

Official

**Escambia County Charter Commission  
Minutes of September 18, 2003  
Pensacola Campus of Pensacola Junior College  
Baroco Center – Room 2142  
(Twenty-Sixth Meeting)**

Members

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

Members

Absent: LeRoy Boyd (schedule conflict)  
Phyllis D. Sims (schedule conflict)

**AGENDA NUMBER**

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

**Motion made by Mr. Nickinson and seconded by Ms. Rentz to approve the agenda. The motion carried 12 – 0 with Mr. Beall arriving late.**

3. Approval of the minutes of the September 9, 2003 meeting.

**Motion made by Mr. Dick and seconded by Ms. Riffel to approve the minutes of the September 9, 2003 meeting with corrections to page 7, first motion should be negated by inserting the word ‘not’ after ‘should’ and on page 10, third paragraph should read ‘the Federal Voting Rights Act’. The motion carried unanimously.**

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

4. Communications

- 1) Addendum to Whitman Center Report on taxes in charter and non-charter medium sized counties.
- 2) Memo announcing the meetings for Mr. Walton's committee.
- 3) Letter dated September 15, 2003 from Bonnie Jones.
- 4) Official minutes of September 4, 2003 meeting.
- 5) Statement for services from the Whitman Center in the amount of \$9,093.75.

Mr. Menge reviewed Ms. Jones letter responding to the breakdown of the five districts into ten and how the majority/minority population is reflected after the split. The percentage of African Americans eighteen years and older in District Three currently is 54.8%. The percentage of African Americans currently registered to vote in District Three is 56.7%. After the breakdown, new District Three would have 63.4% of African American registered voters and District Three A would have 52.8% of registered voters that are African American. In her letter, Ms. Jones also advised the Commission that it would probably cost between \$150,000 and \$175,000 to conduct a countywide mail ballot election.

Mr. Montenes expressed concern over meeting the Federal Voting Rights Act with the splitting of the districts. Mr. Menge reported to the Commission that he has requested that David Tucker pursue an opinion from the Attorney General's office on the districting issue. Ms. Brown would like for the members of the Commission to rethink the ten districts and ten County Commissioners, as she does not believe that the citizens of Escambia County will approve of the change. No action was taken on the request.

Mr. Menge met with WSRE television and let them know that it was an inappropriate time to hold a panel discussion on charter government when there has not been a charter document written. The WSRE program will be held at some point in the future when the charter has been written.

**Motion made by Mr. Walton and seconded by Mr. Jones to approve UWF's invoice in the amount of \$9,093.75 and to forward the invoice to the BCC for payment. The motion passed 13 – 0.**

5. Committee Reports

The first meeting for Mr. Walton's committee is scheduled for Monday, September 22, 2003 at 12 p.m. at 127 S. Palafox St. in the offices of JME/Caldwell Banker.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

6. Discussion of Issues

The first issue to be discussed is item # 17, page 4 - Should the charter require the BCC to include in the Annual Budget process the requirement for quarterly reports to the BCC that monitor, track and report actual performance versus planned performance?

Charles Beall – yes

Johnny Blackmon – no

Bobbie Brown – no

Laurel Dick – no

Elbert Jones – yes

Denis McKinnon – yes

M.J. Menge – no, should be required by ordinance

Frank Montenes – yes, this is a requirement currently, other counties do this and it should be in the charter so there is no further debate

Ted Nickinson, Jr. – yes

Lucy Rentz – yes

Rita Riffel – no

Lamar Smith – yes

Garrett Walton – yes

**Motion made by Mr. Beall and seconded by Mr. Jones that the charter contain a provision requiring the BCC to include in the Annual Budget process the requirement for quarterly reports to the BCC that monitor, track and report actual performance versus planned performance. Motion passed 8 – 5 with Ms. Brown, Mr. Dick, Mr. Menge, Ms. Riffel, and Mr. Walton voting against.**

The second issue for discussion is item #18, page 4 - Should the charter contain a provision requiring the Chairman of the BCC to provide a “State of the County” address each year informing the citizens of the county’s fiscal status and the BCC’s goals and objectives for the coming year?

Charles Beall – no, should come from the County Administrator

Johnny Blackmon – yes, BCC needs to be more accountable to the citizens

Bobbie Brown – no

Laurel Dick – no

Elbert Jones – no

Denis McKinnon – no

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

M.J. Menge – yes

Frank Montenes – yes, feels as if the citizens should know what the BCC’s goals are for each year. The County Administrator is not elected by the citizens and should not be the one who makes the “State of the County” address. The citizens do care about the BCC’s goals and objectives.

Ted Nickinson, Jr. – no

Lucy Rentz – no

Rita Riffel – no

Lamar Smith – no

Garrett Walton – no, does not like the word ‘address’ prefers ‘report’

**Motion made by Mr. Beall and seconded by Mr. Dick that the charter not contain a provision requiring the Chairman of the BCC to provide a “State of the County” address each year informing the citizens of the county’s fiscal status and the BCC’s goals and objectives for the coming year? The motion passed 9 – 4 with Mr. Blackmon, Mr. McKinnon, Mr. Montenes, and Mr. Nickinson voting against.**

The third issue for discussion is item # 19, page 4 - Should the BCC be required to publish an Annual Report reflecting its revenues and expenditures?

Charles Beall – yes

Johnny Blackmon – yes

Bobbie Brown – yes

Laurel Dick – yes

Elbert Jones – yes

Denis McKinnon – yes

M.J. Menge – yes

Frank Montenes – yes

Ted Nickinson, Jr. – yes

Lucy Rentz – yes

Rita Riffel – yes

Lamar Smith – yes

Garrett Walton – no

**Motion made by Mr. Jones and seconded by Mr. Dick that the charter contain a provision requiring the BCC to publish an Annual Report reflecting its revenues and expenditures. The motion passed 12 – 1 with Mr. Walton voting against.**

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

The fourth issue for discussion is item #20, page 4 - Should a provision be included in the charter that would require the BCC to hold more “Committee of the Whole” meetings for the explicit purpose of discussing issues in general that may require County attention and policy making decisions?

Charles Beall – no  
Johnny Blackmon – no  
Bobbie Brown – no  
Laurel Dick – no  
Elbert Jones – yes  
Denis McKinnon – yes  
M.J. Menge – no, should be required by ordinance  
Frank Montenes – yes  
Ted Nickinson, Jr. – no  
Lucy Rentz – no  
Rita Riffel – no  
Lamar Smith – no  
Garrett Walton –no

**Motion made by Mr. Dick and seconded by Mr. McKinnon that the charter not contain a provision that would require the BCC to hold more “Committee of the Whole” meetings for the explicit purpose of discussing issues in general that may require County attention and policy making decisions. The motion passed 12 – 1 with Mr. Montenes voting against.**

The fifth item for discussion is item # 21, page 4 - Should the charter contain a statement clearly establishing the fact that the County Administrator is to be held accountable to each and every Commissioner?

Charles Beall – no, the County Administrator should be held accountable to the BCC as a whole  
Johnny Blackmon – yes  
Bobbie Brown – no  
Laurel Dick – no  
Elbert Jones – no  
Denis McKinnon – no  
M.J. Menge – no  
Frank Montenes – yes  
Ted Nickinson, Jr. – no  
Lucy Rentz – no  
Rita Riffel – no

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

Lamar Smith – an elected official needs to have influence over the County Administrator.

Garrett Walton – no

**Motion made by Mr. Nickinson and seconded by Mr. Dick that the charter not contain a statement clearly establishing the fact that the County Administrator is to be held accountable to each and every Commissioner. The motion passed 10 – 3 with Mr. Blackmon, Ms. Brown, and Mr. Montenes voting against.**

**Motion made by Mr. Beall and seconded by Mr. Blackmon that the charter contain language that holds the County Administrator accountable to the BCC. Motion passed unanimously.**

The sixth issue for discussion is item #22, page 4 - Should the charter contain specific language that addresses the lines of Management Accountability within the governmental structure? If so, what specific language should be inserted in the charter?

**Motion made by Mr. Smith and seconded by Mr. Dick to strike #22 from consideration. The motion passed unanimously.**

The seventh issue for discussion is item # 23, page 4 - Should the charter address the budgeting process utilized by the BCC? If so, what specific provisions relating to the budgeting process should be inserted in the charter?

Charles Beall – yes, needs to be general

Johnny Blackmon – yes

Bobbie Brown – yes

Laurel Dick – yes

Elbert Jones – yes, non-specific guidance

Denis McKinnon – yes, elected official should determine what direction the county should take, would turn the county into a proactive entity

M.J. Menge – yes

Frank Montenes – yes, would like to see goals & objectives set by the BCC and submitted to the County Administrator for the coming years budget, then the dept. heads relate these to their budgets.

Ted Nickinson, Jr. – yes

Lucy Rentz – yes

Rita Riffel – maybe

Lamar Smith – yes, broad and general

Garrett Walton – wanted to know what the Florida Statutes requires.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

**Motion made by Mr. McKinnon and seconded by Mr. Jones that the charter contain a provision requiring the BCC to set forth its goals and objectives for the coming year to be taken into account by the department heads in preparation of the budget. The motion passed unanimously.**

The eighth issue for discussion is item #24, page 4 - Should the charter provide for the establishment of an Audit Committee?

Charles Beall – yes  
Johnny Blackmon – yes  
Bobbie Brown – yes  
Laurel Dick – yes  
Elbert Jones – yes  
Denis McKinnon – yes  
M.J. Menge – yes  
Frank Montenes – yes  
Ted Nickinson, Jr. – yes  
Lucy Rentz – yes  
Rita Riffel – yes  
Lamar Smith – yes  
Garrett Walton – yes

**Motion made by Mr. Walton and seconded by Mr. Smith that the the charter provide for the establishment of an Audit Committee. The motion passed unanimously. Mr. Walton’s committee was requested to make a recommendation to the Commission on the make-up of the Audit Committee and its specific duties.**

The ninth issue for discussion is item #25, page 4 - Should the charter mandate the establishment of a Planning and Zoning Board for the County?

**Motion made by Mr. Walton and seconded by Mr. Smith to strike #25 from consideration. The motion passed unanimously.**

Mr. Beall would like to add to the issues to be discussed the duties and responsibilities of the Chair and Vice-Chair. Mr. Walton would like to nail down the quorum and voting requirements for BCC passage of action items. For, example, Mr. Walton recommended that it take six votes to pass an ordinance regardless of the number of members of the BCC present at the meeting.

**Motion made by Mr. Walton and seconded by Mr. Beall to add to the ‘Issues to be Discussed’ the quorum and voting requirements for passage of items by the BCC. The motion passed unanimously.**

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

After some discussion, **a motion was made by Mr. Nickinson and seconded by Mr. Walton to table this discussion for a later date. The motion passed 8 – 5 with Mr. Blackmon, Mr. Jones, Mr. McKinnon, Ms. Riffel, and Mr. Menge voting against.**

**Motion made by Mr. Beall and seconded by Mr. Blackmon that the Charter Commission address the manner in which the Chairman and Vice-Chairman are elected. The motion passed unanimously.**

Charles Beall – rotated yearly  
Johnny Blackmon – rotated yearly  
Bobbie Brown – rotated yearly  
Laurel Dick – elected only once  
Elbert Jones – annual basis  
Denis McKinnon – should not be able to be re-elected  
M.J. Menge – leave language up to the committee, annual basis  
Frank Montenes – general wording, qualifications for the chair  
Ted Nickinson, Jr. – some limit, wonders if charter can set this limit  
Lucy Rentz – one year term  
Rita Riffel – could be re-elected if doing a great job  
Lamar Smith – one year term  
Garrett Walton – re-elected if doing a good job

**Motion made by Mr. Beall and seconded by Mr. Dick that the charter address the election of Chair and Vice-Chair of the BCC with the details to be delegated to the committee and the committee to come back before the Commission with the details. The motion passed unanimously.**

BREAK: 7:22 p.m. – 7:35 p.m.

Executive Branch: Mr. Walton is concerned with some issues on page eight of the “Issues to be Determined” that deal with the legislative and executive branches because his committee is covering some of these same topics. He would like the issues on page eight that relate to legislative and executive branch duties that are scheduled to be discussed later taken up at an earlier meeting in order for his committee to have all of the motions needed to draft their sections of the charter. Mr. Menge agreed to review these and bring them up at the next meeting.

The tenth issue for discussion is item #1, page 4 - Should the charter provide for the position of a County Administrator?

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

Charles Beall – County Administrator  
Johnny Blackmon – County Administrator  
Bobbie Brown – County Administrator  
Laurel Dick – County Administrator  
Elbert Jones – County Administrator  
Denis McKinnon – County Administrator  
M.J. Menge – County Administrator  
Frank Montenes – County Administrator  
Ted Nickinson, Jr. – County Administrator  
Lucy Rentz – County Administrator  
Rita Riffel – Manager  
Lamar Smith – yes  
Garrett Walton – County Administrator

**Motion made by Mr. Dick and seconded by Mr. Blackmon that the charter provide for the position of County Administrator and that the position be referred to as County Administrator as opposed to County Manager. The motion passed 12 – 1 with Ms. Riffel voting against.**

Item #2, page 4, answered in part due to prior motions.

**Motion made by Mr. Blackmon and seconded by Mr. Dick that the County Administrator will be selected by the BCC. The motion passed unanimously.**

The eleventh issue for discussion is item#3, page 4 - Should the selection or approval of the person to be County Administrator be by majority or super majority vote?

Charles Beall – majority (6 affirmative votes)  
Johnny Blackmon – majority  
Bobbie Brown – super majority  
Laurel Dick – super majority  
Elbert Jones – super majority  
Denis McKinnon – simple majority  
M.J. Menge – super majority if BCC is five, if it is ten then simple majority  
by six votes  
Frank Montenes – super majority  
Ted Nickinson, Jr. – super majority (7)  
Lucy Rentz – super majority  
Rita Riffel – super majority  
Lamar Smith – six  
Garrett Walton – six

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

The one in favor of a simple majority of those present and voting to appoint a County Administrator is: Mr. Blackmon.

Those in favor of the County Administrator being selected by six votes are: Mr. Beall, Mr. McKinnon, Mr. Menge, Ms. Riffel, Mr. Smith, and Mr. Walton.

Those in favor of the County Administrator being selected by seven votes are: Ms. Brown, Mr. Dick, Mr. Nickinson, and Ms. Rentz.

Those in favor of the County Administrator being selected by eight votes are: Mr. Jones and Mr. Montenes.

A run-off between six and seven was held. Those in favor of it taking six votes to select a County Administrator are: Mr. Beall, Mr. Blackmon, Mr. McKinnon, Mr. Menge, Mr. Smith, and Mr. Walton. Those in favor of it taking seven votes to select a County Administrator are: Ms. Brown, Mr. Dick, Mr. Jones, Mr. Montenes, Mr. Nickinson, Ms. Rentz, and Ms. Riffel.

**Motion made by Mr. Jones and seconded by Mr. Dick that the charter will require a vote of at least seven members of the BCC to select the County Administrator. The motion passed 7 – 6 with Mr. Beall, Mr. Blackmon, Mr. McKinnon, Mr. Menge, Mr. Smith, and Mr. Walton voting against.**

The twelfth issue to be discussed is item #4, page 4 - Should the elected BCC be authorized to terminate the employment of the County Administrator?

Charles Beall – yes  
Johnny Blackmon – yes  
Bobbie Brown – yes  
Laurel Dick – yes  
Elbert Jones – yes  
Denis McKinnon – yes  
M.J. Menge – yes  
Frank Montenes – yes  
Ted Nickinson, Jr. – yes  
Lucy Rentz – yes  
Rita Riffel – yes  
Lamar Smith – yes  
Garrett Walton – yes

**Motion made by Mr. Dick and seconded by Ms. Riffel that the BCC be authorized to terminate the employment of the County Administrator. The motion passed unanimously.**

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

The thirteenth issue for discussion is item #5, page 4 - If the BCC is the body authorized to terminate the employment of the County Administrator, should such termination be by simple majority or super majority vote?

Those in favor of it taking a majority of those present providing that you have five affirmative votes to terminate are: Mr. Blackmon, Mr. Montenes, and Mr. Smith.

Those in favor of it taking six votes to terminate are: Mr. Beall, Mr. Dick, Mr. McKinnon, Mr. Menge, Mr. Nickinson, Ms. Rentz, and Mr. Walton.

Those in favor of it taking seven votes to terminate are: Ms. Brown, Mr. Jones, and Ms. Riffel.

**Motion made by Mr. McKinnon and seconded by Mr. Montenes that it will take six votes to terminate the employment of the County Administrator. The motion passed 9 – 4 with Ms. Brown, Mr. Jones, Ms. Riffel, and Mr. Smith voting against.**

The fourteenth issue for discussion is item #6, page 4 - Should the charter specify minimum qualifications for the position of County Administrator?

Charles Beall – favors general language, times when experience is better than a degree

Johnny Blackmon – general language

Bobbie Brown – general language

Laurel Dick – emphasis on experience

Elbert Jones – general language

Denis McKinnon – general, should be set high

M.J. Menge – favors a 3 yr contract with 1 yr probationary period, general language – give BCC latitude to hire the best

Frank Montenes – need some specifics

Ted Nickinson, Jr. – problem is with who chooses the administrator, not the Administrator, broad language

Lucy Rentz – broad language

Rita Riffel – agrees with Mr. Menge

Lamar Smith – general

Garrett Walton – benefit to have someone from outside the county with credentials and advanced degrees

**Motion made by Mr. Beall and seconded by Mr. Dick for the charter to contain general language that the County Administrator will be chosen on the basis of education, experience, administrative qualification, and executive ability. The motion passed unanimously.**

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

7. Public Forum

No one addressed the Commission.

8. Unfinished Business

Mr. Montenes continues to be concerned about the \$20 million that is not accounted for and will send his request directly to the Whitman Center for their assistance in closing the matter.

9. Items added to the Agenda

There were no items added to the agenda.

10. Announcement regarding the next meeting

**The next meeting will be held at Pensacola Junior College, Baroco Center, Room 2142 on Tuesday, September 23, 2003 at 5:30 p.m.**

11. Adjournment

The meeting was adjourned at 8:30 p.m.

**Action Items:**

- 1) Whitman Center to look at what is typical in other county's contracts for their administrator position.**
- 2) Whitman Center to determine from Mr. Montenes the additional information he is requesting regarding the \$20 million in grant funds and attempt to obtain that information.**

**APPROVED BY:**

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**THE CHARTER COMMISSION**

**PREPARED BY:**

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