not make sense for two Commissioners to make twice as much as the rest of them

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

Johnny Blackmon – honor contract to BCC, aides are non-classified – cut their salaries

Bobbie Brown – agrees with Mr. Walton

Laurel Dick – agrees with Mr. Walton

Elbert Jones – honor current commitment to BCC

M.J. Menge – agrees with Mr. Walton as a matter of principle

Frank Montenes – agrees with Mr. Walton, what rationale if different to honor the aides, wants to be assured that the interfaces will work out

Lucy Rentz – same salary

Lamar Smith – agrees with Mr. Walton

Garrett Walton – should honor the two existing officials that were elected to office for the remainder of their terms. Feels like the charter should honor any contracts currently in place.

Motion made by Mr. Walton and seconded by Ms. Rentz to continue Commissioners Banjanin and Dickson in office for the remainder of their terms at the salaries that are paid to them as of the effective date of the charter. The motion passed 10 -1 with Mr. Beall voting against.

7. Discussion of timing for the holding of the referendum on the charter.

Mr. Walton is concerned with the possible low turn out of Republicans in March, since there is no Republican race. The Democrats will turn out and it would not be a fair election on an objective issue. He would like to shoot for the August election. We are still waiting for the attorney general's opinion, which is another issue.

Mr. Smith stated that charter has been voted on as a single issue before and there was a turnout. It is better to have it on the March ballot, than to incur the expense of a special election.

Ms. Rentz stated she prefers the presidential primary in March.

Mr. Menge stated he would like the charter to become effective at the time of the next election (November primary), so people know what type of government they will be running under.

Mr. Montenes stated one reason that March was chosen was to save money. He feels that a lot of momentum would be lost if the election was put off. It bothers him that the public has not been more engaged in the charter process.

Mr. Jones stated that charter has its own momentum in the county and the March date should remain the goal.

Mr. Menge stated he would hate to put the election off, agrees with Mr. Montenes, and favors the goal of March 9. There are people in the community that are planning a first class political campaign that will help

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

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turn out the voters. If you put the election off, these people will then turn to a different campaign to put their time, effort, and money in.

Mr. Dick stated he likes March, but is afraid the turnout will be low.

Ms. Brown likes the August election and the extra time would give the Charter Commission time to sell the document. She believes more time is needed for public input.

Mr. Blackmon stated the election should not go on who may or may not show up at the polls. The current momentum should be continued.

Mr. Beall sees Mr. Walton's point of view but stated that the election can not be put off. If the Charter Commission was to wait, this would create confusion. A special election would be prohibitively expensive. He then proposed that the Commission move on to the next topic before finishing the discussion of timing for the holding of the referendum on the charter.

8. Discussion of the future work schedule of the Commission.

Mr. Menge proposed the following work schedule in order for the charter to be submitted to the electors by the March 9th ballot:

Tuesday, Oct. 21 – commission meeting with committee reports

Thursday, Oct. 30 – various groups to appear before the Commission in order to present their viewpoints on the possibility of forming a Citizen's Investigative Board. Committee reports.

Tuesday, Nov. 4 – committee reports

Thursday, Nov. 13 - committee reports

Tuesday Nov. 18 – possibly meet with County Officials and hear their opinions and at the conclusion of that meeting vote on the charter that will be put out to the public

Nov. 18 – Dec. 4 – period of finalizing the charter document

Thursday, Dec. 4 – first public input hearing

Thursday, Dec. 18 – second public input hearing

Tuesday, Jan. 6 – third public input hearing, at the conclusion vote on any amendments the Commission then wishes to make.

Jan. 6 – Jan. 23 – incorporate any of those amendments and come up with a final document to vote on.

Friday, Jan. 23 – final public hearing, incorporate any amendments, vote on the proposed charter and forward the charter to the County Commissioners.

This means that we have a month to get the charter ready. It can be done. There are some nitty gritty issues that have to be dealt with but we have time to do that.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

The people planning to campaign on behalf of the Charter have already scheduled some dates to speak before various groups in the County once the document is completed and published.

Motion made by Mr. Beall and seconded by Ms. Rentz to adopt the schedule as presented by Mr. Menge with the understanding that the March 9th ballot is the goal date. The motion passed 8 – 2 with Ms. Brown and Mr. Walton voting against.

9. Public Forum

No one addressed the Commission.

10. Unfinished Business

- 1) Details regarding the responsibilities of the Clerk of the Court, relating to finance, accounting, pre-audit, and so forth. Mr. Menge asked Mr. Walton if his committee was dealing with the Adkins & Jackson report, as there were questions raised regarding that issue. Mr. Walton confirmed that his committee was dealing with the issues raised in the Adkins & Jackson report.
- 2) Mr. Menge stated he believes a Department of Human Resources and a Department of Central Purchasing will need to be created in order to administer the personnel system and central purchasing as approved by the Commission. This matter will be brought back to the Commission by Mr. Smith's committee.

11. Items added to the Agenda

There were no items added to the agenda.

12. Announcement regarding the next meeting

The next meeting will be at PJC, Bldg. 96, Rm. 9663, on College Blvd., at 5:30 p.m

13. Adjournment

The meeting adjourned at 7:55 p.m.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

Action Items:

- 1) **The Whitman Center to look at what the Charter Commission can do regarding referendums.**
- 2) **The Whitman Center to mail a packet of information on the Charter to the Constitutional Officers.**

APPROVED BY:

THE CHARTER COMMISSION

PREPARED BY:

UNIVERSITY OF WEST FLORIDA WHITMAN CENTER FOR PUBLIC SERVICE