

Official

**Escambia County Charter Commission
Minutes of August 5, 2003 Meeting
Greater Union Baptist Church
(Twenty-Second Meeting)
(7 P.M. – 9:55 P.M.)**

Members

Present: M. J. Menge, Chair
Johnny W. Blackmon
LeRoy Boyd
BarbaraForehand“Bobbie”Brown
Laurel Dick
Elbert Jones, Jr.
Denis McKinnon, Jr.

Frank Montenes
E. P. “Ted” Nickinson, Jr.
Lucy Rentz
Phyllis D. Sims
Lamar Smith
Garrett W. Walton

Members

Absent: Rita A. Riffel, Vice Chairman (schedule conflict)
Charles F. Beall, Jr. (schedule conflict)

AGENDA NUMBER

1. Call to Order – Chairman Menge at 7:03 p.m.
2. Approval of the Agenda

Motion made by Mr. Dick and seconded by Mr. McKinnon to approve the agenda with one revision - reverse the order of numbers 8 & 9; motion carried 13-0 with Ms. Riffel and Mr. Beall absent.

3. Statement by the Chairman of the input received by the Charter Commission during the public input meetings.

Chairman Menge welcomed the public to Greater Union Baptist Church. He then explained the process of the evening’s meeting and invited the public to speak during the public forum section of the meeting.

Mr. Menge then reviewed the input from the public that the Charter Commission received during the public input meetings. Mr. Menge gave a summarization of the viewpoint article that was printed in the Pensacola News Journal and the Independent Florida Sun.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

- (1) Structure or Form of County Government.
 - A. Fifty percent of the speakers favored a continuation of the County Manager form of government in which the elected Board of County Commissioners appoints a County Manager.
 - B. Approximately thirty-six percent of the speakers favored the County Chair-Administrator Plan.
 - C. Approximately fourteen percent of the speakers favored the County Executive form of government in which the County Executive is elected county-wide.
- (2) The Board of County Commissioners
 - A. Almost all speakers addressing the Commission recommended expanding the number of Commissioners on the Board of County Commissioners, but there was a difference of opinion as to the number of Commissioners to be elected to the Board. Forty-five percent favored seven commissioners, forty-five percent favored ten commissioners and ten percent favored nine commissioners.
 - B. Although the great majority of the speakers favored the at large election of some Commissioners, the Charter Commission's Legal Advisory Team advises that the election of at large members, based on Escambia County's demographics, would result in a probable violation of the Federal Voting Rights Act.
 - C. Seventy-five percent of the speakers were in favor of the County Commissioners being elected on a non-partisan basis.
 - D. Speakers were approximately evenly divided on whether limits should be placed on the number of terms that a County Commissioner could serve. That issue has been made moot by a recent Florida Supreme Court decision that indicated limits cannot be placed on the number of terms that a County Commissioner or a Constitutional Officer can serve.
 - E. Almost all speakers recommended that the salaries of County Commissioners be reduced. The reduced salary that was recommended ranged from \$12,000 to \$30,000 a year.
 - F. Almost all speakers recommended that the Board of County Commissioners be a policy making body with administration of those policies being delegated to a County Administrator.
 - G. Most of the speakers indicated that the County Commissioners should be provided with space within which to meet with their constituents and with adequate secretarial support, but they were opposed to each County Commissioner being provided with a separate office and a secretary or administrative assistant.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

- H. Most speakers favored allowing the Board of County Commissioners to fill vacancies on the Board. Some favored special elections to fill vacancies on the Board.
 - I. Almost all speakers recommended that the charter contain a non-interference clause prohibiting County Commissioners from directing the work of county employees who reported to the County Administrator.
 - J. Most speakers favored a continuation of four year terms for County Commissioners, but some speakers preferred two year terms.
- (3) County Administration
- A. Almost all speakers favored the charter providing for a County Administrator. Among the duties and responsibilities the speakers believed should be assigned to the County Administrator were the following:
 - (1) Implementation of the policies enacted by the Board of County Commissioners.
 - (2) The right to select his or her Department Heads.
 - (3) The ability to hire and fire staff.
 - (4) Flexibility in the administrative structure to meet the changing needs of the county.
 - B. Some speakers believed it should take a super majority vote of the Board of County Commissioners to hire a County Administrator, while others felt only a simple majority vote should be required.
 - C. There was also a division of opinion over whether it should take a super majority or a simple majority vote of the Board of County Commissioners to terminate a County Administrator.
 - D. Most speakers believed the charter should contain minimum qualifications for the position of County Administrator.
 - E. According to the speakers, the charter should specify that the County Administrator is responsible for administering the day-to-day operations of county government.
 - F. One speaker suggested that when a vacancy in the office of County Administrator occurs, the Board of County Commissioners should appoint an independent committee to review resumes and make recommendations to the Board on who should be selected to fill the vacancy.
 - G. Some speakers suggested that the powers delegated to the County Administrator should be expressly limited to Administrative duties.
- (4) Constitutional Officers
- A. Some speakers, but not a majority, suggested that changes affecting the Constitutional Officers would be desirable. Among the

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

suggestions were:

- 1) Requiring the Constitutional Officers to utilize uniform administrative services.
- 2) Mandating that the employees of the Constitutional Officers be covered by a unified civil service system for all county employees.
- 3) Transferring the finance and accounting functions from the Clerk of Court to the Board of County Commissioners and having the Board appoint an Independent Auditor.
- 4) Having the Constitutional Officers elected on a non-partisan basis.
- 5) Allowing vacancies among the Constitutional Officers to be filled by the Board of County Commissioners or by special election.
- 6) Prohibiting the Constitutional Officers from appealing their budgets to the Administration Committee, Department of Revenue, or other State Agency.

B. The majority of speakers favored leaving the Constitutional Officers alone, with the exception that most speakers believed the Constitutional Officers should be subject to recall.

(5) Personnel and Civil Service

Very few speakers at the public input meetings addressed this issue but those who did speak favored a unitary civil service system which would cover all county employees.

(6) Santa Rosa Island Authority

There were an equal number of speakers who praised the Santa Rosa Island Authority and did not believe any substantive changes in its operations were necessary, and of speakers who spoke in favor of abolishing the Santa Rosa Island Authority and transferring its duties and functions to the Board of County Commissioners.

(7) Escambia County Utilities Authority and other Regulatory Agencies

One speaker suggested that the Escambia County Utilities Authority should be abolished and its duties and functions transferred to the Board of County Commissioners. The Charter Commission did not receive any other public input on this topic.

(8) Recall, Code of Ethics, and other provisions

- A. Most speakers stated that the County Commissioners and Constitutional Officers should be subject to recall.
- B. Some speakers suggested the charter should contain a “Bill of Rights.”
- C. One speaker favored the inclusion of a provision expressly adopting the State’s Code of Ethics, but did not believe the charter should go beyond adopting the State’s Code.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

D. Some speakers spoke in favor of including provisions in the charter which would allow citizens to overturn county ordinances by petition and referendum. One speaker opposed government by referendum.

4. Public Forum – Open invitation to the public to comment on the input previously received by the Charter Commission and to further advise the Commission on provisions to be included in the Charter.

Fourteen people addressed the Commission:

- 1) Peggy Young – She is the aide to County Commissioner Tom Banjanin. She has worked as an aide for a Commissioner for nine years. She would like to enlighten the Charter Commission on an aide’s job duties. She believes in both the U.S. and the Florida Constitution. Aides are not civil service employees, they are appointed by the Commissioner. They act as mediators between the citizens and staff. They have to be knowledgeable of the way government works and where their Commissioner stands on local governmental issues. Assisting in social service needs is just one of their many responsibilities such as, referring people in need to the right entity to receive assistance in housing and paying of utility bills. They work with many agencies such as the DOT, Army Corps of Engineers, and the Health Administration. Recall would be difficult, in her opinion, and having to prove malfeasance would be difficult also. She believes that there has been nothing but corruption in the charter counties. Not wanting to pay a decent salary will get you a less qualified person in office. They believe a secretarial pool would be laying the ground work for violation of the Sunshine Law.
- 2) Steve Dennison – He is the aide to County Commissioner Bill Dickson. Each district has somewhat of a different style based on the Commissioner in office. His position is a very important link to the commissioner, the staff, and the constituents. They have to know zoning ordinances and codes. The County Administrator does not mind if they talk to the department heads in order to obtain information. The demands to the staff do not occur in the manner the “Viewpoint article” indicates they occur. He spends a lot of the time in the field, finding out what the people want. He works over 40 hours a week; meeting with neighborhood associations is one task that takes up quite a lot of time. The aides do ride along with staff when possible in order to be more proactive. He believes that he could serve two commissioners; it is the size of the population that one serves that creates the workload. Many Commissioners serve on community boards as a service to the community.
- 3) LaVerne Matheson – He has always felt that the people in the northern end of the county (Century and Walnut Hill) are the stepchildren of Escambia County like Escambia County is to the rest of Florida. A commissioner is needed especially for this area. He believes that the aides need to be kept as is, they are extremely important. Don’t lower the salary of the commissioners too

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

- much, because good quality people have to be attracted to the position. Need a way to get rid of a County Administrator who is not doing the job correctly.
- 4) Joseph Peter Brown – He believes that on one hand the Charter Commission needs to be thanked for the job they are doing and on the other hand he opposes it. Every few years someone from the outside brings in charter instead of fixing what is here. The political action committee that is donating money to get charter on the ballot is made up of bankers, developers, builders, and architects. The U.S. Constitution is being eviscerated by codes and ordinances, we need “The Bill of Rights,” not a bill of rights. He believes that taxes and fees will go up under charter government. If you look at the City Council, they are somewhat removed, he does not want to see that in County government.
 - 5) Woodrow Cushon – He believes that blacks have been subjected to taxation without representation for years. It was impossible to break the chain, but Hollice Williams did it. This is the third time a charter has been sought. If the size of the BCC is increased, he would like to see a seven member board with two seats being from black districts and five from white districts, if it goes to ten then it needs to look like the City Council. Blacks sought a street to honor Martin Luther King, they were only given six blocks, which was really just an affront to the black community.
 - 6) Jerry McIntosh – He remains against charter government. It assumes that the average person does not have what it takes to pick a County Commissioner. There is also a continued push to dilute the minority representation. He believes that his right to select who represents him is being taken away. People need access to their elected officials. There has never been a fair access to government for those who are disenfranchised and government is sold to the highest bidder. He also believes that public records should be free, if you request a copy of something, then you should not be charged for it. This is double taxation without representation. He would like to know how his rights to government would be guaranteed under charter. He wants to be able to talk to the person he elected about any concerns he may have and thinks that the non-interference clause allows for the employee to not work in his district if he/she chooses not to.
 - 7) Susan Watson – Chair of the Panhandle Chapter of the American Civil Liberties Union. She would like to see a civilian oversight board in the charter. This board would be designed to accomplish three goals: 1) provide for civilian oversight of Escambia County Sheriff deputies through the creation of an independent, unbiased, and broadly representative panel that can investigate complaints of misconduct, review police policies and practices, and make recommendations to the Sheriff, 2) create an unbiased forum for citizens to file complaints about alleged police misconduct and for deputies to report misconduct by fellow officers, 3) strengthen the community’s confidence in the men and women sworn to protect them and promote community involvement.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

- This is needed to have real accountability of law enforcement. The impartial administration of justice is the foundation of liberty in the U.S. and it needs to be protected. She prepared a handout for distribution to all charter members. The recent fatalities at the hands of law enforcement brought her before the Charter Commission this evening. There has been an increase in concern.
- 8) Brent Cox – He works with people that are HIV/AIDS and has been deluged with calls recently about inmates in the county jail not receiving their HIV/AIDS, diabetes, and psychotropic medications. Whatever type of government Escambia County has it needs a citizen's oversight board who can investigate these matters.
 - 9) Jedward Smith – He supports charter government. He agrees with an increase in the number of BCC, reduce salaries, part-time employees of the people. He is in favor of a county chair who is elected, a person that is a strong, dynamic leader who can bring everyone together. Charter is not a black and white issue.
 - 10) Samuel Horton – It is important for the county to have a County Administrator who is hired by the BCC and not elected. The County Administrator should be hired and fired on a super majority vote in order to give the position stability. The School District is a good example of what can happen when the Executive (School Superintendant) is elected; the Board members and the Superintendent all stand on their own voting base. The county needs to remain as single member districts. He cautions against lowering the salary too much; this would allow for certain people with money to run for office and would eliminate a lot of the citizens from considering running for the office of County Commissioner. Staff support is necessary. A non- interference clause is critical to having an effective administrative form of government. BCC elections should be partisan. A seven member BCC would create confusion among the people by having the system different from the school board elections.
 - 11) Rita Jones – The people are concerned with taxes being raised and something about limitations on taxing needs to be in the charter. Mr. Menge responded by describing the study completed by the Whitman Center on chartered and non-chartered counties. Escambia County is one of the most highly taxed counties in the state. The Whitman Center is now looking at those same counties for a longer period of time to see what effect charter has had on taxation.
 - 12) Frank Sansone – He is in favor of the citizens having more rights and access to the BCC. We need a right to referendum and to petition. The concerns for the citizens should be considered before the construction of a new county courthouse. There seems to be a trend for the County Commissioners to defer to the other districts instead of listening to the concerns of citizens that do not reside in their district, they need to be aware of overall county needs. There

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

seems to be decisions made in conflict with the statutes enacted by the state legislature. It appears that developers and large businesses have greater access to elected officials. He is also concerned with the need for local matching funds for social services. The Constitutional Officers need to be held accountable. He agrees with the creation of an oversight board.

- 13) Robert Mandel – He is at his Boston Tea Party with taxes, he owns three small businesses: limousine service, hair salon, and a restaurant. He has ten employees that are about to lose their jobs because he can not pay anymore taxes. He only needs one elected official to represent him, he believes all the boards and authorities need to be done away with. If people knew what their taxes were compared to what they will make, no one would move here. He is going to have to pay a tangible tax on his business sign and will throw it in the garbage to save money. Taxes need to be reformed.
- 14) Joe Davis – Wants to know if law enforcement works for us or do we work for them? From the accounting in the paper regarding the shooting in June, the negotiator stated he did not have all night to negotiate. Time has to be an asset to a negotiator. If there is a situation where excessive force was going to be needed, then the Sheriff or his representative needs to be on the scene. He understands that tear gas was not used in June. If the letter of the law is followed, what about the spirit of the law?

BREAK 9:00 P.M. – 9:10 P.M

5. Approval of the minutes of the July 22, 2003 meeting

Motion made by Mr. Dick and seconded by Mr. McKinnon to approve the minutes of the July 22, 2003 meeting. Motion carried 13 – 0 with Ms. Riffel and Mr. Beall absent.

In his review of the July 22 minutes, Mr. Mortenes indicated that significant language had been left out, which was in essence his summary of the Civil Service issue that the commission heard in great depth that evening. That language is as follows: “It is apparent that the Civil Service Board has been trying for the past two years to update its Rules and Procedures so as to reflect the requirements of the specific Departments for which it supplies appropriate services. They have held numerous public meetings and have done everything within their power to solicit active and positive participation from the recipients of their services. To date they have been unsuccessful.

If one compares the revised Rules and Procedures provided by the CSB with the Merit System Protection Board (MPSB) provided by Human Resources from the County Administrators Office, for the most part they are identical documents. This fact, unto itself is not surprising.

However, tonight (July 22) all the Departments have once again spoken

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

out as to why they opted out from under the jurisdiction of the CSB, or why they believe they should be allowed to opt out. It is interesting to note that none of the Departments presented a rationale as to why the MPSB system would work better. Therefore, the question is raised as to why would these same Departments want to work within the proposed MPSB system when they were unwilling to work with the CSB so as to revise the Rules and Procedures so as to be tailored for each specific requirement they had?

The main concern is whether the employees covered by the CSB will continue to have fair and equitable treatment pertaining to job discipline, grievances, and appeals if they were to be served by the MPSB instead of the CSB. This is just not a simple cost savings issue. It's the welfare of a large segment of the workforce.”

6. Statements by those members of the Charter Commission who missed the July 10th meeting regarding their views of county governmental structure or procedures that need to be restructured, reorganized or improved.

Mr. Boyd prefers the County Manager form of government and no changes to the board makeup. He prefers to see no change in the board salaries and sees them as a legislative setting body. He does not want the BCC to fill the vacancies, it has to be done independently of the commissioners. He does not agree with a non-interference clause. Commissioners should run on a two year term. He would like to see all of the Constitutional Officers under the charter, the Sheriff an appointed position, and all of them subjected to recall. He likes the idea of a civilian independent review board. Under Personnel and Civil Service, the employees have the right to a fair and impartial hearing. The system needs to be workable for all and not just conducive to management. Both the SRIA and the ECUA need to be disbanded and the duties and responsibilities that the SRIA and ECUA are performing should come under the county.

Mr. Dick prefers for the BCC to be a legislative, policy setting body, non-interference clause, vacancies to be appointed if less than one year of term remains and if more than one year remains in the term, the vacancy should be filled from the district in a special election. The County Administrator's minimum qualifications need to be in the charter. The position needs to be filled by a super majority vote and a simple majority vote to terminate. The Constitutional Officers need to be left alone; they are the best source for checks and balances on the county. Stay away from the recall issue. He is in favor of the SRIA. He has not reached any conclusions on Personnel and Civil Service, but states it is a major problem.

Mr. Jones believes that the County Administrator should be appointed by the BCC. He likes the makeup of the BCC as it is currently, but would consider going to ten commissioners. He is for a non-interference clause and partisan

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

elections. The salaries should remain much as they are now. The vacancies should be filled by the BCC, if it is short-term. The County Administrator needs to be hired and fired by a super majority vote. The Constitutional Officers need to be left as is, but he does believe that there could be some savings by consolidating some of their duties. The ECUA needs to be consolidated into county government. He has not made up his mind regarding the SRIA, but does not believe that the lease payments make up for the loss in taxes. The Civil Service Board needs to be left alone. The employees need a system of redress as it is now. There needs to be a restriction on taxes.

Ms. Sims states the BCC should remain as five, single member districts and their main responsibility should be as a legislative, policy setting board. She would like to know what boards are mandatory, optional, or ceremonial, as they take a great deal of time. The BCC is in need of support staff and access to office space. She would like to see a non-interference clause. The County Administrator should be hired and fired by a super majority vote. The citizen's advisory committee should be given some consideration. She remains concerned for the employees under the Constitutional Officers and believes that the employees need to be polled on what they want. An independent review process is needed for the employees. A bill of rights and a code of ethics should be included in the charter. She would also like to see the charter written in plain English.

Mr. Smith would like to see the BCC go to ten; two representatives from each district. Their salary should be around \$24,000. He is fearful of a strong administration and believes that the BCC needs the authority to take care of their districts. He is concerned about inserting a non-interference clause in the charter. A code of ethics that is above and beyond what the state currently has is needed. All of the BCC, the County Administrator, and the Department Heads need a log of their daily activities; there needs to be a procedure to refer back to and figure out what happened and on what day. The Civil Service Board has to be changed. There needs to be a set of checks and balances for employees to have their voices heard by a non-threatening board. He does not like the County's proposal for personnel. Charter needs to limit additional fees and taxes.

7. Discussion of proposed By-Laws for the Charter Commission

Motion made to defer the discussion of the by-laws to the August 28th meeting made by Mr. Walton and seconded by Ms. Rentz. A substitute motion was made by Mr. Montenes to take up the discussion as listed in the agenda; the substitute motion failed by a vote of 2 – 11 with Mr. Montenes and Mr. Nickinson voting for the substitute motion. The main motion to defer discussion of the by-laws was approved by a vote of 11-2 with Mr.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

Montenes and Mr. Nickinson voting against and Ms. Riffel and Mr. Beall absent.

8. Communications

- 1) Calendar of scheduled meetings through October 30, 2003
- 2) Memo from Mr. Menge regarding procedures for future meetings
- 3) Article titled “Issues to be Determined” by Mr. Menge
- 4) Comments from Rita Riffel titled “Latest mail-out containing comments, schedule and Agenda for August 5, 2003.”
- 5) Two handouts on the proposal for an Escambia County Citizen’s Advisory Board.
- 6) Job description of a commissioner’s aide.
- 7) List of boards and committees that commissioners serve on.
- 8) Answers from the legal advisory team, dated August 5, 2003.
- 9) Recommendations for changes in the financial reporting system from Ron Jackson and Mike Adkins.

9. Discussion of procedures to be followed during meetings devoted to work on and drafting of the Charter.

Motion to adopt the procedures outlined in Mr. Menge’s memo was made by Mr. Montenes and seconded by Mr. Nickinson. Motion was made by Mr. Walton to amend the motion on the table to require a majority vote or a two-thirds vote of the members present at a meeting for approval rather than of the entire membership of the Commission. Mr. Montenes and Mr. Nickinson accepted the suggested amendment. The motion, as amended, was approved by a vote of 12 – 1 with Mr. Dick voting against and Ms. Riffel and Mr. Beall absent.

Bonnie Jones, Wanda McBrearty, Ron Jackson, Mike Adkins, and the Legal Advisory Team have been asked to appear before the Charter Commission at the August 28, 2003 meeting. They will be making themselves available for questions from the Charter Commission.

10. Unfinished Business

Mr. Montenes feels as if some of the action items have been left open: i.e, the accounting of the \$20 million and the quarterly fiscal reports from the county.

Mr. Boyd expressed his concern over the meeting schedule and Ms. Riffel also expressed her concern in writing about all of the meetings being scheduled for Thursdays at 5:30 p.m. Commission members discussed alternative days of

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

the week and times for a possible schedule change.

Motion made to move all meetings to Tuesday night by Mr. Smith; his motion died for lack of a second. Motion made to move meetings to alternative Tuesday and Thursday evenings at 5:30 p.m. by Mr. McKinnon and seconded by Mr. Blackmon. Motion passed 13 – 0 with Ms. Riffel and Mr. Beall absent.

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 Thursday August 28, 2003, 5:30 p.m. at the BCC.

13. Adjournment

Meeting was adjourned at 9:55 p.m.

ACTION ITEMS:

- (1) Need to review all previous Action Items to ensure that they have been completed.**
- (2) Need to determine the boards on which County Commissioners presently serve, and whether such service is mandatory, optional, or ceremonial.**

APPROVED BY:

THE CHARTER COMMISSION

PREPARED BY:

UNIVERSITY OF WEST FLORIDA WHITMAN CENTER FOR PUBLIC SERVICE